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Liberal Peacebuilding in post-conflict societies of Bosnia-Herzegovina and Kosovo

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Introduction

The roots of liberal peacebuilding are embedded in work of philosophers such as Immanuel Kant and William Penn, as well as in campaigns for voting-rights, disarmament and those against slavery. The idea of liberal peace was an inspiration for the democratic revolutions and development of liberal state institutions based upon social contract.¹ This concept adopted a modern form in the aftermath of the First World War, when US President Woodrow Wilson in his ‘Fourteen Points’ proposed new world order.² However, some of the ideas were too radical for the time and on the verge of the Second World War, the system collapsed. Shortly after, a new model was reinforced through the establishment of the United Nations and financial institutions.³ Over the time, it became the ideal of the Western democracies to represent the peoples of the UN Charter and bring together opposed international actors under the UN system. After the Cold War, liberal peacebuilding was sought as a solution for post-conflict fragile and collapsed states.⁴ As Richmond explains, the aim of this process was to “transform local political structures into a democratic and human rights oriented framework with a legal and enforcement capacity, which is both internationally and locally legitimate”.⁵ Liberal peace architecture proposed the ideas of economic development, human rights, international organizations and humanitarian assistance.⁶ This seemed to be a perfect structure to build on in the states that were struck by a conflict.

However, *the road to hell is sometimes paved with good intentions*. Even though liberal peace architecture was broadly recognized as universal, its implementation in post-conflict societies is far from successful. In practice, this approach is not equipped with knowledge required to build and maintain peace in context of non-Western societies. While it operates on standard procedures and norms, liberal peacebuilding campaign must be tailored in accordance with the particularities of the area in order to be successful. Needs and identity of different societies are often neglected and seen as secondary in comparison to democracy, human rights, development and other values

¹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, Yale University Press, 2014, p. 104.

² Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords (Rethinking Peace and Conflict Studies)*, Palgrave Macmillan, 2006, p. 38.

³ *ibid*, p. 39

⁴ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 105.

⁵ *ibid*, p. 109.

⁶ *ibid*, p. 106.

that are central to liberal peacebuilding. In context of the Western Balkan post-conflict societies, peacebuilding dimensions have been tackled through external institutions, while the development of local institutions was with limited results. Different communities from the inside tried to hijack the liberal peace agenda by co-opting those institutions to act in favor of their exclusive ethnic agenda.⁷ As a result of this process, the causal factors of the conflict have actually worsened.⁸ Even though international intervention was required in order to stop violence, the later response should have been different. What both societies needed more than trusteeship was support and enablement to maintain their own autonomous authority.⁹

Universal values and ideas of liberal peacebuilding in Bosnia-Herzegovina were perceived as an unethical experiment by local communities. They considered this process as completely exogenous and even developed specific resistance forms against it.¹⁰ As Richmond noticed, “the usual mix of power – seeking rather than sharing, nationalism, predatory elites, poverty and cultural obstacles prevails over the liberal project”.¹¹ Because of this, The Office of High Representative, established by the Dayton Agreement, had troubles to legitimize its existence among locals. Even though OHR portrayed himself as a neutral supervisor, in reality the unlimited powers made him very unpopular, which resulted in both illegitimate and ineffective international administration. Therefore, since the peacebuilding process was not designed nor conducted in accordance with local needs, the outcome is an extremely fragile state, with high levels of poverty, corruption, ethnic tensions and very high unemployment rate.¹²

When it comes to Kosovo, the current situation is a clear indicator that liberal peacebuilding didn't succeed in its main objective – to deal with the roots of conflict between Serbs and Albanians.¹³ Even though UNMIK, as international civil administration, was intended to assume control without prejudging the final status of Kosovo, this has always been an issue. Clearly, Serbs and Albanians would hardly ever agree upon the final status of Kosovo, and UNMIK

⁷ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, SAGE Publications, 43:81/2008, p. 81.

⁸ *ibid*, p. 89.

⁹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 209.

¹⁰ Goran Tepšić, Building Nations Instead of Peace(s): the Bosnian Metaconflict, *Serbian Political Thought*, Institut za političke studije, 16:2/2017, p. 25.

¹¹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 87.

¹² Goran Tepšić, Building Nations Instead of Peace(s): the Bosnian Metaconflict, *Serbian Political Thought*, p. 24.

¹³ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 84.

failed to reduce the ethnic tensions between them. Moreover, what peacebuilding process lacked is consensus between two sides on how to deal with past crimes and deliver justice for all the victims.¹⁴ Instead, it turned out to be a race for power between Kosovar elites who sought independence and the Serbs who were not ready to cut off their ties with Belgrade. Visoka claims that as a result of this process, Kosovo now exemplifies signs of a weak state: “it does not exercise sovereign control over its entire territory, it has a weak economy and high unemployment. There are high levels of corruption and institutional weaknesses in the justice and law sectors, and Kosovo is making only slow progress towards international recognition and participation.”¹⁵ In addition to this, ethnic tensions are still an issue which tends to escalate every now and then, making a huge setback to the long and difficult reconciliation process.

Over two decades after the conflict, both societies are still dealing with unresolved issues that are only more intensified by liberal peacebuilding. Tepšić and Džuverović notice that in Bosnia-Herzegovina, post-conflict atmosphere “moved into direction of *cold peace* (neither war nor peace) characterized by a lack of basic consensus, reform stagnation, political immobilism and ethnic antagonism.”¹⁶ On the other hand, Visoka claims that Kosovo continues to face “ethnic and socio-economic problems, as well as fundamental challenges to its governance and sovereignty.”¹⁷ Therefore, the process that should have resulted in peaceful and prosperous societies instead kept intensifying already existing issues.

Main objective of the thesis is to answer the following research question: *How and why liberal peacebuilding proved unsuccessful in post-conflict societies of Bosnia-Herzegovina and Kosovo?* The author’s interest in examining how and why liberal peacebuilding in Bosnia-Herzegovina and Kosovo turned to be unsuccessful is driven by firsthand involvement in reconciliation process in both societies, through youth initiatives. The author is approaching the topic with aim to ensure better understanding of key milestones in this process, as that is crucial for future successful prospects in both societies.

¹⁴ Gëzim Visoka, Arrested Truth: Transitional Justice and the Politics of Remembrance in Kosovo, *Journal of Human Rights Practice*, Oxford University Press, 8:1/2016, p. 63.

¹⁵ Gëzim Visoka, The Obstacles to Sustainable Peace and Democracy in Post-Independence Kosovo, *Journal of Conflict Transformation & Security*, CESRAN, 1:2/2011, p. 27.

¹⁶ Goran Tepšić, Nemanja Džuverović, "Bosnia and Herzegovina" in *The Elgar Companion to Post-conflict Transition*, Edward Elgar Publishing, 2018, p. 27.

¹⁷ Gëzim Visoka, The Obstacles to Sustainable Peace and Democracy in Post-Independence Kosovo, *Journal of Conflict Transformation & Security*, p. 27.

In the course of collecting and analyzing data for the thesis, author uses a variety of qualitative scientific methods. One of them is *literature review*, used in order to identify arguments from different sources that are essential for the research. With aim of answering the research question, relevant observations from different sources are combined together. Another research method that is used in the thesis is *case study*. This method provides a framework for analysis and evaluation of the liberal peacebuilding in different contexts, of which Bosnia-Herzegovina and Kosovo are essential for this research.

The thesis will offer a critical perspective of the liberal peace theory and its practical implications. In the first chapter, the author will provide a historical overview of this idea and explain its main elements. Second and third part of the thesis will deal with *how* and *why* liberal peacebuilding proved to be unsuccessful in the Western Balkan post-conflict societies, namely Bosnia-Herzegovina and Kosovo. The second part will analyze this process in Bosnia-Herzegovina, while the third part will analyze the same process in Kosovo. Both chapters, each referring to the respective society, examine five dimensions that are central to liberal peacebuilding: democratization, rule of law, civil society, human rights and economic liberalization. Conclusion will highlight the important lessons of liberal peacebuilding in these societies which should be considered in an event of any future similar venture. Even though the thesis will only examine these two cases, some of the conclusions may be applied on other peacebuilding projects.

Liberal peacebuilding in Bosnia-Herzegovina and Kosovo has been a topic of interest for various authors, both domestic and international. However, due to the unresolved issues in both societies, some would argue that this is still an ongoing process. Therefore, certain conclusions might be refuted in the future. Another work limitation is also directly connected with the time proximity of this process and possible direct/indirect involvement of different sources. As liberal peacebuilding is mainly criticized, examination of positive aspects of this process will not be developed in the thesis. Therefore, the assessment of liberal peacebuilding will be limited on critical perception.

1. Theoretical framework

Peace is and has always been a current topic. In fact, as Johan Galtung, the *Father of Peace Studies*, pointed out – “there are only a few words that are so often used and abused as the word peace”.¹⁸ Clearly, the meaning of the concept was reshaped throughout the history, but peace had always meant more than simply absence of war. Historically, there were many different ideas around this concept and not all of them were adopted. However, it seemed that the idea of liberal peace, which combines democracy and free markets, could be generally acceptable. Its main elements make this idea unproblematic in its internal structure, as well as likely to be adopted in post-conflict societies. In spite of that, over the time, the idea of liberal peace became criticized from several perspectives.¹⁹

In this chapter, the author will examine integral premises of liberal peace and explain the historical development of this idea up to its modern implications in post-conflict zones.

1.1. The idea of liberal peace

“The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this...”

Woodrow Wilson's Fourteen Points

The concept of peace was reinvented many times. Each conflict ended up with a new lesson for humanity and a somewhat different notion of peace. However, in spite of many different forms, one constant factor in the continuous reinventions has been the primacy of the state. This was fundamental element of every peace accord from medieval private wars where sovereigns battled over the wealth and power for their proto-states, to Napoleon wars.²⁰ Then, in the aftermath of the First World War, American president Woodrow Wilson decided to go a step further. In his

¹⁸ Johan Galtung, Violence, Peace, and Peace Research, *Journal of Peace Research*, SAGE Publications, 6:3/1969, p. 167.

¹⁹ Oliver Richmond, The problem of peace: understanding the liberal peace, *Conflict, Security & Development*, Routledge, 6:3/2006, p. 292.

²⁰ Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords (Rethinking Peace and Conflict Studies)*, p. 38.

Fourteen Points, delivered on January 8, 1918, he proposed a set of policies and ideas meant to reshape the post-war world and maintain peace. In his last point, Wilson proposed establishment of an organization which would solve disputes before they explode into warfare: “A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.”²¹ *League of Nations* was officially brought to life on January 10, 1920, after two years of intensive preparations. However, this was done with very little enthusiasm.²² It might be that the long preparations stalled the process and made the idea less appealing, or it might be that the world wasn’t ready yet for such a grandeur project. Over the years, the League of Nations did in fact solve a few disputes and made some larger efforts. However, for the reasons which exceed the format of this thesis, the League did not manage to entirely take over the autonomy from the countries in terms of resolving disputes. As Mac Ginty concludes, the idealism of Wilson’s idea failed to rhyme with the state-driven intentions expressed by some of the League’s members.²³

Soon after, in the dawn of the Second World War, the system collapsed. Once again, international community had to reinvent the establishment that would maintain peace and try to resolve conflicts before they escalate. As Mac Ginty explains, “not only did the conclusion of the Second World War witness the establishment of the United Nations and the assumption of the United States to the position of superpower, it also saw the establishment of the international financial institutions that did much to guide development within and between states. Again, there was the setting out of a brave new agenda for the pacific management of disputes based on liberal ideas.”²⁴ United Nations turned to be much more successful in the domain of international cooperation.

However, despite these efforts, during the Cold War developing world experienced several violent civil wars. The end of the Cold War brought many changes – Soviet Union collapsed, borders were redrawn, and multilateral interventionism was revitalized. When it comes to liberal peace, two of the consequences are particularly important – opening of the markets and

²¹ Woodrow Wilson's Fourteen Points

²² Francis Paul Walters, *A History of the League of Nations*, Oxford University Press, 1969, p. 81.

²³ Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords (Rethinking Peace and Conflict Studies)*, p. 39.

²⁴ *ibid.*

intellectual triumph of this concept.²⁵ In fact, the idea of liberal peace became very compelling to the scholars because it posed a serious challenge to the realism in international relations.²⁶ Liberalism offered intellectual ground for the individual rights of the person which precede the sovereign state. These ideas posed a challenge to the belief that war is a natural state of humankind, as previously claimed.²⁷ In fact, one of the premises of liberal peace is that liberal states refrain from waging into a war against each other.²⁸

Richmond detects four main strands of thought within the liberal peace. First is *victor's peace*, which is also the oldest perception of peace. Victor's peace is derived from the old realist argument which considers that military victory is the core of peace. Second is *institutional peace*, based upon the idea of making a normative framework in which the states agree on how to behave. This conception is derived from liberal intuitionism perspective and embodied in the UN system. *Constitutional peace* emerges from the classical liberal ideas and values such as the rule of law, institutions, free trade and rights. Finally, *civil peace* implies individual engagement and citizen advocacy, rather than the state agency. It includes the ideas such as immobilization for basic human rights.²⁹ Richmond argues that "these aspects of the liberal peace are both contradictory and complimentary, and each brings with it a certain intellectual and empirical baggage."³⁰

In terms of genealogy, he argues that victor's peace prevails as the main aspect of liberal peace because it implies the basic postulate of security which must be determined prior to any institutional, civil or constitutional element. Over the time, however, peace projects were influenced by the emergence of NGOs and international organizations. Liberal peace became associated with *peacebuilding consensus*, which represents a consensus of liberal states to form international society characterized by multilateralism, democratization, rule of law, free markets,

²⁵ *ibid*, p. 41.

²⁶ John M. Owen IV, *Liberal Peace Liberal War: American Politics and International Security*, Cornell University Press, 2000, p. 4.

²⁷ Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords (Rethinking Peace and Conflict Studies)*, p. 46.

²⁸ John M. Owen, How Liberalism Produces Democratic Peace, *International Security*, MIT Press for the Belfer Center for Science and International Affairs, 19:2/1994, p. 88.

²⁹ Oliver Richmond, The problem of peace: understanding the liberal peace, *Conflict, Security & Development*, pp. 293-294.

³⁰ *ibid*, p. 294.

development and civil society.³¹ It is exactly these values that will become the core of liberal peacebuilding projects supported by international actors.

Richmond also provides explanation for graduation models of liberal peace, as indicated in the Figure 1. The *conservative model* represents coercive efforts towards establishing peace, which are mainly unilateral and associated with dominance and hegemony. Even though patterns of this model could be found in some levels of World Bank and UN, better illustration are United States' tendencies towards state-building. This model is prone to militarization and shift towards *hyper-conservative* model which was applied in early stages of intervention in Kosovo as well as in Iraq, Somalia and Afghanistan. Next is *orthodox model* where international actors are sensitive about local culture and specificities, but still tend to impose their own methodology.³² In Richmond's words, this model "represents a bottom-up approach, peacebuilding peace via grassroots and civil society oriented activities, as well as a top-down approach, through which peacebuilding is led by states, donors, officials, IOs and IFIs."³³ However, top-down approach tends to prevail, which is exemplified in the activity of UN starting from the end of the Cold War and particularly in East Timor. These two models have common premises: they assume predominance over the local recipients and acknowledge liberal postulates as sufficient resources for dealing with difficulties in post-war societies. The last, *emancipatory model*, unlike the other two, is associated with much stronger connections between external and local actors. This model is very critical of the coercive elements that can be found in conservative and to some extent orthodox model. Emancipatory model is very sensitive towards the local culture and relates to the elements which can be found within civil peace, such as citizen advocacy and social movements. However, main components of each model can be combined and embodied altogether in one specific peacebuilding intervention. Moreover, different models could be traced at different stages of peacebuilding process.³⁴ For example, peacebuilding in Kosovo started off with a conservative approach and on a later stage developed into a more orthodox model.³⁵

³¹ *ibid*, pp. 297-298.

³² *ibid*, p. 300.

³³ *ibid*.

³⁴ *ibid*, pp. 300-301.

³⁵ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 84.

Hyper-Conservative	Conservative	Orthodox	Emancipatory
Geography: limited area of strategic allies	Limited area of norm sharing allies.	Still geographically bounded but aims at universal coverage.	Aims at universal coverage
Threat: Regular and irregular war and capacity for war; obstacles to necessary resources; terrorism.	Regular and irregular war and capacity for war; obstacles to trade and resources; terrorism.	War; structural violence; identity conflict; under-development; terrorism; obstacles to trade; barriers to norms and regimes.	War, structural violence; identity conflict; under-development; obstacles to trade; terrorism; free communication and representation; social justice.
Sustainability of Peace: Negligible	limited	high	complete?
Exit of Internationals: Unlikely	possible in long term?	Likely in medium to long term	likely in medium to long term
Hyper-Conservative	Conservative	Orthodox	Emancipatory
Method Use of Force	Method Force and Diplomacy military intervention leading to ceasefire, mediation or negotiation.	Method Top-down peacebuilding; some bottom-up peacebuilding	Method Top-down and bottom-up Peacebuilding
Actors State officials and regular/irregular military forces	Actors State officials and regular/irregular military forces	Actors State officials and regular/irregular military forces; IO, RO, IFI, which control Agencies and NGOs.	Actors Combinations of state officials and regular/irregular military forces; IO, RO, IFI, Agency, and NGO personnel but led by local actors.
Nature of Peace Victor's peace defined solely by military superiority.	Nature of Peace Victor's peace, constitutional peace settlement/international peace treaty (but not an institutional peace). Quasi military measures such as peacekeeping deployed for long periods.	Nature of Peace Constitutional and institutional Peace; elements of victor's peace through hegemony rather than use of force. As with conservative model, but long-term measures for sustainability also included: institutional, constitutional, and civil governance measures for political, economic, development, and social issues imported through conditional relationship between agents of peacebuilding and recipients; settlement more important than justice.	Nature of Peace Civil Peace; focus on social movements, social actors, and issues, social welfare and justice as a pathway to peace. Wary of external forms of domination being imported through external intervention.
Ontology of Peace Peace is not possible, very limited, or is territorially bounded; peace is utopian	Ontology of Peace Peace is a product of force and elite diplomacy; universal form of peace should be aspired to but is unreachable	Ontology of Peace Peace rests mainly on constitutional and institutional measures; it is universal and can be achieved through epistemic transference of technical knowledge and frameworks.	Ontology of Peace Peace rests on social justice and open and free communication between social actors, as well as state/official actors; recognition of difference and otherness.

Figure 1. Graduations of the liberal peace model. Taken from: Oliver Richmond, The problem of peace: understanding the liberal peace, *Conflict, Security & Development*, p. 297.

What can be concluded from these different interpretations is that the idea of liberal peace in its core is somewhat limited to the use of force (when necessary to its end) and dependence upon international institutions. Over the time, the concept became more associated with democratic elements. As Mac Ginty puts it, there are two aspects of the post-Cold War peace interventions that best exemplify this connection: “the concentration on electoral processes in place of attempts to foster a more deep-rooted democratic culture and the promotion of a western notion

of civil society.”³⁶ As such, liberal and democratic components are complementary to each other.

Even though democratic premises are embodied in the idea of liberal peace, the latter should not be confused with the democratic concept of peace. This concept relies upon the premise that democratic states do not wage into war against each other. Liberal peace is a broader concept which “involves the proactive articulation of the promotion of liberal values and practices in the political, economic, security and social realms as the remedy for the consequences of armed conflicts.”³⁷ Therefore, liberal peace focuses not only on the national and international institutions, but also on the quality of peace in a given society.³⁸

Consensus made by the international actors around the values which are inherent to the liberal peace has led to its practical embodiment in form of liberal peacebuilding. This evolution was followed by the idea that interventionism is sometimes necessary and justified. From there, liberal peacebuilding found its utilization in many post-conflict societies.

1.2. Main elements of liberal peacebuilding

From the very beginning, the process of liberal peacebuilding was considered as a Western project and associated mainly with the UN. In fact, after the Cold War (which created a perfect environment for the embodiment of this idea), it is exactly the UN agencies that were the leading actors in creation of the liberal peacebuilding structure.³⁹ Nevertheless, the state remained entry level for every peacebuilding mission, because “peacebuilding cannot address local dynamics without equating the local with the national.”⁴⁰

Richmond claims that the core of liberal peacebuilding is consisted of the following concepts: liberal-internationalism, institutionalism, free trade and the democratic peace hypothesis.⁴¹

Liberal-internationalist component gives liberal peacebuilding missions justification to intervene

³⁶ Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords (Rethinking Peace and Conflict Studies)*, p. 49.

³⁷ Fernando Cavalcante, “The Influence of the Liberal Peace Framework on the United Nations Approach to Peacebuilding in Guinea-Bissau” in *RCCS Annual Review*, Centre for Social Studies of the University of Coimbra, 6:6/2014, p. 143.

³⁸ Oliver Richmond, *A Post-Liberal Peace*, Routledge, 2011, p. 5.

³⁹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 107.

⁴⁰ *ibid.*

⁴¹ Oliver Richmond, *A Post-Liberal Peace*, p. 4.

in post-conflict states in order to establish universally adopted values. This is how the international community ensures legitimacy for its actions. However, these interventions are usually not selfless deeds. Their primary goal is to maintain international order and stability between states. This is to be achieved through *liberal social contract*, meaning that in order to regain peace and stability, authority is to be entrusted with some individual freedoms, which will create a balance between individual freedoms and regulations.⁴²

Another element is *liberal institutionalism*, which assumes that national and international institutions are the main actors in facilitating cooperation and peace between the states.⁴³ International institutions play very important role in every peacebuilding project not only by decision-making, but also by shaping the local institutional framework. Through establishing different types of institutions on the ground liberal peacebuilding aims to ensure that universally accepted values are being implemented in every aspect of a given society. However, those institutions often have very little connection with already established local patterns and the society tends to reject their authority. In fact, locals usually consider them as something entirely external and even unethical.⁴⁴ Because of that, international actors and their institutions often have a hard time to legitimize their existence among local communities.

Nevertheless, in terms of local political institutions, the *democratic peace hypothesis* is there to ensure that they are playing by the rules and that their international implications are in accordance with established norms and values.⁴⁵ More precisely, its main postulate – that democratic states do not wage into a war against each other ensures that first step of every mission must be cessation of violence.

Free trade is often considered as an answer to the post-conflict economies. As Mac Ginty claims, “the correlation between free trade and the absence of inter-state war is undeniable. (..) We (cannot) easily dismiss the creativity of the market and its ability to emancipate some

⁴² *ibid*, p. 8.

⁴³ Tana Johnson, Andrew Heiss, "Liberal Institutionalism" in *International Organization and Global Governance*, Routledge, 2018, p. 123.

⁴⁴ Goran Tepšić, Building Nations Instead of Peace(s): the Bosnian Metaconflict, *Serbian Political Thought*, p. 25.

⁴⁵ Oliver Richmond, *A Post-Liberal Peace*, p. 5.

individuals and groups.”⁴⁶ It is generally perceived that free markets lead to the emancipation of the individuals and have many other positive effects to the society.⁴⁷ As this idea is intrinsic to the liberal peace, there is no wonder it became an integral part of peacebuilding strategies. However, despite these efforts, free trade didn’t bring instant prosperity to the post-conflict states. Instead, free trade worked against certain parts of the society and often manifested its dark side - illicit trade.

On that note, in modern discourse, there is a consensus that the main components of a peacebuilding mission are *democratization, rule of law, civil society, human rights and economic liberalization*. Once the conflict is over, *democratic transition and elections* are usually the first step of the process. This is followed by the *establishment of institutions and laws* which in the context of liberal peacebuilding are usually imposed by the external actors. It is widely considered that *civil society* is the vital agent of change which supports the democratic transition by linking the private and public sphere. International actors who recognized this potential tend to allocate the resources in order to support the development of civil society. Another important aspect of every peacebuilding mission is to ensure the respect of *human rights* and the establishment of the institutional framework in this regard. Last, but not the least, the development of the *free market* means that the country’s *economy* ought to join the global competition.

To conclude, there are a few points which are particularly important for this concept. In post-conflict zones, liberal peacebuilding often seemed as the right approach that will entail peace and lead the society towards prosperity. This is because, as Joanne Wallis claims, “liberal peacebuilding sought to build state institutions that adhere to the key tenets of the ‘liberal peace’: democracy, the rule of law and human rights, and which provide the conditions for capitalist market economies to flourish.”⁴⁸

⁴⁶ Roger Mac Ginty, *No War, No Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords (Rethinking Peace and Conflict Studies)*, p. 48.

⁴⁷ *ibid*, p. 47.

⁴⁸ Joanne Wallis, “Is There Still a Place for Liberal Peacebuilding?” in *Hybridity on the Ground in Peacebuilding and Development: Critical Conversations*, ANU Press, 2018, p. 83.

Another important point is that the international community sought to transform post-conflict societies into political structures which will encounter both local and international legitimacy.⁴⁹ However, this relationship between external and local was often compared with neo-colonialism.⁵⁰ It is often argued that peacebuilding projects “in today’s world resemble the colonial projects of previous eras when looked at from the perspective of their recipients in far-flung corners of Liberia, Guatemala, Timor- Leste, Afghanistan or Bosnia, for example.”⁵¹

Each of the components that are fundamental parts of liberal peacebuilding are criticized from different angles. For various reasons, they didn’t bring the expected results to the post-conflict societies. As Richmond sums up: “these critiques have focused upon the incompatibility of certain stages of democratization and economic reform; the ownership of development projects and ‘thick and thin’ versions of the neoliberal agenda; the possible incompatibility of post-conflict justice with the stabilization of society and human rights; the problem of crime and corruption in economic and political reform; and the establishment of the rule of law.”⁵²

1.3. Liberal peacebuilding in post-conflict societies

Over the time, in more than thirty peace operations, liberal peacebuilding has brought together numerous professionals, resources, as well as expertise.⁵³ The evolution of liberal peacebuilding strategies was a swift process, starting with missions around the end of the Cold War in Namibia, Cambodia and El Salvador.⁵⁴

Although in these early stages some efforts were characterized as positive, such as the mission in Namibia, the results in Cambodia and El Salvador were far from satisfying. After the Paris Peace Agreement in 1991, UN engaged in taking down the regime of Khmer Rouge in Cambodia. The specific ideology and its heritage were in contrast with, at the time modern values of liberal peacebuilding. Therefore, they were not welcomed by the local community. In fact, the relationship between UN Transnational Authority in Cambodia and the locals depended on

⁴⁹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 109.

⁵⁰ Oliver Richmond, *A Post-Liberal Peace*, p. 4.

⁵¹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, Preface

⁵² Oliver Richmond, The problem of peace: understanding the liberal peace, *Conflict, Security & Development*, p. 292.

⁵³ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 110.

⁵⁴ *ibid*, p. 108.

domination and patronage instead on a social contract. As result of such approach, government is still authoritarian, the elections are not democratic, the society is divided both politically and economically, development of the country is limited, and free market works against the certain parts of the society.⁵⁵

Role of international community in El Salvador was different. At the time the UN engaged in the conflict, the country was exhausted by the 12-year lasting civil war.⁵⁶ In fact, EL Salvador was “the first time that the United Nations attempted to broker the end of an internal conflict; in the process, the international body developed a number of new approaches to peacemaking.”⁵⁷ Considering that this role was unprecedented at the time, it is often characterized as highly improvisational.⁵⁸ Though it was considered as successful at the beginning, the long term assessment of the peacebuilding mission in El Salvador exemplifies some serious flaws. The violence did stop, but very little was done in order to address economic, social and structural problems.⁵⁹ As a result of that, El Salvador continues to face numerous challenges, from economic growth and inequality, to development, poverty and even crime.⁶⁰

Over the time, as international community engaged in peacebuilding missions more frequently, it was advocated that they would lead post-conflict societies towards democratization. However, in most scenarios, the process triggered different resistance forms employed by the local elites and consequentially “the era of liberal peace after the Cold War rapidly turned into an age of intervention, and perhaps a parallel age of resistance.”⁶¹

Nevertheless, it is undeniable that the process evolved both theoretically and practically. At the beginning, 1992 *Agenda for Peace*, which focused on UN’s role in maintaining peace, provided a framework for peacebuilding interventions. Main aims set by the agenda were: to identify at an early stage roots of the possible conflict; if the conflict already exists, to engage in peacemaking;

⁵⁵ *ibid*, pp. 53-54.

⁵⁶ David Holiday, William Stanley, Building the Peace: Preliminary Lessons from El Salvador, *Journal of International Affairs*, Colombia University School, 46:2/1993, p. 415.

⁵⁷ *ibid*.

⁵⁸ Teresa Whitfield, “The UN’s Role in Peacebuilding in El Salvador” in *El Salvador Implementation of the Peace Accords*, United States Institute of Peace, 2001, p. 33.

⁵⁹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 113.

⁶⁰ Wilson Center, *Fifteen Years After the Peace Agreement: Problems of Peace-Building in El Salvador*, accessed on November, 29, 2020, <https://www.wilsoncenter.org/event/fifteen-years-after-the-peace-agreement-problems-peace-building-el-salvador>

⁶¹ Oliver Richmond, *Failed Statebuilding: Intervention, the State, and the Dynamics of Peace Formation*, p. 1.

and “to stand ready to assist in peace-building in its differing contexts.”⁶² The Agenda was meant to support the changing atmosphere in international relations after the Cold War and enable UN to establish its role in peacebuilding missions in post-conflict areas.

However, over the years, it became obvious that liberal peacebuilding has many unintended consequences in post-conflict societies. Best examples of that are Bosnia-Herzegovina and Kosovo where despite the firm role of international community, things are not looking up for the local communities. In an attempt to keep up with the challenges, UN adopted the *Responsibility to Protect Doctrine* in 2005. Main triggers for setting up this new agenda were, as UN claims, the atrocities committed in the Balkans and Rwanda during the 1990s. As it was confirmed in the Resolution adopted by the General Assembly on 16 September 2005, the UN members “further reaffirm the authority of the Security Council to mandate coercive action to maintain and restore international peace and security.”⁶³ The document established main courses of action: each state holds the responsibility to protect its population from atrocities; international community should encourage states to meet that responsibility; if the states are not capable of meeting the said responsibility, international community must take collective action in accordance with the principles stated in the UN Charter.⁶⁴ Member states remained determined in their aim to support the implementation of this doctrine. However, the doctrine was criticized as a tool serving to legitimize Western interventionism.⁶⁵ It was even used by Obama administration in 2011, to justify the actions taken in Libya.⁶⁶ Therefore, despite the more sophisticated form, the *Responsibility to Protect Doctrine* didn’t bring the expected consensus towards legitimacy for peacebuilding missions worldwide.

⁶² *An Agenda for Peace Preventive diplomacy, peacemaking and peace-keeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, accessed on November, 29, 2020, https://www.un.org/ruleoflaw/files/A_47_277.pdf

⁶³ *2005 World Summit Outcome*, Resolution adopted by the General Assembly on 16 September 2005 United Nations Digital Library, accessed on November 29, 2020, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf

⁶⁴ *ibid.*

⁶⁵ Nicholas Glover, *A critique of the theory and practice of R2P*, accessed on November, 29, 2020, <https://www.e-ir.info/2011/09/27/a-critique-of-the-theory-and-practice-of-r2p/>

⁶⁶ Kim R. Homes, *The Weakness of the Responsibility to Protect as an International Norm*, accessed on November, 29, 2020 <https://www.heritage.org/defense/commentary/the-weakness-the-responsibility-protect-international-norm>

Despite the evolution of the process, liberal peacebuilding missions remain one of the most criticized concepts in modern narratives. In the following Chapters, the author will analyze how and why this process proved unsuccessful in post-conflict societies of Bosnia-Herzegovina and Kosovo.

2. Liberal peacebuilding in Bosnia-Herzegovina – from Dayton to decay

War in Bosnia-Herzegovina ended some 25 years ago but its long-lasting consequences on the Bosnian society are still present. To this day, one does not reflect upon the Bosnian conflict without a strong sense of disbelief that such atrocities were carried out by former neighbors, friends, fellow citizen and countrymen.

Even before the end of the Second World War, in 1943, Anti-Fascist Council (better known as AVNOJ) established ground for the next Yugoslavian project. The Socialist Federal Republic of Yugoslavia (SFRY), officially proclaimed in 1945, was a convenient political concept for dealing with national questions of Serbs, Croats and Bosnian Muslims.⁶⁷ With such concept and strong political figure of Josip Broz Tito, identity problems were swept under the rug for decades. Once Tito was gone, Yugoslavia lost its unifying factor and many issues were back at the table.

Economic crisis, rise of nationalism and political upheavals describe the atmosphere of 1980s in SFRY. Slovenia and Croatia were the first ones to officially declare independence, and the other republics followed. There were some low intensity conflicts in Slovenia in 1991, but in Bosnia-Herzegovina and Croatia, they escalated into civil wars with thousands of dead and missing persons. Even though the war in Bosnia ended in 1995, the conflicts in former Yugoslavia were not over. Resolution of Bosnian war was followed by Kosovo crisis in 1999, and finally the conflict in Macedonia in 2001.

In this chapter, the author will analyze the liberal peacebuilding process in Bosnia-Herzegovina, starting from the Dayton Agreement in 1995. This will include the assessment of the Office of High Representative's (OHR) position in this process, the role of civil society and current narratives in Bosnia-Herzegovina. The author will examine key milestones of the process which turned out to be futile attempts towards prosperity of the society.

2.1. Bosnian conflict and peace agreement

The end of the Cold War didn't bring triumph of liberal democracy. Instead, old identities associated with religion, national identity and ethnicity reemerged as basis for political

⁶⁷ Goran Tepšić, Nemanja Džuverović, "Bosnia and Herzegovina" in *The Elgar Companion to Post-conflict Transition*, p. 29.

mobilization and collided with all those areas where existing identities did not correspond to them.⁶⁸ As Burg and Shoup claim, this “produced a conflict between international norms of state sovereignty and territorial integrity on the one hand, and the power and violence of appeals to ethnicity as a basis of state formation on the other. Much of the story of Bosnia is the story of how the international community attempted, but failed, to reconcile the conflict between these mutually exclusive principles of state formation.”⁶⁹

Even though the national question was present everywhere at the time, it was more significant for Bosnia-Herzegovina than the other republics in SFRY. This is because, unlike other republics, Bosnia-Herzegovina was a multinational state in which not a single ethnic group was able to claim titular status based on the percent of its representatives in population. What made things even more complicated is the fact that Bosnia-Herzegovina was surrounded by two national states that consisted of its major ethnic groups - Serbia and Croatia. Therefore, it was obvious that the national question in Bosnia-Herzegovina will not be discussed without involvement of these two national states.⁷⁰

These issues escalated with the dissolution of SFRY and rise of nationalism in other states. “The contest in Bosnia over individual versus collective rights and over the competing claims of Muslims, Serbs and Croats as state-constituting nations were manifest first in a political struggle over the decision-making principles and institutions. This quickly escalated to a contest over a definition of the state itself and, ultimately, to a war over whether the state should exist at all.”⁷¹

In 1990 elections in Bosnia-Herzegovina, three major ethnic parties – the Party of Democratic Action (SDA), the Croatian Democratic Union of BiH (HDZ BiH), and the Serbian Democratic Party (SDS) emerged as main ethnopolitical actors. Their claims, however, were different – while SDS wanted Bosnia-Herzegovina to remain in SFRY, SDA and HDZ called for independence.⁷² As a result, in October 1991, Bosnian Assembly adopted a *Memorandum on a*

⁶⁸ Steven Burg, Paul Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*, M.E.Sharpe, 1999, p. 4.

⁶⁹ *ibid.*

⁷⁰ *ibid.*, p. 6.

⁷¹ *ibid.*

⁷² Goran Tepšić, Nemanja Džuverović, "Bosnia and Herzegovina" in *The Elgar Companion to Post-conflict Transition*, pp. 28-29.

*sovereign Bosnia-Herzegovina*⁷³, while Bosnian Serbs formed their own Assembly. In November 1991 Bosnian Serbs Assembly organized a referendum which had two questions depending on the target group.⁷⁴ The Bosnian Serbs were asked: “Do you agree with the decision of Assembly of the Serbian people in Bosnia and Herzegovina of October 24, 1991, that the Serbian people should remain in a common Yugoslav state with Serbia, Montenegro, the SAO Krajina, SAO Slavonija, Baranja and Western Srem, and with others who have come out for remaining?”⁷⁵ On the other hand, the question for non-Serbs was: “Are you agreed that Bosnia and Herzegovina, as an equal republic, should remain in a common state of Yugoslavia with all others who take this position?”⁷⁶ The referendum was boycotted by Bosnian Muslims and Croats, while the Bosnian Serbs voted to stay within Yugoslavia.⁷⁷

Shortly after, in January 1992, the Bosnian Serb Assembly declared *Republic of the Serb People of Bosnia-Herzegovina*. However, the referendum was characterized as unconstitutional by the Bosnian Government and no international body recognized this Republic.⁷⁸ While the tensions were increasing in neighboring Croatia, in late February/beginning of the March 1992 another referendum was organized in Bosnia-Herzegovina, this time by the Bosnian Assembly. The second referendum was boycotted by ethnic Serbs, which made the turnout around 63 percent. However, more than 99 percent of those who cast the votes opted for independence. “During the Bosnian referendum, the streets of Sarajevo were crowded Croat and Muslim demonstrators calling for independence, but in the afternoon of the second day, even before the results were announced, their place was taken by groups of armed Serbs, many of whom had aggressively begun to erect barricades, using buses, trucks and other vehicles, thus blocking roads leading into the capital, virtually cutting it off from outside assistance. Several JNA barracks were within a short distance of Sarajevo. Soon groups of armed Croats and Muslims took to the streets in

⁷³ Xavier Bougarel, “Bosnian Muslims and the Yugoslav Idea” in *Yugoslavism. Histories of a Failed Idea 1918-1992*, Hurst, 2003, p. 9.

⁷⁴ Steven Burg, Paul Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*, p. 74.

⁷⁵ *ibid.*

⁷⁶ *ibid.*

⁷⁷ Lara J. Nettelfield, *Courting democracy in Bosnia and Herzegovina: the Hague Tribunal's impact in a postwar state*, Cambridge University Press, 2010, p. 67.

⁷⁸ *ibid.*

opposition to the Serbs. Shots were fired and casualties were caused, skirmishing and sniping continuing through the hours of darkness.”⁷⁹

Shortly after, on April 7, USA and European Community officially recognized Bosnia-Herzegovina. Even though there were some isolated conflicts before that (in the cities of Ravno (Herzegovina) and Bratunac (Bosnia) in the fall of 1991), the war in Bosnia-Herzegovina had officially begun in April 1992.⁸⁰ Bosnian conflict is characterized by the majority of authors as a civil war between Serbian, Croatian and Bosniak community. However, scholars from Bosnia-Herzegovina (mostly from Bosniak community), tend to characterize this conflict as aggression of Serbia and Croatia. They claim that Serbia and Croatia managed to mobilize members of their communities inside Bosnia-Herzegovina for achieving own strategic nationalist goals.⁸¹

War in Bosnia was very ruthless. One of the first major incidents happened in May 1992, when 26 people were killed on the main street in Sarajevo, Bosnia-Herzegovina’s capital.⁸² The siege of Sarajevo, which turned out to be the longest siege of a city in modern history, lasted for more than three and a half years.⁸³ Another major incident in Sarajevo happened in February 1994 on Markale market, when lethal projectile took lives of 68 civilians and wounded 197 more.⁸⁴ Baldwin explains that “in twenty-two months of Balkan conflict leading up to this incident, each warring faction had committed their own assortments of violent acts, but this particular attack was distinct from all the others. Not only are the significant details of this incident dubiously opaque, but its effects also attracted international media attention sufficient to alter the trajectory of the Bosnian War.”⁸⁵ Ironically, despite being held under a siege, Sarajevo became an unusual type of a global city – it was crowded with journalist, UN monitors, humanitarian aid workers, negotiators, etc. Even though the city was very dangerous at the time, it was also the most

⁷⁹ Edgar O’Ballance, *Civil war in Bosnia 1992-94*, Macmillan Press Ltd, 1995, p. 10.

⁸⁰ *ibid.*

⁸¹ Mirjana Kasapović, *Bosna i Hercegovina 1992-1995: građanski rat, izvanjska agresija ili oboje?*, *Politička misao* : Croatian political science review, 52:2/2015, pp. 37-38.

⁸² Hikmet Karcic, *How Denial of Bosnian War Crimes Entered the Mainstream*, accessed on December 17, 2020 <https://balkaninsight.com/2020/06/30/how-denial-of-bosnian-war-crimes-entered-the-mainstream/>

⁸³ Lara J. Nettelfield, *Courting democracy in Bosnia and Herzegovina: the Hague Tribunal's impact in a postwar state*, p. 67.

⁸⁴ John R. Baldwin, *Markale Mortar: Unravelling the Mystery*, *Indiana University South Bend Undergraduate Research Journal*, IU South Bend, 2011, p. 23.

⁸⁵ *ibid.*

accessible point for international actors, which turned the city into a global media spectacle.⁸⁶ Behind the scenes, however, both Bosnian Serbs and the defenders of the city were making profit by engaging in clandestine business ventures.⁸⁷



Picture 1. Sarajevo streets during the siege | Photo: BIRN archive, accessed on December 18, 2020 <https://balkaninsight.com/2012/04/06/bosnia-still-living-with-consequences-of-war/>

Officially, the troops of Yugoslav People's Army (JNA) were ordered to return to Belgrade back in May 1992. However, in reality, the Bosnian Serb fragments of JNA stayed and formed Army of the Serb Republic, that was led by General Ratko Mladić.⁸⁸ Army of the Serb Republic (or Vojska Republike Srpske – VRS) later became associated with genocide in small Bosnian town Srebrenica. "The Court would first note that, during the period under consideration, the FRY was in a position of influence, over the Bosnian Serbs who devised and implemented the genocide in Srebrenica, unlike that of any of the other States parties to the Genocide Convention owing to the

⁸⁶ Peter Andreas, *Blue Helmets and Black Markets: The Business of Survival in the Siege of Sarajevo*, Cornell University Press, 2008, p. 3.

⁸⁷ *ibid*, p. 8.

⁸⁸ Lara J. Nettelfield, *Courting democracy in Bosnia and Herzegovina: the Hague Tribunal's impact in a postwar state*, p. 69.

strength of the political, military and financial links between the FRY on the one hand and the Serb Republic and the VRS on the other, which, though somewhat weaker than in the preceding period, nonetheless remained very close.”⁸⁹

According to the *Bosnia’s Book of the Dead*, casualty report presented in 2007 by Research and Documentation Centre in Sarajevo, the Bosnian War resulted in almost 100.000 deaths, of which 40% were civilians. In terms of ethnicity of the victims, this report estimates that approximately 66% of them were Bosnian Muslims, 26% Serbs, and 8% Croats.⁹⁰

Every attempt towards a peace agreement carried out by the UN or European Community ended in a failure. The parties were reluctant to give up on their territorial and constitutional demands.⁹¹ What complicated the peace talks even more was the fact that at some point Bosnian Muslims and Croats also engaged in war against each other, even though in the beginning they stood unanimously against Bosnian Serbs forces. US recognized the potential of bringing them together against the common enemy – Bosnian Serbs. The creation of Federation of Bosnia-Herzegovina in March 1994 was a first step towards peace agreement. As Kostić explains, “the creation of the Federation BiH stopped the fighting between Bosniaks and Croats and reaffirmed the sovereignty and territorial integrity of Bosnia and Herzegovina. It also envisaged a confederation between the Federation BiH and Croatia.”⁹²

Another very important moment on the path towards the Dayton Agreement was formation of the Contact Group. The group was formed in 1994 and included Russia, US, UK, Germany and France. Its main suggestion was territorial division of Bosnia-Herzegovina giving 49% to Serbs and 51% to Federation of Bosnia-Herzegovina. Nevertheless, for strategic reasons, US decided to create its own peace formation in parallel with the Contact Group.⁹³ Its proposal for the Bosnian people meant receiving humanitarian aid and NATO’s involvement in establishing peace. Croatia, on the other hand, would get access to its path towards European integrations.

⁸⁹ International Court of Justice, *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, General List No. 91, 2007.

⁹⁰ Patrick Ball, Ewa Tabeau, Philip Verwimp, *The Bosnian Book of Dead: Assessment of the Database (Full Report)*, HiCN Research Design Note 5, Households in Conflict Network, 2007, p. 29.

⁹¹ Roland Kostić, *Reconciling the Past and the Present: Evaluating Dayton Peace Accords 1995*, Uppsala University, 2009, p. 23.

⁹² *ibid.*, pp. 24-25.

⁹³ *ibid.*

For Serbia, accepting the US proposal implied lifting the sanctions that were exhausting the country, as well as recognition of territorial claims for Bosnian Serbs.⁹⁴

The sides accepted the proposal which resulted in the *Joint Agreed Statement of Political Principles* signed in Geneva in September 1995. Shortly after, in October 1995, after more than three years, the parties have signed a ceasefire agreement. One month later, the negotiations between Serbian, Croat and Bosnian presidents and foreign ministers started in Dayton.⁹⁵

2.2. Dayton Peace Accords

"It was a superb agreement to end a war, but a very bad agreement to make a state."

Paddy Ashdown, High Representative for Bosnia-Herzegovina from 2002 to 2006

Year 2020 marked 25th anniversary of the signing of Dayton Agreement. It was the first signed European peace agreement after the Second World War. Dayton Peace Accords deal not only with the ceasefire but also with a framework for creation of Bosnia-Herzegovina, state divided between two entities, which makes it one of the most comprehensive agreements in modern history.⁹⁶

In the beginning, it was welcomed with enthusiasm of "marking a major step forward in the development of Bosnian sovereignty, creating the opportunity for Bosnians to establish a democratically accountable state after years of war and division."⁹⁷ However, as the initial enthusiasm began to wear off, it became clear that this agreement left very little room for the Bosnian state bodies to make important decisions. Instead, Bosnia-Herzegovina became, as Chandler claims, an *informal trusteeship*, where external institutions and Bosnian government and people stand in a position of *shared sovereignty*.⁹⁸

⁹⁴ *ibid*, p. 27.

⁹⁵ *ibid*, pp. 27-28.

⁹⁶ Roland Kostić, *Reconciling the Past and the Present: Evaluating Dayton Peace Accords 1995*, p. 36.

⁹⁷ David Chandler, *Bosnia: Faking Democracy After Dayton*, Pluto Press, 1999, p. 38.

⁹⁸ David Chandler, State-Building in Bosnia: The Limits of 'informal trusteeship', *International Journal of Peace Studies*, International Peace Research Association (IPRA), 11:1/2006, p. 33.



Picture 2: *Slobodan Milošević of Serbia, Alija Izetbegović of Bosnia-Herzegovina and Franjo Tuđman of Croatia sign the Dayton agreement on 21 November 1995.* Photo: Corbis Sygma, accessed on December 20, 2020 <https://www.theguardian.com/global/2015/nov/10/bosnia-bitter-flawed-peace-deal->

After all, the Dayton Agreement was unlike any other – parties that were external to the conflict made all the arrangements, giving a wide range of powers to the international community. Usually, the peace agreements deal with termination of hostilities, but here large Annexes were foreseeing a transformation of the whole society.⁹⁹ As Chandler puts it, Dayton Agreement “was ‘ambitious’ because, under the guise of a negotiated peace settlement, it sought to create a new political entity which was not a product of popular consensus or popular involvement and was seen by many Bosnians as an external imposition.”¹⁰⁰

⁹⁹ David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 43.

¹⁰⁰ *ibid.*

According to the Agreement, there would be a year of international supervision during which elections will be held. Moreover, during this year of supervised transition, Bosnia-Herzegovina will establish political and judicial institutions, as well as those related to human rights.¹⁰¹

The Agreement consists of 149 pages – General Framework Agreement and 11 Annexes which are essential. They give powers which are usually associated with an independent state to the international community. Annex 1-A, *Agreement on Military Aspects of the Peace Settlement*, gives the military control over the state to NATO.¹⁰² All other foreign forces were ordered to withdraw, except for those operating under NATO.¹⁰³

Annex 2, *Agreement on Inter-Entity Boundary Line and Related Issues* authorized IFOR's Commander to make boundary changes between Federation of Bosnia-Herzegovina and the Serb Republic. IFOR was a NATO force in Bosnia-Herzegovina with a mandate of one year.¹⁰⁴ Annex 2 also proclaimed that during that year arbitration of the Brčko area, which was under a dispute, must be conducted.¹⁰⁵

The rest of the Annexes gave different international organizations mandate to deal with the elections, problem of displaced and missing persons, establishment of political institutions, human rights and economic development.¹⁰⁶ Evidently, the intention was to design them in accordance with each of the five elements that are central to liberal peacebuilding (democratization, rule of law, civil society, human rights and economic liberalization).

Annex 3, *Elections*, authorized OSCE to implement an election model for Bosnia-Herzegovina and to supervise the elections.¹⁰⁷ However, the power given to OSCE was far beyond the typical supervision role. Instead of a supportive role of international community in putting the electoral system in place, Dayton gave OSCE power to “adopt electoral rules and regulations regarding the registration of political parties, the eligibility of candidates and voters, the role of election

¹⁰¹ *ibid*, p. 44.

¹⁰² General Peace Agreement for Bosnia-Herzegovina [Dayton Agreement], Annex I-A, Article 1, accessed on December 20, 2020 https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf

¹⁰³ *ibid*, Annex I-A, Article 3

¹⁰⁴ *ibid*, Annex II, Article 3

¹⁰⁵ *ibid*, Annex II, Article 5

¹⁰⁶ David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 46.

¹⁰⁷ Dayton Agreement, Annex III, Article 1

observers and the nature of electoral campaigning”¹⁰⁸ From the very beginning, the process that should be defined internally in a sovereign country, was imposed by external actors.

The Annex 4 probably faced the most criticism. Nevertheless, to this day, this Annex represents the Constitution of Bosnia-Herzegovina. The Constitution gave foundation for establishment of the state bodies – House of Peoples, House of Representatives, Presidency, Council of Ministers and Constitutional Court.¹⁰⁹ Because of the intent to create a country divided between entities, the Constitution placed administrative powers on different levels. The Serb Republic was divided into municipalities while Federation of Bosnia-Herzegovina was divided between cantons. Entities were given power to act in all the areas that are not explicitly under the control of central government. This created a strong position of the entities in comparison to the central government, enabling them to create different rules. As Kostić noticed, “according to the DPA the central state has (...) no police force, and no tax-collecting jurisdiction. Considering the complexity of the constitutional arrangement and the number of checks put in place, one may easily conclude that the DPA resulted in the creation of an extremely decentralized and weak central state.”¹¹⁰

There are two important moments which directly led to this “Frankenstein constitution”, as some authors refer to it. First, the international community pushed three opposed sides towards a forced compromise in Dayton. Then, the same international actors participated in the creation of a Constitution which enabled further segregation of the sides. Attempts to amend the Constitution in recent past (April 2006 and two times during 2009) faced many challenges. The question of its modification remains one of the biggest impediments on the path towards stable Bosnia-Herzegovina.¹¹¹

Annex 6 gave complete control over monitoring human rights to the non-state actors. This part envisaged the establishment of Commission on Human Rights, which consists of two parts: the Office of the Ombudsman and the Human Rights Chamber.¹¹² The Articles IV and VII of the Annex 6 made it very clear that neither Ombudsman nor members of the Human Rights

¹⁰⁸ *ibid*, Article 3

¹⁰⁹ *ibid*, Annex IV, Article 4,5,6

¹¹⁰ Roland Kostić, *Reconciling the Past and the Present: Evaluating Dayton Peace Accords 1995*, p. 40.

¹¹¹ *ibid*, p. 47.

¹¹² Dayton Agreement, Annex VI, Article 2

Chamber could be citizens of Bosnia-Herzegovina or of any neighboring state. In addition, the officials in Bosnia-Herzegovina were obliged by this Annex to “promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.”¹¹³

Annex	Area of Authority	International Body
1-A	Military Aspects	NATO (IFOR/SFOR)
1-B	Regional Stabilisation	OSCE
2	Inter-Entity Boundary	NATO (IFOR/SFOR)
3	Elections	OSCE
4	Constitution	UN High Representative
Article IV	Constitutional Court	European Court of Human Rights
Article VII	Central Bank	IMF
5	Arbitration	
6 Part B	Human Rights Ombudsman	OSCE
Part C	Human Rights Chamber	Council of Europe
7	Refugees & Displaced Persons	European Court of Human Rights
8	Commission to Preserve National Monuments	UNESCO
9	Commission on Public Corporations	European Bank for Reconstruction and Development
10	Civilian Implementation	UN High Representative
11	International Police Task Force	UN

Figure 2. The Dayton Annexes. Taken from: David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 45.

¹¹³ *ibid*, Article 13

Annex 7 authorized European Commission for Human Rights to appoint members of newly established body - Commission for Displaced Persons and Refugees.¹¹⁴ The same plan was in place for the institutions established by the Annex 8 and 9. Members of the Commission to preserve National Monuments, established by Annex 8, were to be appointed by UNSECO.¹¹⁵ On the other hand, crucial role in appointing the members of the Commission on Public Corporations, envisaged by Annex 9, was given to the European Bank for Reconstruction and Development.¹¹⁶

Dayton Agreement authorized international actors to take part in every aspect of the newly established society – from military aspect to preservation of national monuments. Even though each of these aspects had enormous impact on political, economic and cultural life of Bosnia-Herzegovina, the most peculiar change was envisaged by Annex 10 – *Civilian Implementation*.

2.3. Office of High Representative

Annex 10 appointed High Representative for Bosnia-Herzegovina to supervise the civilian implementation of the Dayton Agreement. “In view of the complexities facing them, the parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below.”¹¹⁷

Article 2 of Annex 10 outlined the authorities of this body:

- Implementation of the peace agreement
- Promoting compliance of the parties to the civilian aspects of the peace settlement, as well as promoting their cooperation with international organizations and agencies
- Coordinating activities of the civilian organizations in Bosnia-Herzegovina – giving general guidance while accepting their authority

¹¹⁴ *ibid*, Annex VII, Article 7

¹¹⁵ *ibid*, Annex VIII, Article 1

¹¹⁶ *ibid*, Annex IX, Article 1

¹¹⁷ Dayton Agreement, Annex X, Article 1

- Facilitating the resolution of any difficulty in the domain of civilian implementation
- Participating in meetings of donor organizations
- Reporting to the UN, EU, US and Russia and other interested states about the progress in implementation of the agreement
- Providing guidance to the Commissioner of the International Police Task Force, established by Annex 11

Additionally, Article 3 of the Annex 10 gives the High Representative the power to “enjoy, under the laws of Bosnia and Herzegovina, such legal capacity as may be necessary for the exercise of his or her functions...”¹¹⁸ This provision is quite problematic since it doesn’t determine limits of the OHR’s powers. In fact, as Carlos Westendorp, High Representative from 1997 to 1999, said in an interview, “if you read Dayton very carefully, Annex 10 even gives me the possibility to interpret my own authorities and powers”.¹¹⁹ This created a paradox of international administration in which powers exercised by the OHR in fact stood in the way of turning Bosnia-Herzegovina into a sovereign state based on democracy and rule of law.¹²⁰

As various studies have shown, giving a wide range of powers to the High Representative resulted in a negative perception of its role by the Bosnian citizens. The OHR has been criticized for different things, including authoritarianism and colonial methods, as well as poor transparency. Not having a fixed limit of powers enabled OHR to create rules and impose sanctions on those who refuse to follow them. Nevertheless, Peace Implementation Council¹²¹ in Bonn in 1997 adopted a declaration which extended these authorities even further. Powers given in Bonn enabled High Representative to remove different officials, decide on laws and flag and even construct the country’s path towards Europe.¹²² Before leaving the Office in May 1999,

¹¹⁸ *ibid*, Article 3

¹¹⁹ Tim Banning, The ‘Bonn Powers’ of the High Representative in Bosnia Herzegovina: Tracing a Legal Figment, *Goettingen Journal of International Law*, Universitätsverlag Göttingen, 6:2/2014, p. 256.

¹²⁰ *ibid*, p. 262.

¹²¹ The Peace Implementation Council (PIC) was established in 1995 at the London Peace Implementation Conference. PIC is composed of the states and international organizations and acts as an informal body. Main responsibility of the PIC is to regulate international administration over Bosnia-Herzegovina (see: David Chandler, *Empire in Denial: The Politics of State-building*, Pluto Press, 2006).

¹²² Danijela Majstorović, Construction of Europeanization in the High Representative's discourse in Bosnia and Herzegovina, *Discourse & Society*, SAGE, 18:627/2007, p. 629.

Westendorp removed 16 high officials and forced 45 laws and decisions on the country, dealing with various aspects.¹²³ This tendency was even more evident during the time of High Representative Paddy Ashdown, who in June 2004 removed 60 officials from their positions with very little transparency for such actions.¹²⁴

Another important aspect of OHR's role, to guide Bosnia-Herzegovina towards its European path, is problematic for different reasons. Firstly, in the OHR's discourse Europe was often described as something opposed to the Balkans. In fact, as Majstorović notices, "Balkans, as a metonymy, is constructed as different from the metonymic notion of Europe".¹²⁵ The negative context of the Balkans and the area's specific legacy didn't bring any points to the OHR with Bosnian people.

Further to this, on numerous occasions this Office emphasized that it is high time for Bosnia-Herzegovina to become a normal European country. In this context, normality was defined by European values which, through the process of liberal peacebuilding, should be adopted in Bosnia-Herzegovina.¹²⁶ Therefore, one of the crucial mistakes that this Office made was to create a discourse in which values of liberal peacebuilding were presented as external. If the High Representative found a way to internalize these values and create their foundation in the society itself, the whole process might have been more successful. Instead, he persisted in making a notion of normality as something opposed to the Bosnian heritage. This resulted in distrust among Bosnian people in the role of the international community.

OHR portrayed himself as the middleman between Bosnia-Herzegovina and Europe, who holds the ultimate knowledge on how to realize this transition.¹²⁷ While holding that position, he often condemned local political elites for their incompetence and failure to bring Bosnia-Herzegovina closer to Europe.¹²⁸ However, a middleman position in promoting the European values didn't bring him the role of savior in Bosnian society. Instead, he participated in what turned to be a forced democratization of Bosnia-Herzegovina, resulting in local perception of OHR and the

¹²³ David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 201.

¹²⁴ Danijela Majstorović, Construction of Europeanization in the High Representative's discourse in Bosnia and Herzegovina, *Discourse & Society*, p. 629.

¹²⁵ *ibid*, p. 632.

¹²⁶ *ibid*.

¹²⁷ *ibid*, p 636.

¹²⁸ *ibid*, pp. 644.

international community as colonial.¹²⁹ This forced democratization implies that local actors were not able to take over the ownership of the process. Instead, as Chandler claims, the whole process turned to be “an experiment in supporting democratization through externally imposed strategies.”¹³⁰

The original intent for establishing the Office of High Representative as a part of peacebuilding process was to support Bosnia-Herzegovina in its democratic transition. Yet, almost three decades after the conflict was ended, there is no definitive provision on termination of the OHR’s mandate. Instead, there is a grapple for authority between local actors and international community.¹³¹

The whole concept of international administration over a country that had just witnessed a violent civil war may seem appropriate for a certain period of time. However, once the dust settles and some patterns are put in place, there must be a gradual transition to the local ownership. Local participation in establishment of the governmental structures is key to gaining trust of the society in those institutions. Though a premature return to the local ownership can jeopardize the whole process, this momentum in Bosnia-Herzegovina has clearly passed.¹³² Nevertheless, as Banning concludes, “as a relic of the immediate post-war era, the OHR’s involvement in Bosnian domestic politics is still far-reaching and includes, inter alia, the imposition of substantial legislation, the amendment of Bosnian legislation, the dismissal of elected government officials, and the annulment of decisions of the Bosnian Constitutional Court.”¹³³

2.4. Peacebuilding and society building

The role of civil society in deeply divided countries like Bosnia-Herzegovina is vital for the democratic transition. Development of civil society involves formation of different interest groups as bonds between family and free market within private sphere, and between state and

¹²⁹ *ibid.*, pp. 648.

¹³⁰ David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 36.

¹³¹ Tim Banning, The ‘Bonn Powers’ of the High Representative in Bosnia Herzegovina: Tracing a Legal Figment, *Goettingen Journal of International Law*, p. 278.

¹³² *ibid.*

¹³³ *ibid.*, pp 261.

government, within public sphere.¹³⁴ Civil society is an important agent in educating both the citizens and the political system about the values of human rights and rule of law, which are again integral aspects of liberal peacebuilding mission.¹³⁵ Therefore, civil society overall is a fundamental part of a peacebuilding process.

Since Dayton provided legal ground for international presence in every aspect of the newly established country, this also applied to the civil society. Numerous resources were distributed in order to support the civil society programs. However, due to inability of adjustment to the conditions in which Bosnian civil society groups operate, the results are discouraging.¹³⁶

From the beginning, the main focus of building the civil society in Bosnia-Herzegovina should have been to support the local initiatives for reconciliation of ethnic groups.¹³⁷ Instead, the donors focused on the quantity of local initiatives rather than on the quality of their work, making local NGOs dependable on the international funds.¹³⁸ They paid more attention on transferring the technical knowledge to numerous local organizations and deployed different civil servants who were not acquainted with specific context of Bosnian society. Accordingly, the initiatives they took were frequently inappropriate considering the given situation, like the one in which people were invited to a discussion on oral hygiene, for example.¹³⁹ For the people who have recently witnessed a violent war and are struggling to provide basic needs, subjects like oral hygiene hardly have a priority. This is why Bosnian citizens often perceived international programs (and the associated NGOs) as external efforts, opposed to their culture and heritage.¹⁴⁰

International assistance made negative effects on economic development as well. Belloni claims that these external actors in fact undermined the chances for developing a sustainable economy.¹⁴¹ Extremely high international spending worked against the local labor markets. Also, due to the substantial humanitarian aid, key governmental institutions missed out on taking the

¹³⁴ David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 135.

¹³⁵ Roberto Belloni, Civil Society and Peacebuilding in Bosnia and Herzegovina, *Journal of Peace Research*, SAGE, 38:163/2001, p. 163.

¹³⁶ *ibid.*

¹³⁷ *ibid.*, p. 164.

¹³⁸ *ibid.*, p. 169.

¹³⁹ *ibid.*, p. 170.

¹⁴⁰ *ibid.*, p. 169.

¹⁴¹ *ibid.*, p. 165.

ownership in the area of social regulation.¹⁴² Allocating the funds among the national elites meant binding them to join the wave of adapting the country's weak, post-war economy to global economic competition.¹⁴³ This uneven distribution of the international aid has resulted in inequality of income in Bosnia-Herzegovina, which is much higher than in other countries of the region. In 2006, around 40% of the households lived of around 300 KM (around 150 EUR) per month, while roughly 1% of the households had more than 2000 KM (around 1000 EUR) on hand at the same time. Moreover, there is a particularly high inequality in income distribution between Federation of Bosnia-Herzegovina and the Serb Republic.¹⁴⁴ While in the Serb Republic, the average salary is insufficient to cover the basic human needs, in Federation of Bosnia-Herzegovina the average salary exceeds the basic needs.¹⁴⁵

While certain reasons for this discrepancy can be traced in the prewar economy, the unequal distribution of international aid is the main culprit for this difference in the post-war period. The Serb Republic was often deprived of the international aid as a sort of punishment for the local political leaders who were hostile towards the international actors.¹⁴⁶ In the eastern part of the Serb Republic, there are many *neglected areas* that were exempt from international aid because of the political reasons or unwillingness to abide by the provisions of the Dayton agreement.¹⁴⁷ This produced two consequences. Firstly, while Federation's economy grew, the Serb Republic's economy stagnated, and as a result whole country's economy was divided.¹⁴⁸ Secondly, the fact that one part of the country was progressing and the other not led to the tensions between them.¹⁴⁹ Therefore, politically conditioned international packages were obstructing both economic and social progress of the country.

In the political sphere, civil society is a predominant for democratic elections. However, citizens of Bosnia-Herzegovina are very reluctant to participate in political life of the country. On the one hand, in post-war period they were battling with more existential issues like poverty, shattered

¹⁴² *ibid*, p. 166.

¹⁴³ *ibid*, p. 176.

¹⁴⁴ Florian Bieber, *Post-War Bosnia Ethnicity, Inequality and Public Sector Governance*, Palgrave Macmillan, 2006, p. 35.

¹⁴⁵ *ibid*, p. 36.

¹⁴⁶ *ibid*, p. 38.

¹⁴⁷ Roberto Belloni, Civil Society and Peacebuilding in Bosnia and Herzegovina, *Journal of Peace Research*, p. 175.

¹⁴⁸ David Chandler, *Bosnia: Faking Democracy After Dayton*, p. 106.

¹⁴⁹ *ibid*, p. 107.

and lost households, remained tensions and reintegration in the society. On the other, however, there was a general distrust in the civil society initiatives that were supported from the outside. Since political parties are still organized in accordance with ethnic criteria, there is no electoral competition between ethnic communities, only within them.¹⁵⁰ Because of this, elections in Bosnia-Herzegovina keep reinforcing the political control of the three nationalist parties. In fact, electoral engineering that international community tried to impose simply allowed the consolidation of the same nationalist parties that are identified as the main impediment to the peacebuilding.¹⁵¹

Return of the refugees and displaced persons was yet another very important segment of the peacebuilding agenda, in the domain of human rights. International pressure followed by economic sanctions for the municipalities that fail to secure conditions for their return had modest results. In few cases where returners were indeed accepted, tensions led to their isolation from the society. Attempts to pressure the return through formation of multiethnic administrations was also with limited success. After the war, people were afraid to go back to their former households in areas where they would now represent a minority. This circles back to what should have been the primary focus of the international programs – reconciliation between three ethnic groups.

Civil society is an agent of change that has the power to help people to get heard and protect their rights. However, in country like Bosnia-Herzegovina, where people still battle with subsistence issues, it is very hard to mobilize them for the public good.¹⁵² Because of that, civil society has done very little to face the structural problems in the country. As Belloni concludes, “ethnic division, internal political stalemate, insufficient refugee and minority return, corruption and cronyism, and a general feeling of political, economic and social insecurity are the unresolved challenges that loom darkly on Bosnia’s future.”¹⁵³

¹⁵⁰ Roberto Belloni, *State Building and International Intervention in Bosnia*, Routledge, 2007, p. 76.

¹⁵¹ *ibid*, p. 95.

¹⁵² Roberto Belloni, Civil Society and Peacebuilding in Bosnia and Herzegovina, *Journal of Peace Research*, p. 171.

¹⁵³ *ibid*, pp. 177.

2.5. Will Bosnia-Herzegovina ever know peace?

In *An Editorial of the Journal of Peace Research* from 1964, Johan Galtung made a distinction between positive and negative peace. Negative peace is “the absence of violence, absence of war”, and positive peace is “the integration of human society”.¹⁵⁴ Thus, positive peace implies social structures that support the needs of the population, constructive conflict resolution and reconciliation, all of which enable the reintegration of people into society.

Supporting the reconciliation should be the first step of every peacebuilding process. It is difficult for people to engage in any social, economic or political activity after experiencing a war trauma. Surely, reconciliation will not happen overnight, but once the conflict is over it must be a priority on the peacebuilding agenda. The support provided by the international actors must assert the local context. People that are sent on the field must be equipped with knowledge and resources to deal with the target groups. More importantly, locals ought to be a part of those initiatives because, normally, people have more trust in familiar, internal actors. In Bosnia-Herzegovina those familiar faces would be the representatives of three ethnic groups in the beginning. Then, once the initiatives slowly gain the trust of the locals, it would be much easier to assert the reconciliation process, at first through cooperation on more high-level issues and then between the common citizens. In Bosnia-Herzegovina, international community didn't follow this pattern. Provisions of the Dayton Agreement which require that the officials of the institutions established by this Agreement couldn't be citizens of Bosnia-Herzegovina made it difficult for these institutions to gain trust of the Bosnian people. This decision was followed by another, to put the highest power in a newly emerged and completely external institution – High Representative.

Dayton Agreement did end the violence, but can the patterns of positive peace be found in Bosnia-Herzegovina today? According to the Labour and Employment Agency of Bosnia and Herzegovina, in November 2020, there were 413,254 persons registered as unemployed.¹⁵⁵ Steven Hanke from Cato Institute positioned Bosnia-Herzegovina on eight place in Annual Misery Index 2018 which is the sum of “the unemployment, inflation and bank lending rates,

¹⁵⁴ Johan Galtung, *An Editorial, Journal of Peace Research*, SAGE, 1:1/1964, p. 2.

¹⁵⁵ Labour and Employment Agency of Bosnia and Herzegovina Search , *Unemployment level in November stands at 413,254*, accessed on January, 11, 2020, http://www.arz.gov.ba/Default.aspx?langTag=sr-SP-Cyrl&template_id=151&pageIndex=1

minus the percentage change in real GDP per capita.”¹⁵⁶ For these poor living conditions, people blame the Government, corruption and the political system.¹⁵⁷ Grey economy is flourishing and the governmental policies that are being used to tackle the undeclared work over the past few years are ineffective.¹⁵⁸ Moreover, Bosnia-Herzegovina is a very high-ranked country when it comes to the brain-drain.¹⁵⁹ This is especially related to young professionals and there is a tendency for Bosnia-Herzegovina to become a country with very old population.¹⁶⁰ Another issue are very high poverty rates. According to the analyses published by both domestic and international organizations it is estimated that in Bosnia-Herzegovina at least 600,000 people (or every sixth inhabitant) live on 1.5 - 2.5 euros.¹⁶¹ Meal centers around Bosnia-Herzegovina frequently have many users and different charities call for donations to end the hunger in country.

Therefore, the conclusion of this chapter is that even though the violence ended, the international intervention didn't bring peace to Bosnia-Herzegovina. Liberal peacebuilding agenda designed by the international community was not appropriate for the Bosnian context. People were not encouraged to participate in political life and key institutions were not encouraged to take ownership of the process. Instead, the international community imposed external strategies and favored those who were ready to follow them. Additionally, this stood in a way of the reconciliation process. Unemployment, poverty, hunger and identity issues are still troubling many people. Thus, Bosnia-Herzegovina will not know peace until human conditions are improved for the entire population.

¹⁵⁶ Steven H. Hanke, *Hanke's Annual Misery Index 2018: The World's Saddest (and Happiest) Countries*, accessed on January, 11, 2021, <https://www.cato.org/publications/commentary/hankes-annual-misery-index-2018-worlds-saddest-happiest-coues>

¹⁵⁷ Aida Đugum, *Sva lica nezaoslenosti u BiH*, accessed on January 15, 2021, <https://www.slobodnaevropa.org/a/nezaposlenost-bih-bijeda-siromastvo/30206122.html>

¹⁵⁸ Edin Pasovic, Adnan S. Efendic, *Informal Economy in Bosnia and Herzegovina – An Empirical Investigation*, *South East European Journal of Economics and Business*, Sciendo, 13:2/2018, p. 122.

¹⁵⁹ *Human flight and brain drain - Country rankings*, accessed on January 15, 2020 https://www.theglobaleconomy.com/rankings/human_flight_brain_drain_index/

¹⁶⁰ Marija Arnautović, *"Odliv mozgova" iz BiH zbog siromaštva i nezaposlenosti*, accessed on January 16, 2020, <https://www.slobodnaevropa.org/a/odliv-mozgova-iz-bih-zbog-siromastva-i-nezaposlenosti/24716034.html>

¹⁶¹ Aida Đugum, *Breme siromaštva na leđima djece*, accessed on January 16, 2020, <https://www.slobodnaevropa.org/a/bih-djeca-siroma%C5%A1tvo/29830453.html>

In the following Chapter, the author will analyze liberal peacebuilding in Kosovo. Peacebuilding mission in Kosovo is another example of international community's inability to adopt the patterns that will assert the local context.

3. Kosovo: ‘Peacebuilding and International Responsibility’

Kosovo holds a special place in Serbian history. It was a “sacred space” where Serbian nation tried to resist the Ottoman Empire’s invasion in 1389. The battle of Kosovo became a part of Serbian identity, and one of the most important motives in culture and tradition. The heroism of Serbian troops was honored for centuries through religion, literature, poetry and painting. Kosovo Battle and its brave protagonists became national symbols.

Therefore, it is not a surprise that when Kosovar Albanians made territorial claims, Serbia was not ready to give in. In the beginning of 1999, Tim Judah, a British reporter who focused mainly on Serbia and Kosovo, suggested that Kosovo was a “catastrophe waiting to happen”.¹⁶² Kosovo war had long-lasting impact, not only for the involved parties but for the entire international community. As Mark Weber claims, “it has refashioned foreign policies, made political careers, reshaped institutional and legal competences, and redrawn the map of what was once Yugoslavia.”¹⁶³

Serbia’s policy towards the Kosovo has been since then “seemingly irrational”.¹⁶⁴ However, this has much to do with country’s intent to preserve control over the people, rather than on the territory, and it is, as Ejodus and Subotić explain, “a form of technology of pastoral power exercised not over a territory but over a population.”¹⁶⁵ According to the data estimates made by OSCE from 2010 and 2013, there are around 146,000 Serbs in Kosovo, which is 7.8 per cent of total population.¹⁶⁶ That number is even lower today, as many Serbs have left Kosovo in recent past.

However, the international community’s response to Kosovo crisis was also inadequate and volatile. From NATO intervention on Serbia, through establishment of international administration to current narratives, the international community’s policy towards Kosovo crisis

¹⁶² Tim Judah, Kosovo's road to war, *Survival: Global Politics and Strategy*, The International Institute for Strategic Studies, 41:2/1999, p. 5.

¹⁶³ Mark Webber, The Kosovo War: A recapitulation, *International Affairs*, Oxford University Press, 85:3/2009, p. 449.

¹⁶⁴ Filip Ejodus, Jelena Subotić, “Kosovo as Serbia’s Sacred Space: Governmentality, Pastoral Power, and Sacralization of Territories” in *Politicization of Religion, the Power of Symbolism: The Case of Former Yugoslavia and its Successor States*, Palgrave Macmillan, 2014, p. 160.

¹⁶⁵ *ibid.*

¹⁶⁶ World Directory of Minorities and Indigenous Peoples, accessed on January 20, 2020 <https://minorityrights.org/minorities/serbs-3/>

was inconsistent, which leaves the status of Kosovo as an open question, still very high on the international agenda.

In this chapter, the author will analyze liberal peacebuilding in Kosovo. This will include the assessment of international administration and other international actors, and the consequences it made on political, economic and social aspects in Kosovo.

3.1. Kosovo Crisis

The background of the conflict dates back to the Great Migrations of the Serbs during the rule of Ottoman Empire, when they became a minority in Kosovo. In SFRY, the Constitution from 1974 gave Kosovo and Vojvodina (other autonomous province) almost the same status as to the other federal republics. However, in 1989, Serbian president Slobodan Milošević suggested amendments to the Constitution which meant taking away some of the authorities from Kosovo in favor of Belgrade.¹⁶⁷ It was a time of political, economic and social crisis in SFRY and this political move was an attempt to strengthen the central power. Nevertheless, it was not welcomed by the Albanian people in Kosovo who organized massive demonstrations. In the following years, parallel power structures were established by the Albanian people in Kosovo. Their non-violent resistance was also reflected through establishment of their own schooling system and boycott towards Yugoslav institutions, including the population census.

During the 1990s, however, non-violent protest turned into violent resistance to what was anticipated by the Albanian population as Serb repression.¹⁶⁸ When the dissolution of SFRY started, after a referendum they declared the independence of Kosovo, which didn't gain international recognition.¹⁶⁹ The international community was focused on the events in Bosnia-Herzegovina at the time. However, as the status of Kosovo was barely mentioned in the Dayton Agreement which ended the Bosnian conflict, it soon emerged as another chapter in the violent dissolution of SFRY.¹⁷⁰

¹⁶⁷ Jürgen Friedrich, UNMIK in Kosovo: Struggling with Uncertainty, *Max Planck Yearbook of United Nations Law Online*, Brill | Nijhoff, 9:1/2005, p. 230.

¹⁶⁸ Paul Latawski, Martin A. Smith, *The Kosovo crisis and the evolution of post-Cold War European security*, Manchester University Press, 2003, p. 6.

¹⁶⁹ Florian Bieber, The Serbia-Kosovo Agreements: An EU Success Story?, *Review of Central and East European Law*, Brill, 2015, p. 286.

¹⁷⁰ Mark Webber, The Kosovo War: A recapitulation, *International Affairs*, p. 449.

While the roots of the Kosovo crisis are very deep and complex, the immediate reason for violence was the rise of Kosovo Liberation Army (KLA).¹⁷¹ The KLA is associated with different crimes, not only against Serbian population in Kosovo, but also against the Albanians who were accused of collaboration with the enemy.¹⁷²

There were very many isolated conflicts by 1998, but that year the violence between KLA and Yugoslav forces escalated.¹⁷³ In September 1998, UN Security Council adopted Resolution 1198 and called for cessation of violence, withdrawal of Yugoslav's forces and negotiations between parties. NATO put pressure on Milošević's government, threatening with airstrikes if the Government doesn't comply with the Resolution. Richard Holbrooke, who was widely known for his role in the negotiations of the Dayton Peace Accords, brokered yet another agreement with the Serbian president. Holbrooke-Milošević agreement authorized OSCE to verify the Yugoslav government's compliance with the Resolution.¹⁷⁴

However, by 1999, the Yugoslav authorities started to move their forces into Kosovo once again. They were justifying these actions by claims that KLA is occupying the territory. Once more, Albanian side made many allegations of the crimes that Yugoslav forces committed. The final diplomatic effort for resolving the Kosovo crisis before the NATO bombing of Yugoslavia started in February 1999. The Contact Group tried to apply the same pattern as once in Dayton and summoned the parties to Rambouillet for negotiations.¹⁷⁵ Serbian diplomat Predrag Simić, who was a member of the negotiation team, described his experiences from the negotiations in a book *The Road to Rambouillet: The Kosovo Crisis 1995–2000*.¹⁷⁶ He explains how the Albanian side, despite the initial rejection, decided to accept the Agreement. However, in Serbia, the political forces that were against Rambouillet and which believed that Serbia must take the risk of an armed conflict with NATO prevailed.¹⁷⁷

¹⁷¹ *ibid.*

¹⁷² Tim Judah, *The Kosovo Liberation Army, Perceptions: Journal of International Affairs*, Center for Strategic Research (SAM), 5:3/2000, p. 67.

¹⁷³ Paul Latawski, Martin A. Smith, *The Kosovo crisis and the evolution of post-Cold War European security*, p. 6.

¹⁷⁴ *ibid.*, p. 7.

¹⁷⁵ *ibid.*

¹⁷⁶ Predrag Simić, *The Road to Rambouillet: The Kosovo Crisis 1995–2000*, Nea, 2000.

¹⁷⁷ *ibid.*

Shortly after, NATO intervention against Serbia began and lasted for 78 days, causing severe destruction of the country's economy and significant casualties among the civilian population.¹⁷⁸ In June 1999, Serbian president agreed to withdraw the forces and accept both NATO peacekeeping mission and UN international administration over Kosovo.¹⁷⁹ These provisions were incorporated in the Security Council Resolution 1244, which (as one of the international administration's tasks) foresaw "facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords".¹⁸⁰ The most controversial NATO intervention since the Cold War was officially over.¹⁸¹

3.2. International actors in Kosovo

While the international community didn't engage in Bosnian conflict at once, things were different with Kosovo. Following the experience from Bosnia-Herzegovina, international actors got involved in Kosovo crisis at an early stage.

However, although there were some important lessons from the Bosnian unrest, there are also significant differences between these two missions.¹⁸² This part will offer analysis of international actors' involvement in peacebuilding in Kosovo, namely: KFOR, UNMIK and EULEX.

3.2.1. KFOR

The role of NATO in Kosovo crisis was problematic from the very beginning. The employment of military power over Serbia, which resulted in destruction of the country and civilian victims was questionable for its "legality and legitimacy (i.e. the role of the UN and international law), its ethical basis and its impact on the doctrine of non-intervention in the domestic affairs of states."¹⁸³

¹⁷⁸ *ibid.*

¹⁷⁹ Paul Latawski, Martin A. Smith, *The Kosovo crisis and the evolution of post-Cold War European security*, p. 8.

¹⁸⁰ United Nations Security Council, S/RES/1244 (1999) Adopted by the Security Council at its 4011th meeting, on June 1999.

¹⁸¹ Paul Latawski, Martin A. Smith, *The Kosovo crisis and the evolution of post-Cold War European security*, p. 9.

¹⁸² Larry Wentz, *Lessons from Kosovo: The KFOR experience*, CCRP publication series, 2002, p. 25.

¹⁸³ *ibid.*

After 78 days, on June 10, 1999, NATO Secretary General Javier Solana announced that NATO's operations against Yugoslavia will be suspended.¹⁸⁴ Agreement between NATO and Yugoslavia concluded on June 9, 1999 in Kumanovo envisaged a deployment of a NATO peacekeeping force – Kosovo Security Force (KFOR).¹⁸⁵ With this begins another chapter of NATO's involvement in the Kosovo Crisis.



Picture 3. *The Nato peacekeeping mission Kfor marks its 20th anniversary in Pristina, Kosovo.*

Photo: Laura Hasani/Reuters, accessed on January 21, 2020

<https://www.theguardian.com/world/2019/jun/12/nato-marks-20-years-kosovo-kfor-serbia>

The deployment of KFOR forces was coordinated with the withdrawal of Serbian forces from the Kosovo.¹⁸⁶ From the beginning, it was made clear that international administration (UNMIK) and military authorities (KFOR) must coordinate their activities.¹⁸⁷ KFOR's primary tasks in

¹⁸⁴ Larry Wentz, *Lessons from Kosovo: The KFOR experience*, p. 22.

¹⁸⁵ *ibid*, p. 24.

¹⁸⁶ *ibid*.

¹⁸⁷ *ibid*, p. 27.

Kosovo were to “ensure the withdrawal of Yugoslav forces, establish law and order, establish a safe and secure environment, and demilitarize the Kosovo Liberation Army (KLA)”.¹⁸⁸

However, the tensions in Kosovo were not easing. The ethnic groups were mixed together and despite the enclaves it was very hard to maintain the truce. After all, the conflict only lasted for a year and there were still many groups who were eager to continue the fight.¹⁸⁹ While the KFOR did manage to ensure the withdrawal of Yugoslav forces and demilitarization of KLA into the Kosovo Protection Corps (KPC)¹⁹⁰, its role in establishing a safe and secure environment for both ethnic groups in Kosovo was less successful.

Like always, there was a trust issue towards the external actors, who didn't speak the language and were not familiar with every aspect of the very complex situation in Kosovo. At the time, unemployment was around 90%, crime was thriving, revenge killings among ethnic groups were very common, there was no TV, no radio, and everyday life was suspended. “The military quickly found themselves in the position of becoming the mayor, fire chief, police chief, dial 911 emergency services, and any other role necessary to bring stability and law and order to the towns and areas occupied.”¹⁹¹

KFOR faced a lot of criticism, mostly related to the security issues and personal liberty complaints, which were later investigated by the Ombudsman Institution in Kosovo.¹⁹² In 2004, when falsely reports of Serbs causing the deaths of three Albanian children were made, many violent unrests erupted across Kosovo. According to the Human Rights Watch, during these events, international community including KFOR “failed catastrophically in their mandate to protect minority communities”.¹⁹³ In general, KFOR didn't manage to establish a cohesive command structure and system respond to violence in Kosovo.¹⁹⁴

¹⁸⁸ *ibid*, p. 28.

¹⁸⁹ *ibid*, p. 29.

¹⁹⁰ *ibid*.

¹⁹¹ *ibid*, p. 30.

¹⁹² Gezim Visoka, The ‘Kafkaesque Accountability’ of International Governance in Kosovo, *Journal of Intervention and Statebuilding*, Routledge, 6:2:2012, p. 197.

¹⁹³ Human Rights Watch, *Failure to Protect Anti-Minority Violence in Kosovo*, accessed on January 22, 2020 <https://www.hrw.org/reports/2004/kosovo0704/1.htm>

¹⁹⁴ *ibid*.

However, most of the flaws in KFOR's mission were uncovered after Kosovo declared independence in 2008. The source of the problem was that certain countries which sent troops to Kosovo didn't recognize its independence while others did.¹⁹⁵ This created issues because definitive control over the troops in a mission stays with the sending state.¹⁹⁶ Former NATO officer Ade Clewlow, who published a book about the NATO's role in independent Kosovo, wrote that "for NATO, pacifying its member states who had refused to recognize Kosovo for fear of encouraging their own national separatist movements had become the priority."¹⁹⁷

After the Declaration of Independence, KFOR's role changed and became more politicized, which occasionally stood in a way of ensuring security in Kosovo. Clewlow also describes how things changed after the independence when KFOR and Kosovo Protection Corps (KPC) started the preparations for Kosovo Security Force (KSF), future military of Kosovo. This process was followed by dissatisfaction of both members of KPC who were not recruited for KSF, as well as Serbian people, who still associated KPC with KLA and perceived them as a threat.¹⁹⁸

Assessing KFOR's role in the peacebuilding in Kosovo is very complex and dependable on different phases and the structural changes in this force. All things considered, KFOR did occasionally fail to protect the minorities in Kosovo, as well as the Orthodox heritage. However, it is still perceived as a security provider that is (although reluctantly) accepted by the Serbian population in Kosovo.¹⁹⁹ Additionally, KFOR is still considered as an important actor in maintaining peace and security of Serbian people in Kosovo by the government in Belgrade.²⁰⁰

3.2.2. UNMIK

Resolution 1244 envisaged the formation of the United Nations Interim Administration Mission in Kosovo (UNMIK) with aim to provide "transitional administration while establishing and

¹⁹⁵ Serbeze Haxhijaj, *Peacekeeping Politics: An Insider's View of NATO's Kosovo Mission*, accessed on January 22, 2020 <https://balkaninsight.com/2020/09/25/peacekeeping-politics-an-insiders-view-of-natos-kosovo-mission/>

¹⁹⁶ Jürgen Friedrich, UNMIK in Kosovo: Struggling with Uncertainty, *Max Planck Yearbook of United Nations Law Online*, p. 272.

¹⁹⁷ Serbeze Haxhijaj, *Peacekeeping Politics: An Insider's View of NATO's Kosovo Mission*, accessed on January 22, 2020 <https://balkaninsight.com/2020/09/25/peacekeeping-politics-an-insiders-view-of-natos-kosovo-mission/>

¹⁹⁸ *ibid.*

¹⁹⁹ Anika Snel and Lisa Ziekenoppasser, *KFOR's Continual Footprint: Sixteen Years of KFOR Presence in Kosovo*, accessed on January 22, 2020 <https://www.militairespectator.nl/thema/operaties-internationale-samenwerking/artikel/kfor%E2%80%99s-continual-footprint>

²⁰⁰ Dačić: *Važna uloga Kfor-a na Kosovu*, accessed on January 22, 2020 <https://www.danas.rs/politika/dacic-vazna-uloga-kfor-na-kosovu/>

overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo”.²⁰¹

High Representative’s counterpart in Kosovo was embodied in the figure of Special Representative, appointed by Secretary General (SRSG).²⁰² Special Representative of the Secretary General was also given a central political role in resolving the conflict.²⁰³ The first regulation adopted by UNMIK in 1999, *Regulation on the Authority of the Interim Administration in Kosovo*, gave UNMIK and SRSG unlimited powers. The Regulation stated that “all legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General”.²⁰⁴

UNMIK’s structure consisted of four pillars, each reporting to the SRSG and headed by a Deputy SRSG:

- Pillar 1 – humanitarian assistance aspects, responsibility of UNHCR
- Pillar 2 – civilian administration, run by UN
- Pillar 3 – democratization and institution-building, under OSCE
- Pillar 4 – economic reconstruction, managed by EU²⁰⁵

In the meantime, with removal of UNHCR in 2000, the structure has changed. New Pillar 1, comprised by the Constitutional Framework in 2001, includes law enforcement and justice.²⁰⁶ Although this structure was apparently created in an attempt to prevent the mistakes made by international actors in post Dayton Bosnia-Herzegovina, coordination between UNMIK actors in Kosovo was little to none.²⁰⁷

²⁰¹ United Nations Security Council, S/RES/1244 (1999)

²⁰² *ibid.*

²⁰³ Nicolas Lemay-Hébert, State-Building from the Outside-In: UNMIK and Its Paradox, *Journal of Public and International Affairs* 20, Princeton University, 2009, p. 67.

²⁰⁴ UNMIK Regulation 1999/1 on the Authority of the Interim Administration in Kosovo, adopted on 25 July 1999

²⁰⁵ United Nations Security Council, S/RES/1244 (1999)

²⁰⁶ Marcus Brand, *The development of Kosovo institutions and the transition of authority from UNMIK to local self-government*, CASIN, 2003, p. 10.

²⁰⁷ *ibid.*, p. 11.

As some studies have shown, level of satisfaction with UNMIK's mission in Kosovo is in constant decline.²⁰⁸ Just like every other external actor in a peacebuilding mission, UNMIK is facing legitimacy issues. Actions of the SRGS, the main figure of the mission, lack transparency which made civil administration unaccountable to the local population.²⁰⁹ Kosovar Albanians weren't there when the agreement between NATO and Yugoslavia to establish UNMIK was made, which resulted in a poor acceptance of the international authority.²¹⁰ In such conditions, as Lemay-Hébert explains, "everything that international administrators do to reinforce their rule in actuality perpetuates their political weakness. Their legitimacy waning, the state-building agenda comes to be seen as progressively more exogenous, reinforcing the delegitimization process."²¹¹

Due to legitimacy issues with UNMIK's rule, democratic transition is suffering. UNMIK itself was often criticized for its undemocratic structure hence its failure to lead Kosovo towards democratization.²¹² One of the main problems is lack of proper participation. While the Serbian population (this doesn't include Serbian political parties) usually boycott the elections, the political party between Kosovar Albanians is a zero-sum game.²¹³ In most recent developments in December 2020, Constitutional Court declared unconstitutional the election of Prime Minister Avdullah Hoti, after annulling a vote from certain MP convicted for fraud and embezzlement.²¹⁴

Another issue is that UNMIK failed to transfer some of the authorities to local institutions in the right time.²¹⁵ Generally, international administrations tend to reserve wide range of powers and delay the transfer to the local ownership. This practice undermined the development of local institutions in Kosovo and made them weak and corrupted.²¹⁶ Richmond claims that in an

²⁰⁸ Nicolas Lemay-Hébert, State-Building from the Outside-In: UNMIK and Its Paradox, *Journal of Public and International Affairs* 20, p. 68.

²⁰⁹ *ibid*, p. 67.

²¹⁰ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 92.

²¹¹ Nicolas Lemay-Hébert, State-Building from the Outside-In: UNMIK and Its Paradox, *Journal of Public and International Affairs* 20, p. 66.

²¹² Gezim Visoka, The 'Kafkaesque Accountability' of International Governance in Kosovo, *Journal of Intervention and Statebuilding*, p. 196.

²¹³ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 85.

²¹⁴ Xhorxhina Bami, Kosovo Faces New Elections After Court Rules Govt Illegitimate, accessed on January 27, 2020 <https://balkaninsight.com/2020/12/22/kosovo-faces-new-elections-after-court-rules-govt-illegitimate/>

²¹⁵ Gezim Visoka, Grace Bolton, "The Complex Nature and Implications of International Engagement after Kosovo's Independence" in *Civil Wars*, Routledge, 2011, p. 192.

²¹⁶ *ibid*, p. 193.

attempt to overcome this obvious flaw and support democratic principles, UNMIK has reinforced the claims of Kosovar Albanians for separate state and consequently democratic institutions. By doing this, UNMIK indirectly participated in prejudging the final status of the talks, thereby neglecting its main postulate.²¹⁷

Civil society remains one of the most problematic aspects of peacebuilding in Kosovo. There is an obvious division between Serb and Albanian communities which will be difficult to overcome in future. International donors didn't have much impact on this. In fact, UNMIK influenced the presence of international donors in Kosovo by choosing some of them for its short-term projects, making the results of their work almost insignificant. In order to please UNMIK, different NGOs pursued donors and embezzled their funds by organizing mostly meaningless conferences or trainings on reconciliation between Serbs and Albanians.²¹⁸ Due to the lack of proper initiatives, reconciliation is making a very slow progress. In the *Ninth Assessment of the Situation of Ethnic Minorities in Kosovo*, OSCE made a recommendation that "the prospect of a Truth and Reconciliation Commission should be openly discussed in the media, led by the PISG and UNMIK."²¹⁹ Moreover, considering UNMIK's role in justice system, it should have been one of the main actors in reconciliation process. Instead, UNMIK did very little in this regard.²²⁰

When it comes to the rule of law, UNMIK has been criticized because of the failure to declare martial law in years just after the conflict was finished, which resulted in a high scale of organized crime.²²¹ Report made by Global Initiative Against Transnational Organized Crime in 2019 still recognizes Kosovo as an active criminal environment.²²² UNMIK also failed to establish one generic penalty code for both Serbs and Albanians which had numerous negative implications on the rule of law in Kosovo. For instance, minorities are not properly protected

²¹⁷ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 86.

²¹⁸ Ardian Kastrati, Civil Society Development and its Impact on the Democratization Process in Kosovo, *Mediterranean Journal of Social Sciences*, MCSER Publishing, 6:2 S5/2015, p. 75.

²¹⁹ OSCE/UNHCR, Ninth Assessment of the Situation of Ethnic Minorities in Kosovo, 2012, accessed on January 27, 2021 <https://www.osce.org/files/f/documents/9/e/13289.pdf>

²²⁰ Lars Burema, Reconciliation in Kosovo: A Few Steps Taken, a Long Road Ahead, *Journal on Ethnopolitics and Minority Issues in Europe*, European Centre for Minority Issues (ECMI), 11:4/2012, p. 15.

²²¹ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 87.

²²² Mladen Lakić, *Balkan Organised Crime Hotspots Pinpointed in Report*, accessed on January 30, 2020 <https://balkaninsight.com/2019/05/20/balkan-organised-crime-hotspots-pinpointed-in-report/>

even though human rights guarantees were a predominant of UNMIK's mission in Kosovo.²²³ Moreover, according to the OSCE's review of the civil justice system, judiciary is "vulnerable to intimidation and corruption attempts."²²⁴

Development of human rights also turned out to be a slow and ineffective process in UNMIK's hands. Even though human rights protection was embedded in UNMIK's structure from the very beginning, residual tensions in the years upon the conflict UNMIK characterized as understandable violence.²²⁵ Over two decades later, people still do not feel safe in Kosovo. The issue of displaced and missing persons is still an open wound for the entire society.²²⁶ Moreover, UNMIK has been criticized of selective reporting regarding the real number of returns of the refugees and status of minority rights.²²⁷

Even though Ombudsman office was established in 2000, UNMIK has frequently disregarded its recommendations.²²⁸ In 2006, UNMIK went a step further by adopting a regulation which proclaims that Ombudsman office cannot investigate complaints against international administration.²²⁹ Because of this, majority of cases where UNMIK's mission was accused of violation of human rights in Kosovo were made inadmissible.²³⁰ The Ombudsman's report from 2002 states that "UNMIK is not structured according to democratic principles, does not function in accordance with the rule of law, and *does not respect important international human rights norms*. The people of Kosovo are therefore deprived of protection of their basic rights and freedoms (...) by the very entity set up to guarantee them."²³¹

²²³ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 87.

²²⁴ Department of Human Rights and Rule of Law or the OSCE Mission in Kosovo, *Kosovo: First review of the civil justice system*, 2006, accessed on January 27, 2021 <https://www.osce.org/files/f/documents/a/e/19401.pdf>

²²⁵ Oliver Richmond, Jason Franks, Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo, *Cooperation and Conflict*, p. 87.

²²⁶ *ibid*, pp. 88.

²²⁷ Gezim Visoka, *UNMIK after Kosovo Independence: Exit Strategy or 'Exist' Strategy?*, Kosovo Institute of Peace, 2013, p. 10.

²²⁸ Nicolas Lemay-Hébert, State-Building from the Outside-In: UNMIK and Its Paradox, *Journal of Public and International Affairs* 20, p. 76.

²²⁹ *ibid*, p. 77.

²³⁰ Gezim Visoka, The 'Kafkaesque Accountability' of International Governance in Kosovo, *Journal of Intervention and Statebuilding*, p. 198.

²³¹ *ibid*, pp. 176-177.

	2000–1	2001–2	2002–3	2003–4	2004–5
Total cases received	344	590	399	420	446
Respondent party: UNMIK	148	277	239	269	297
Respondent party: KFOR	62	63	19	24	1
Declared inadmissible	148	294	69	124	136
Final report issued	2	24	10	22	22

Figure 3. Ombudsman Institution in Kosovo caseload. Taken from: Gezim Visoka, The ‘Kafkaesque Accountability’ of International Governance in Kosovo, *Journal of Intervention and Statebuilding*, p. 198.

Over the years, UNMIK tried to deploy different institutional mechanisms to support the development of human rights, but each of them gave some level of immunity to the international administration. Therefore, the crucial weakness of human rights mechanisms in Kosovo was the lack of their independence from UNMIK and SRSG, who were the main subjects of allegations concerning human rights abuse.²³²

According to some research, level of satisfaction with UNMIK’s work among people of Kosovo was at its lowest point in 2004. In this largest eruption of violence since 1999, Serbian communities and cultural sites throughout Kosovo were under attack. The international community has yet witnessed that ethnic divisions are still very much present and that UNMIK is merely a spectator in this exhibit. In fact, some argued that events in 2004 were more complex and that Albanian vigilantes targeted UNMIK as well.²³³ Following these events, in a poll from July 2004, majority of the citizens regardless their ethnicity placed responsibility for the March riots with UNMIK.²³⁴ As resentment towards international actors grew, the locals started to refer to Kosovo as “UNMIKistan”.²³⁵

Surprisingly, UNMIK took a neutral position when independence was proclaimed in 2008 and its power continued to wear off, which was yet again followed by a constant decline of its

²³² Gezim Visoka, The ‘Kafkaesque Accountability’ of International Governance in Kosovo, *Journal of Intervention and Statebuilding*, p. 206.

²³³ Nicolas Lemay-Hébert, State-Building from the Outside-In: UNMIK and Its Paradox, *Journal of Public and International Affairs* 20, p. 71.

²³⁴ *ibid*, p. 72.

²³⁵ *ibid*, p 69.

legitimacy in the eyes of local communities.²³⁶ As Visoka claims, “this attitude towards Kosovo’s independence ruined UNMIK’s authority and legitimacy in Kosovo.”²³⁷ Allegations have been made that this position hindered the development of local economy, by enabling Serbia to make restrictions towards Kosovo in regional trade and cooperation. Moreover, by allowing parallel structures in the areas dominated by Serbs, UNMIK made it hard for the Kosovo authorities to manage security risks, especially in the North Kosovo.²³⁸ Visoka claims that UNMIK tolerated formation of parallel structures in the north of Kosovo in order to ease Serb resistance forms against the independence of Kosovo.²³⁹

After independence, UNMIK portrayed itself as the only viable actor in establishing order, peace, justice and the rule of law in North Kosovo. In that sense, UNMIK exaggerated its own role and undermined the status of Kosovo institutions in the north.²⁴⁰ In fact, there are certain claims that UNMIK proactively rejected attempts from the Kosovo institutions to establish its presence in North Kosovo.²⁴¹

Kosovo is being characterized by numerous authors as a failed state. Main responsibility for that lies with international administration who failed to create any meaningful relationship with local communities and instead insisted on state-building “from virtually nothing to practically everything”.²⁴² Due to inability of the international actors to address the roots of the conflict and construct proper mechanisms for ethnic cooperation, Kosovo has high unemployment rates, crime is flourishing, while poverty and poor economic development keep exhausting the society. Some political leaders have claimed that Kosovo cut off its ties with UNMIK after the Declaration of independence in 2008 and that Kosovo institutions no longer recognize this structure.²⁴³ However, albeit its reduced authorities, UNMIK mission is still in Kosovo and there are no valid indications to when will its mandate end.

²³⁶ Gezim Visoka, *UNMIK after Kosovo Independence: Exit Strategy or ‘Exist’ Strategy?*, p. 3.

²³⁷ *ibid.*

²³⁸ Gezim Visoka, Grace Bolton, “The Complex Nature and Implications of International Engagement after Kosovo's Independence” in *Civil Wars*, p. 193.

²³⁹ Gezim Visoka, *UNMIK after Kosovo Independence: Exit Strategy or ‘Exist’ Strategy?*, p. 3.

²⁴⁰ *ibid.*, p. 10.

²⁴¹ *ibid.*, p. 11.

²⁴² Goran Tepšić, *What is left of liberal peacebuilding: Lessons from the Western Balkans*, Faculty of Political Sciences, 2019, p. 6.

²⁴³ Amra Zejneli Loxha, *Priznaje li Kosovo UNMIK?*, accessed on January 31, 2020

<https://www.slobodnaevropa.org/a/priznaje-li-kosovo-unmik/29756434.html>

3.2.3. EULEX

The most comprehensive civilian mission under the Common Security and Defence Policy of the European Union, *EULEX*, was initiated in 2008. “EULEX’s overall mission is to support relevant rule of law institutions in Kosovo on their path towards increased effectiveness, sustainability, multi-ethnicity and accountability, free from political interference and in full compliance with international human rights standards and best European practices.”²⁴⁴ Structure of EULEX is comprised of police component (European police), justice component (European judges) and customs component (experts on the customs).²⁴⁵ EULEX has two pillars – Monitoring Pillar (judicial activities that were handed over to the local authorities in June 2020) and Operations Pillar (provides support to the Kosovo Police).²⁴⁶

Mechanisms that EULEX developed certainly represent an improvement comparing to the other mechanisms in international peacebuilding practice. However, they have limited impact and serve only to a certain number of addressees, without ensuring comprehensive political or legal accountability.²⁴⁷

European Union established The Human Rights Review Panel (HRRP), as an independent body that will review allegations of human rights violation against EULEX.²⁴⁸ By doing this, EU tried to prevent the scenario in which UNMIK, who was the main subject of these violations, was rarely investigated because of the immunities given to the mission.

However, the functioning of HRRP has revealed numerous flaws. First condition set by HRRP is that only the cases which occurred after December 9, 2008 could be investigated. Second condition is that the complaint must be submitted within the 6 months from the alleged violation of human rights. However, the most serious flaw is that HRRP is authorized to make merely non-binding recommendations, which are then (and this is where the ‘independency’ becomes meaningless) submitted to the *Head of EULEX*.²⁴⁹ Additionally, the number of cases that were made inadmissible is very high (Figure 7), which again casts a shadow on HRRP’s independence

²⁴⁴ *What is EULEX*, accessed on January 31, 2020 <https://www.eulex-kosovo.eu/?page=2,16>

²⁴⁵ Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO

²⁴⁶ *What is EULEX*, accessed on January 31, 2020 <https://www.eulex-kosovo.eu/?page=2,16>

²⁴⁷ Gezim Visoka, *The EULEX Accountability in Kosovo*, Kosovo Institute of Peace, 2013, p. 2.

²⁴⁸ *ibid*, p. 5.

²⁴⁹ *ibid*, p. 6.

and accountability.²⁵⁰ HRRP stays politically and financially tied to EULEX, without authority to make any binding decision.²⁵¹

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Registered cases in total	16	28	23	27	42	16	35	7	4	2	200
Finalized cases in total	6	30	10	20	28	27	19	25	6	4	175
Admissible	0	7	2	7	2	21	2	2	0	10	53
Inadmissible	6	22	10	13	21	12	9	23	6	3	125
Violation	0	2	0	7	2	4	9	2	0	4	30
No violation	0	5	0	0	1	10	0	0	0	0	16
Strike out	0	1	0	0	3	1	1	2	0	0	8

Figure 4. Number of cases concerning human rights violations against EULEX from 2010 - 2019, Taken from: Human Rights Review Panel Annual Report 2019, published on 02 April 2020

While assessing the current situation in Kosovo, it is clear that EULEX failed in its main mission – to establish the rule of law. Ejodus claims that “the lesson which the EU and the international community should draw from this is that international missions with an executive mandate in the field of rule of law are not the best idea”.²⁵² He also notes that EULEX has made very slow progress in processing the war crimes in Kosovo.²⁵³

EULEX, just like the other external actors, has done very little to create any meaningful relationship with the locals. Despite numerous initiatives taken by this mission, it still lacks social accountability towards the communities in Kosovo.²⁵⁴ According to some studies, people in Kosovo do not believe that EULEX could properly fight the crime and corruption in Kosovo. In fact, despite the evidence, hardly anyone involved in political or corruption affairs was held accountable during EULEX’s mandate.²⁵⁵ People have lost hope that corrupted politicians could

²⁵⁰ *ibid*, p. 14.

²⁵¹ *ibid*, p. 13.

²⁵² Vukašin Živković, *Unsuccessful mentor – EULEX eleven years later*, accessed on February 1, 2020 <https://europeanwesternbalkans.com/2019/04/26/unsuccessful-mentor-eulex-eleven-years-later/>

²⁵³ *ibid*.

²⁵⁴ Gezim Visoka, *The EULEX Accountability in Kosovo*, p. 14.

²⁵⁵ *EU ends Kosovo rule of law mission amid criticism over results*, accessed on February 1, 2020 <https://www.dw.com/en/eu-ends-kosovo-rule-of-law-mission-amid-criticism-over-results/a-44229405>

be prosecuted, which consequently resulted in a low turnout.²⁵⁶ Moreover, EULEX staff was involved in some serious corruption allegations in 2014, which was followed by demonstrations of the Kosovo citizens in front of EULEX Headquarters in Priština.²⁵⁷ This corruption scandal made public opinion in Kosovo towards EULEX even worse.

Despite some advanced mechanisms, EULEX has failed to fulfill its main task in Kosovo. The covid-19 pandemic prevented negotiations for the future of the mission in 2020 and its mandate was extended for another year.²⁵⁸ The following year and its extraordinary circumstances caused by the pandemic will be the real indicator of how much has EULEX really done to support the rule of law in Kosovo.

3.3. Kosovo today: Serbia's sacred space or an independent country?

There are currently 117 countries that recognize Kosovo as an independent state, most recent one being Israel in September 2020.²⁵⁹ However, a lot can be concluded just by looking at the list of countries who recognized the independence of Kosovo and the exact momentum when they did it.

Kosovo's independence opened Pandora's box and made various countries who had separatist movements inside to face their worst fear. Until Serbia and Kosovo achieve a mutual agreement, it is highly unlikely that those countries will recognize Kosovo, as they cannot disassociate its status from their internal issues.²⁶⁰

The status of Kosovo is still contested in the international relations. Some authors argue that, due to the involvement of various international actors, Kosovo has a status of a protectorate rather than a state.²⁶¹ Kosovo doesn't exercise full sovereignty in the northern part, more specifically in four municipalities where Serbian people are in majority. The governance is extremely fragile

²⁵⁶ Drini Grazhdani, *Is EULEX a Step Back for International Rule of Law Missions?*, accessed on February 1, 2020 <https://harvardilj.org/2019/08/is-eulex-a-step-back-for-international-rule-of-law-missions/>

²⁵⁷ Julian Borger, *EU accused over its Kosovo mission: 'Corruption has grown exponentially'*, accessed on February 1, 2020 <https://www.theguardian.com/world/2014/nov/06/eu-accused-over-kosovo-mission-failings>

²⁵⁸ *Produžen mandat EULEX-a za još godinu dana*, accessed on February 1, 2020 <https://balkans.aljazeera.net/news/balkan/2020/7/11/produzen-mandat-eulex-za-jos-godinu-dana>

²⁵⁹ Republika Kosovo, Ministarstvo Inostranih Poslova i Dijaspore, *Međunarodno priznavanja Republike Kosovo*, accessed on February 1, 2020 <https://www.mfa-ks.net/sr/politika/483/njohjet-ndrkombtare-t-republiks-s-kosovs/483>

²⁶⁰ Pol Vila Sarriá, Agon Demjaha, *Kosovo-Spain Relations and the Dilemmas on the Problem of Non-Recognition*, *SEEU Review*, Sciendo, 14:1/2019, pp. 85-86.

²⁶¹ Vjosa Musliu, and Jan Orbie, *MetaKosovo: Local and International Narratives*, *British Journal of Politics and International Relations*, SAGE, 2010, p. 3.

and doesn't have the capacity to fight crime, poverty and unemployment. Justice system is weak and the rule of law is making only a slow progress. Report *The Rule of Law in Kosovo: Key Findings from the General Population Poll and Qualified Respondents' Questionnaires* from 2020 has the following findings: perception of impunity is extremely high; people consider that corruption is widespread in the state institutions, mostly in Parliament; bribery is very common, especially in public health services.²⁶²

However, Serbia's policy towards Kosovo didn't always make sense either. As Ejodus and Subotić rightfully claim, there is a "fundamental paradox of Serbia's contemporary foreign policy: its continuing treatment of Kosovo as its Holy Land—indivisible, untouchable, and sacrosanct—while simultaneously giving up its sovereign rights over the province."²⁶³ Over the years, it became obvious that Serbia will have to sacrifice more of its claims towards Kosovo in order to join European Union.

Perspective is everything. For the majority of its citizens, Kosovo stopped being Serbia's sacred space a long time ago. In the eyes of Serbian citizens, Kosovo is still very far from being an independent state. Although the truth is probably somewhere in between these two viewpoints, the final status of Kosovo will definitely need to unravel in the following years because currently it stands in the way of progress for both Serbia and Kosovo.

²⁶² World Justice Project, *The Rule of Law in Kosovo: Key Findings from the General Population Poll and Qualified Respondents' Questionnaires*, 2020.

²⁶³ Filip Ejodus, Jelena Subotić, "Kosovo as Serbia's Sacred Space: Governmentality, Pastoral Power, and Sacralization of Territories" in *Politicization of Religion, the Power of Symbolism: The Case of Former Yugoslavia and its Successor States*, pp. 178-179.

Conclusion

“(…) first lesson of the Balkans is to expect unexpected. Foreigners always forget this.”

Tim Judah

Each time liberal peacebuilding was set out as a promising agenda in the Western Balkan post-conflict societies, it failed to meet the expectations. Though the lessons from Bosnia-Herzegovina were important for the Kosovo crisis, the international community once again neglected some aspects of the local context which in the end determined the course of the mission. As Richmond claims, in both Bosnia-Herzegovina and Kosovo, international actors engaged in conflict with a conservative graduation of liberal peace. They later attempted to develop the patterns of orthodox peace and make their actions more sensitive about the local needs. However, entering the conflict environments with a conservative approach to peace made it difficult for the international actors in both Bosnia-Herzegovina and Kosovo to move smoothly towards orthodox peace. Therefore, despite the duration of internationals’ involvement, the result of this approach are states that are both “socially and economically unsustainable”.²⁶⁴

Even though certain efforts that were made by the international actors cannot be denied, peacebuilding in Bosnia-Herzegovina was a failed experiment. Reasons for this are both *internal*, embedded in the Bosnian deeply divided society, and *external*, as the ownership of the process was placed with the international community.

Ethnic tensions in Bosnia-Herzegovina were an expected product of three groups divided by, first and foremost – religion, living under the same roof – within the borders of the same national state. Religion is very important for the people in the Western Balkans, embedded deeply in their consciousness, intertwined with history, tradition, legacy and customs. The relationship between orthodox Bosnian Serbs and Bosnian Muslims was always hindered by the burden of religion. This is because the religious belief of the Bosnian Muslims was a product of the Ottoman rule. Moreover, while Serbs and Croats in Bosnia-Herzegovina were defined by their *nationality*, Bosnian Muslims defined themselves in ethno-political sense by *religion*. Bosnian Muslims had

²⁶⁴ Oliver Richmond, The problem of peace: understanding the liberal peace, *Conflict, Security & Development*, p. 303.

no national state of their own, which soon resulted in their claims for independence. After the war, parties remained in the same position, still identifying each other as a threat.²⁶⁵ Although the relations between three ethnic groups are much more complex than this, the society that is so deeply divided was the main internal factor that stood in a way of any successful peacebuilding project.

Today, almost three decades later, Serbs, Muslims and Croats in Bosnia-Herzegovina are still politically and socially divided. Besides the obvious division between the Serb Republic and Federation of Bosnia-Herzegovina, there are many areas in the country which got stuck in the limbo. For example, although geographically Sarajevo and Istočno Sarajevo (formerly Serbian Sarajevo) make a unique urban entity, they form different administrative units. Besides that, there are many subtle divisions in everyday life in the city – for example, taxi driver from Istočno Sarajevo cannot go to Sarajevo and likewise. People from the Sarajevo center rarely go to Istočno Sarajevo and vice versa. These simple facts are probably the best indicator of how deeply rooted the divisions still are.

International community, on the other hand, made the gap between the communities even worse. By favoring those who were ready to abide by their rules, external actors negatively influenced relations between ethnic communities in Bosnia-Herzegovina. Direct consequence of this behavior is, for example, the inequality of income, which further put already fragile relations to the test. On the other hand, unlimited powers of the international administration completely destroyed every opportunity for transition to the local ownership. Generally, international administration claimed unlimited power and over the years did practically nothing to build the capacities of the Bosnian state.²⁶⁶ If there was any justification for these actions in the post-conflict period, there certainly isn't one now, more than 25 years later. However, the momentum for local ownership of the political process and Bosnian state institutions has clearly passed. It would take years of hard work and couple of miracles along the way to return the sovereignty to Bosnian people, whatever ethnicity they may be. With current unemployment and poverty rates, there is still a chance for the international community to do some good in Bosnia-Herzegovina. However, with world economy struck by the pandemic and local political actors who are more

²⁶⁵ Goran Tepšić, *What is left of liberal peacebuilding: Lessons from the Western Balkans*, p. 3.

²⁶⁶ *ibid.*, pp. 4.

interested in their own benefits, the odds are international community will waste this chance once again.

In terms of Kosovo, international community used a different approach and tried to support the development of local institutions without prejudging the final status of Kosovo. While international actors are still present, the Declaration of Independence accelerated transfer to the Kosovo institutions. However, international community failed to support the development of those institutions in a proper way. This is because UNMIK held on to the unlimited powers for far too long so when the time came for the Kosovo institutions to take the ownership, they uncovered some serious weaknesses. Results are discouraging – crime is flourishing while the economy is suffering, institutional corruption is very common, and minorities are marginalized. Kosovo is, by many factors, a failed state, one whose independence is still questionable at the international level.

Internal factors for this unsuccessful peacebuilding project are also very complex. Unlike Bosnia, where years of war exhausted almost every involved party, in Kosovo the conflict itself lasted much less. Even with the presence of external actors, it was hard to maintain truce. Ethnic tensions were not easing, and reconciliation programs did almost nothing in this regard. Over the years, ethnic violence did not completely stop and there were some serious incidents, like the one in March 2004. Today, ethnic tensions are still present, with tendency to escalate from time to time. Part of the fault for this lies within the reconciliation programs that were mostly using the international funds without doing any real work. On the other hand, conflict between Serbs and Albanians is rooted deeply in the history. Generations have been raised in such atmosphere, with negative motions entrenched in their consciousness from the young age. Best indicator of this is the fact that number of incidents that could be characterized as hate crime from 2015-2019 was more than 200.²⁶⁷ These circumstances are serious impediment to reconciliation between ethnic groups.

Kosovo-Serbia dialogue has lasted for years. Still, as the Crisis Group note, “dispute freezes Kosovo out of the UN and many other international bodies, ensures that both countries are barred from EU membership, leaves minority communities at risk and constitutes an impediment to

²⁶⁷ Marija Janković, *Bezbednost na Kosovu: Koliko su danas česti etnički sukobi Srba i Albanaca*, accessed on February 20, 2020 <https://www.bbc.com/serbian/lat/balkan-49550533>

regional security.”²⁶⁸ However, it doesn’t seem that current political actors in Kosovo and Serbia are willing to make any genuine effort towards compromise.

The discouraging results of liberal peacebuilding in the Western Balkans are the states that are more protectorates than sovereigns and societies that are divided. Still, the international community is eager to maintain its presence in both Bosnia-Herzegovina and Kosovo. Flaws that are uncovered during these two missions must be taken out as lessons for any potential peacebuilding project in the future. Additionally, since the influence of these actors is still present, lessons from the past are important for future developments in Bosnia-Herzegovina and Kosovo as well. International actors could still contribute to the reconciliation and building local capacities in both societies. In order to do so, they will have to alter their power-driven agenda and focus more on the local needs and capabilities.

²⁶⁸ *Relaunching the Kosovo-Serbia Dialogue*, accessed on February 20, 2020 <https://www.crisisgroup.org/europe-central-asia/balkans/kosovo/262-relaunching-kosovo-serbia-dialogue>

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