

**INTERNATIONAL MEANS OF POST-CONFLICT SETTLEMENT:
THE EXPERIENCE OF BOSNIA AND HERZEGOVINA**

This paper considers the mechanisms of post-conflict state building using the example of Bosnia and Herzegovina. The analysis of applied non-violent and coercive tools and their effectiveness at the time of application are analyzed. The role of third parties in the settlement policy and the role of institutes in peacebuilding have been examined. There was determined which of the mechanisms were effective and yielded a positive result for further development.

Keywords: *post-conflict settlement, secure space, peaceful building, reintegration.*

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**МІЖНАРОДНІ МЕХАНІЗМИ ПОСТКОНФЛІКТНОГО ВРЕГУЛЮВАННЯ: ДОСВІД
БОСНІЇ ТА ГЕРЦЕГОВИНИ**

Розглянуто механізми постконфліктного державотворення на прикладі Боснії та Герцеговини. Здійснено аналіз застосованих ненасильницьких та примусових інструментів та їх ефективність на момент застосування. Прослідковано роль третіх сторін в політиці врегулювання ситуації та місце інститутів в побудові миру. Було визначено, які з механізмів були дієвими та принесли позитивний результат для подальшої розбудови.

Ключові слова: *постконфліктне врегулювання, безпековий простір, мирна розбудова, реінтеграція.*

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**МЕЖДУНАРОДНЫЕ МЕХАНИЗМЫ ПОСТКОНФЛИКТНОГО УРЕГУЛИРОВАНИЯ:
ОПЫТ БОСНИИ И ГЕРЦЕГОВИНЫ**

Рассмотрены механизмы постконфликтного государственностроения на примере Боснии и Герцеговины. Проведен анализ примененных ненасильственных и принудительных инструментов и степень их эффективности в момент применения. Прослежена роль третьих сторон в политике урегулирования ситуации и место институтов в построении мира. Определено, какие механизмы были действенными и принесли позитивный результат для последующего развития.

Ключевые слова: *постконфликтное урегулирование, безопасное пространство, мирное развитие, реинтеграция.*

In recent decades, there has been an increasing tendency for a large number of armed conflicts between different actors within countries. The arising conflicts are developing dynamically and quickly move from pre-conflict to crisis and escalation. Meanwhile, gradual transformation of the post-conflict situation is accompanied by a search for effective and operational response mechanisms. There is a need to analyze the existing and applied mechanisms for the further development of preventive methods for avoiding conflict dislocation. The problem of finding effective mechanisms for our country was actualized after the onset of an armed conflict in Ukraine and the need for an analysis of measures aimed at stabilizing the situation and its subsequent solution.

The development of theoretical and practical aspects of post-conflict development, analysis and search of instruments was carried out by J. Galtung, M. Lebedeva, E. Sokolova, I. Abekumova, J. Oberg and Ch. Veibel. An important contribution to the development of the topic is made by the analytical reports of international organizations (UNO, OSCE). Ukrainian research topics are mainly presented by the Center for Post-Conflict Resolution, the National Institute for Strategic Studies, and non-governmental organizations for mediation and peaceful regulation. The study of the topic is mainly applied and is based on the analysis of specific cases. The main purpose of the article is to analyze the international methods used to resolve the conflict in Bosnia and Herzegovina and determine the extent to which they are effective.

Since 1992, the United Nations report has decided to apply the term «peace-building» for actions aimed at identifying institutions that will contribute to the development of peace and the prevention of new conflicts. Since 2012, the UN has put five main goals for the organization, within the framework of the post-conflict state-building:

- Legitimate (inclusive) policy;
- Secure space for citizens;
- Free access to justice;
- High standard of living;
- Responsible using and provision of resources [1].

Ensuring the realization of these goals is carried out by two main groups of methods: legal and political. The first one is aimed at analyzing the legal norms of conflict resolution and granting a certain status to the included actors. The second group is aimed at finding consensus forms of interconnectivity, through negotiation, mediation and political diplomacy [2]. Accordingly, security in the post-conflict region is in line with legal interpretation, while ensuring peace between the parties is consistent with the political one. The need for post-conflict reconstruction rather than rebuilding should be mentioned, because this is how we get rid of the problem of returning from the conflict to the status quo that was before, and we are moving on to the stage of analysis and change of the social environment [3, p. 14].

International regulatory mechanisms that are universally accepted for all states in conflict include the need for national governments to form a stable socio-political environment for further interaction with international actors. The areas that are regulated by local governments include: security of the population: respect for rights, measures to protect citizens, disarmament, demobilization and reintegration, infrastructure renewal, economic development, community support [4, p. 46].

The experience of resolving local conflicts shows that the ultimate solution to the conflict is facilitated by the combination of peaceful and violent regulatory methods. Political means of post-conflict development of the state are effective only in the long period of silence and full control of state borders by one subject [5, p. 7]. The example of mechanisms for regulating the Bosnian crisis involves combining both groups of methods and demonstrating the effectiveness of only such tactics.

The modern state of Bosnia and Herzegovina arose as a result of the collapse of the Federal Republic of Yugoslavia, the process was accompanied by armed confrontation and a long

period of escalation of the conflict. Attempts for peaceful regulation of the situation have been continuing from 1992 up to the present [6, p. 57]. One of the necessary conditions for creating a safe space was the transformation of existing political institutions, the stabilization of borders and the reduction of overall tension. All stages of the settlement of the conflict in Yugoslavia were supervised by the international organizations that took on the role of mediators and put forward new plans for the development and construction of the state [5, p. 8]. The Advisory Group decided on the need to implement a strategy for consolidating society and establishing a central government of a single Yugoslavia. The constitutional design was aimed at preserving a single center and creating a system for preventing the exit of territories from Yugoslavia. The second attempt to institutionalize the peace plan was torn due to the escalation of the conflict.

The main reason for the failure of the first attempts to implement the peace plan was the inadequacy of the mechanisms used at the conflict stage. Bosnia and Herzegovina was in a «crisis» phase, and therefore there was a high risk of the cyclical nature of emerging processes and violence. The transition to the «post-conflict» stage was accompanied by violent NATO methods, combat operations and police control, and a wide range of «third-party» players involved in the process. After that, the Dayton agreement was signed, recognizing Bosnia and Herzegovina as an independent state. The formation of established state borders made it possible to intensify the processes of state building within, under the supervision of European institutions. The agreement was of a framework nature and did not provide for rigid regulation of activities [5, p. 10].

In the absence of sovereignty and legitimacy in the new government, supranational international actors and organizations have taken responsibility for building a new institutional design for the country. The first police mission, a civilian mission, aimed at building law enforcement agencies of the recipient state, was introduced to the territory of Bosnia and Herzegovina. Thus, the task of the «EUPM Bosnia» mission was to create effective police and assistance in investigations [7, p. 11].

The combination of aggressive coercive measures and forms of peaceful regulation contributed to the institutional development of Bosnia and Herzegovina. Such a system made it possible to minimize the risk of occurrence of new armed conflicts in the first years of reconciliation. Constitutional regulation reflects

a compromise between the various parties to the conflict. A step towards decentralization and a system of cantons was made. The emergence of stable domestic political institutions was facilitated by the Dayton Agreement, which foresees, on the one hand, the establishment of a system of negotiating institutes to facilitate the settlement of any conflict between Serbs, Croats and Muslims. On the other hand, it was aimed to protect the priorities of the parties and provide them with wide opportunities for competition and restraint [6, p. 58].

An additional institutional factor for resolving the situation was the 1994 constitution, which created the possibility of broad political autonomy and was built on the basis of the concept of diffuse multilevel sovereignty and citizenship [5, p. 11]. The credibility of this concept is transmitted both down and the externally, which increases the overall level of internal integration and helps to create a system of checks and balances that reduces the overall degree of conflict. Institutional development took place with the participation of external experts of mediators who tried to implement an objective and fair system of formation of political authorities and decentralization, to create conditions for dialogue and general consensus.

The building of peace on the territory of Bosnia and Herzegovina was based on the principles of a consensus theory of democracy for multi-sectoral societies. The state consisted of confronting ethnic groups, which had to reconcile their own interests in order to stabilize public administration. The anti-decolonization of society took place through the provision of autonomy of the regions and the equal representation of all groups in the governing bodies. Due to the intervention of international actors, a fundamentally new management system was developed in Bosnia that guaranteed the equal participation of all ethno-national groups in the political arena [8, p. 13]. In the model of the Leiphart Consolidation Democracy model, Bosnia and Herzegovina introduced the right of mutual veto with the participation of the parties in a major coalition. The right to veto guarantees the political security of the minority and allows the most active defense of their own position, and if the solution of the issue affects ethnic interests, the party has the opportunity to prevent the adoption of this decision [9, p. 72].

Fixing such an opportunity can have negative consequences for the political process, which will manifest itself in the difficulty of cooperation and the collapse of the political

system. In Bosnia and Herzegovina, the balance of power has been maintained in the format of constant application by the parties of their own law and the lack of long-standing institutional work of the legislature. Implementation of such a form for balancing forces is possible only in case of political weakness of national parties and elites. On the contrary, in Bosnia and Herzegovina, for a long time, national parties with antagonistic interests remained strong.

Providing broad autonomy and decentralization becomes effective mechanisms for conflict resolution, combined with free economic development and equal representation. An example of Bosnia and Herzegovina has demonstrated the inability of the state to create a new institutional design of the country on its own, therefore, international representatives were involved that performed not only the function of observers, but also actively interfered in the domestic political process.

The settlement of the conflict in Bosnia and Herzegovina by international organizations can be divided into three stages:

1. Containment of a military threat
2. Involvement of international actors in internal development
3. Creation of an effective state strategy

At the first stage, the main mechanisms that contributed to the peaceful settlement were the forced measures of control over the territory to prevent armed conflicts. The NATO-led forces of the territory were supposed to provide security for the population and provide an opportunity for reconstruction of the infrastructure. Humanitarian aid has become a method of reconstruction of the civilian space of the state and a preventive way of leveling further conflicts [10, p. 11].

The lack of effective mechanisms for controlling the distribution of authority has led to an increase in corruption practices. The second stage was marked by the gradual interference of international organizations in the process of financing and the formation of management bodies. The pressure of international agents has accelerated the reform of the pension system and budget policy in the country. At the same time, external actors used their own authority and resources to correct the political process (laws that are adopted) [10, p. 15]. There was control over the electoral process within the state and an attempt to maximize public involvement in the voting process. Due to the external intervention, the activities of nationalist parties were limited and conditions were created for the removal of a conflict situation or a transition to a latent state.

Only at the third stage of the settlement of the conflict the conditions for the systematic development of the state were created. Among the mechanism of state-building in the post-conflict period the following main ones were presented:

- Refinancing;
- Liquidation of ethnic monopolies and their subordination to the state authorities;
- Professionalization of the civil service;
- Restructuring of public utilities [10, p. 16].

Initially, it allowed creating conditions for a free market for goods and services and raising the overall level of economic development. Thus, at the third stage of the post-conflict settlement in Bosnia and Herzegovina, the target areas were reoriented. Local policy was aimed not at solving symbolic and political conflicts, but at economic development and network industries and regulators at the state level. It should be noted that these tendencies led to the centralization of power, as there was a need for the creation of a professional bureaucracy and a centralized structure to prevent the domination of a certain ethnic group and representing the party on the territory.

The result of the interference of international organizations and the introduction of direct control over the activities of local authorities in the emergence of the lack of transparency in the adoption of political decisions and the lack of direct reporting to citizens (only to observer organizations). The desire to ensure the equal representation of all ethnic groups in the government has conditioned the deterioration of the situation and the constant articulation of ethnicity and the consolidation of leading positions in nationalist parties [11, p. 28]. Interventions of the international community did not bring the desired results and, rather, contributed to the continuation of the tendency for the weakness of local government and the political process in general.

Raising the level of the state's capacity was regulated through the transformation of the electoral procedure. Elections are a key mechanism in the post-conflict period, aimed at reintegrating and reconciling various parties, but conducting in an unsuccessful period may provoke a resumption of hostilities [7, p. 28]. In Bosnia and Herzegovina, there was a tendency to shorten the mandate period and extend the powers of the Supreme Leader of the International Forces. These procedures should have facilitated the rapid change of political elites and consolidated society. Until 2001, there was no single electoral law in the country, and only some of the NATO oversight and

initiative tools were used. The law was created to promote moderate parties and ideas to power through quotas for women's representation, the distribution of power on the ground, the creation of a «special regime» in mixed cantons. Also, the procedure for counting the votes of voters was changed, and «compensatory mandates», electoral districts and open lists were introduced [5, p. 65].

It can be said that part of the implemented mechanisms gave a positive result and conditioned the stabilization of political institutions in the post-conflict period, the coming of moderate politicians to power and the functioning of state bodies. The mechanism of fixing quotas for representation in government, on the contrary, did not have positive effects, as the stratification between different ethnic groups increased [5, p. 66].

Summarizing the experience of conducting the elections in Bosnia and Herzegovina and institutional building, it can be concluded that, with all the imperfections of the process, the process of association of society took place on the basis of a common reproductive policy. Post-conflict settlement has results not only after the stabilization of the system, but also after the return of refugees to the community and their reintegration into the interior. Refugees are carriers of «traumatized consciousness» and may hinder the creation of a new system by peaceful means. The disorganizing factor in the country at this stage is the unevenness of demographic development, which, if there is a latent conflict between ethnic groups, can lead to deterioration of the situation.

A wide range of peaceful and coercive mechanisms was used for post-conflict reconstruction of the state. The process of resolving the conflict within the state was «wave-like» and characterized by alternation of armed confrontation and negotiation stages. The Bosnian situation was solved by the international community as a proven means of regulation (disarmament, reintegration, amnesty), and the use of new ones (mediation practices, civil society participation, international police mission) [2, p. 66].

The experience of Bosnia and Herzegovina has shown the importance of maintaining the neutrality of the parties and the risk of using external power. The support of one subject of conflict automatically excludes the international organization for further settlement in the post-conflict period. The forces of peacekeeping missions are limited not only in space and resources, but also in the legal aspect.

A solution to a conflict is possible only by combining institutional and non-institutional mechanisms. Reforming public authorities and creating a new configuration will only work under the condition of dialogue and mediation practices and inclusiveness of civil society [11, p. 16]. Creating informal institutions that ensure the tolerance and stability of the social system and negotiations between the various parties to the conflict contribute to leveling out the aggressive actions of ordinary citizens. Stability of the institutional level is primarily ensured by the involvement of a third party, which should not have personal interest in the conflict and respond promptly to the challenges.

Analyzing the experience of the post-conflict settlement of Bosnia and Herzegovina, we can conclude that there is no single recipe for the international reconstruction of a country in conflict. Particular attention should be paid to establishing good communication between citizens and political authorities (through public initiatives and dialogue projects). The institutional model used in Bosnia and Herzegovina can not be implemented in Ukraine in the same way. Broad autonomy and decentralization can be combined with a change in the electoral system and the introduction of international control over political processes. Equal representation can be provided not on an ethnic basis (without preconditions for this), but on the basis of a territorial factor and the introduction of new mechanisms for representation in the government (advisory councils).

Particular attention in the post-conflict reconstruction of Ukraine, given the experience of Bosnia and Herzegovina, should be given to the development of dialogue initiatives and the public sector. The peaceful settlement of the situation can only take place after a long period of armed confrontation. Therefore, the use of standard international mechanisms should be primary: disarmament, amnesty, reintegration and restoration of border control. The Bosnian conflict has demonstrated that excessive centralization of power can stimulate the stagnation of the political system and its ineffectiveness. Therefore, the use of this mechanism is possible only with the full

institutional inability of the state and the presence of acute conflicts within society.

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