

Maurizio Massari

**The Role of the EU and International Organizations in state-building,
democracy promotion and regional stability.**

I

History has demonstrated that international organizations and international norms can have a crucial role in strengthening state institutions, promoting democracy and regional stability. The lack of strong international institutions between the two world wars brought about the collapse of the world order and regional European stability. The lesson learnt by the international community after WWII was that there was a need to consolidate international institutions and norms to make international peace and stability sustainable. The creation of the UN and the UN Charter provided mechanisms and norms which, despite the difficulties and constraints imposed by the Cold War, helped - certainly not to avoid wars and conflicts - but at least to defuse the threat of total anarchy in the international arena. The region where such process of consolidation of institutions and norms has been more successful is Europe. In the second part of the last century a variety of regional institutions and organizations - from EU, NATO, to the Council of Europe and the OSCE - has helped the consolidation of democratic norms and institutions within states in the European continent and in promoting regional stability. A lot has been said and written about the role of the European community, and later the EU, in eliminating the roots of conflict between France and Germany. No less has been also said about the role of the CSCE (today OSCE) in helping in bringing down the wall between West and East in Europe. After the end of the Cold War, the enlargement of NATO, EU, Council of Europe has extended the area of peace and democracy in Europe to a great number of new states. The division of the European continent between East and West belongs to the past; the division between North and South, however, remains. As long as all the countries in the South-East Europe, including the Western Balkans, do not join the EU and NATO (at least the PfP),

democracy and stability in Europe are not completely won. For this reason it is crucial to keep open the European and the EU perspective for the countries of this region. Such perspective, in a region that until few years ago was engulfed by wars and conflicts, remains the main driving force of reforms and democratization for the states of the region.

II

What has been the role that international institutions have thus far played in fostering reforms in the Western Balkans? I would like to focus on two specific roles: promotion of stability and democracy.

First, stability. International organizations - the UN, NATO, the EU and the OSCE - were tasked to maintain stability in a war-torn region. NATO had a crucial and prevailing role in conflict resolution and peace enforcement in the first years after conflict and still maintains a pivotal role in Kosovo. In Bosnia, the EU has progressively taken over, as it did in Macedonia. There are no fast rules or templates about the duration of the presence of international troops in post-conflict areas or the mix of international institutions needed to preserve peace. We can, however, say that peace in the region is almost won. It certainly remains an uneasy peace as long as the Kosovo issue is not resolved and as long as the region is not solidly anchored to the EU and NATO. Let's not forget the events of March 17 last year in Kosovo. But we are on the right track. The international presence on the ground has managed to deter new major inter-state conflicts and ethnic clashes. The main sources of chaos and instability in the region today stem from the new threats, common to contemporary society, such as organized crime, trafficking in human beings, drugs and weapons, isolated terrorist acts, etc. To face such threats it is necessary to have strong states and functioning institutions. It is therefore not surprising that, in a region tormented by wars, isolation, lack of democratic traditions, there is also a legacy of dysfunctional states and weak institutions. Security and stability in the Balkans have therefore become strictly intertwined with state-building. Security depends on these states' capacity to control their borders, to arrest and prosecute criminals, to avoid that crime and corruption corrode institutions from within. This requires the adoption of legislation and norms in line with European and international standards (criminal code, criminal

procedure code, witness protection, anti-money laundering, etc), as well as heavy investment in equipment and human resources. In this respect, the role of international institutions has proved to be crucial. International institutions are not only “norm-setters”, but also de facto implementing agencies for state-building. Institutions such as the OSCE and the Council of Europe have played a central role in Serbia and Montenegro and in the countries of the region in reforming the judiciary by helping local governments in drafting new codes and laws, by training judges and prosecutors, by monitoring the respects of procedures (thanks to their presence on the ground). The same has happened with the reform of police where the OSCE has invested a great amount of resources in training activities and in developing, together with the EU, a modern concept of borders management. In a context where war crimes and organized crime are often intertwined, international organizations such as the ones mentioned earlier on have played an important role also in helping the states in the region to create an adequate institutional capacity (ad hoc legislation, special courts, awareness campaigns) in order to be able to handle war crimes through their own judiciaries. The OSCE Missions in Serbia and Montenegro, Croatia and BiH have also been tasked by the ICTY to monitor war crimes trials in their respective countries and to assess their compatibility with international standards. War criminals at large undermine stability both within the countries and in the region. For that reason, the state-building assistance provided by the international institutions in this area becomes a crucial security measure. That kind of assistance needs to continue also after the end of the activities of the ICTY because there will remain numerous cases to be tried by domestic courts. An entire separate chapter could be written when it comes to the OSCE and other organizations’ role in combating human trafficking. The OSCE Ministerial Council adopted in 2003 a plan to combat human trafficking which countries in the region are implementing with the help and assistance of the OSCE Missions. In Serbia, the government has for the first time established a successful mechanism for the identification and protection of victims of human trafficking that could actually become a model for other countries in the region.

III

In order to be sustainable stability requires democracy. This is not something that we have just discovered after 9/11. The Balkan tragedy in the 90s’ was largely the consequence of lack of democracy in the area of former

Yugoslavia. Human freedoms, minority rights, non-discrimination, pluralism, accountability, are the basic principles of any liberal democracy in Europe and in the Western world. The EU, the Council of Europe and the OSCE have invested a lot of resources in order to promote programs and activities to uphold those principles. In Serbia and Montenegro, for instance, in the area of the freedom of press, the Council of Europe and the OSCE have assisted the local authorities in amending their criminal codes in order to decriminalize libel and insult and in adopting and implementing fresh legislation on the citizens' right to free access to information. Likewise, these two organizations have assisted local authorities in drafting the new legislation for the establishment of the Office of Ombudsman. A crucial area of activity is the protection of minorities. In South Serbia, the OSCE, together with the EU (EAR) and UNDP, has been at the forefront of international efforts aimed at integrating the Albanian minority into Serbia's state institutions. The OSCE, together with the EAR and the Serbia and Montenegro's Ministry of Human and Minority Rights, is working on an ambitious program for the integration of the Roma community into the Serbian society. Generally speaking, a lot has been achieved in improving civic and political freedoms in Serbia and Montenegro and in the region. We have free elections and democratic governments everywhere. But the job is not yet completed. Two areas where international assistance and pressure remain crucial are the full respect of minority rights and refugees returns. Minority rights remain a serious problem in Kosovo, but they are not fully guaranteed in Serbia and other states either. Minorities need to feel physically secure and to be given equal opportunities to integrate into the state structures, economies and societies where they live. The role of international institutions will remain crucial in the years to come in both monitoring the respect of these rights and in promoting activities aimed at helping minorities' integration in the police, judiciary, and public administration. Refugees and internally displaced persons remain a serious challenge to democracy and stability. Strong international pressure on local governments is still necessary to guarantee the right to return or adequate property compensation. This is a major problem particularly in Serbia where there are still 140,000 refugees (from Croatia and BiH) and more than 200,000 IDPs from Kosovo.

IV

International institutions will continue to have a crucial role in the Western Balkans in the years to come in both encouraging and monitoring the respect of European/international principles and standards and in promoting state-building activities. It is likely that such prominent international role in the Western Balkans will last longer than it was the case in other European regions. This is inevitable. The Western Balkans are not like Central-Eastern Europe, there is not yet a deeply rooted consensus on European reforms in the region. The Yugoslav wars and regional disintegration left societies and politics deeply divided and disoriented (confused). There is not yet sufficient internal ownership of the reform process. The main driving force of reforms is “external”, i.e. the prospect of EU integration. However, in perspective and with the progressive institutional consolidation of these countries, we should expect and further promote a less direct international role in the region. International institutions should aim at handing over the reform process to local actors as much as they can. The risk is otherwise that international presence in the region unwillingly feeds a culture of difference and dependence. Future international intervention in state-building activities should be less and less direct, and more and more targeted to reflect the progress achieved. International financial assistance (and the EU’s candidate status) will remain crucial. The EU perspective needs to be kept visible and open. In this way it will be easier to consolidate ownership of the reform process. While the countries of Western Balkans will need more time and effort to cover the road that Central-Eastern European countries already passed, they should at least be given equal treatment as these states and Eastern Balkan states were afforded - the same European perspective and the same level of support. This is also in the interest of European stability. As Carl Bildt recently said, “Europe can survive another constitutional ‘no’, but it can not survive another Srebrenica”.