

# 'New Wars' and Their Implications For Bosnian Statebuilding

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ARNE BARTELSMAN, MAY 28 2012

The collapse of communism across the world in the early nineties has changed the context of both intra-state and inter-state wars. With the fall of the USSR the opportunity arose for many nations to claim separate territory and create a nation state. As a result, while the number of inter-state wars declined, intra-state wars increased by more than 25 percent, more than fifty wars in 1993 (Themner & Wallenstein, 2011). However, for some scholars these wars are fundamentally different than before, and are named 'new wars'. This essay disagrees with the perception of 'new wars' and furthermore argues that in a new context of internationalized conflict the consequences of the 'new war' theory have a negative impact on post-conflict statecraft. To start, the essay summarizes the main arguments made by 'new war' theorists, especially Kaldor's 'new wars' and Holsti 'people's wars.' Then, the essay will demonstrate that the 'new wars' thesis is not valid, but instead relies on an optimistic view of 'old wars' and a pessimistic view on 'new wars'. Furthermore, it will argue that nationalist conflict, as seen in the post-cold war era, is similar to earlier conflict and that they can be explained with what Henderson & Singer call an "amalgam of different categories of old wars" (Henderson & Singer, 2002, P.166). However, the 'new wars' theorists do correctly recognize the importance of the globalized context. International actors such as the UN and the NATO have, under the influence of ideas very similar to the 'new wars' theory, given themselves an increasing scope for intervention in other countries. Thus, this essay will argue that this process has caused a deficit in attention to the political process of becoming a democratic country but instead aims at a short-term solution of peacekeeping. This form of international state building creates a void democracy without any domestic consensus and will therefore inevitably collapse once international actors pull out. An illustrative case is the state-building mission in Bosnia and Herzegovina (here Bosnia) by multiple international actors. Sixteen years after the peace agreement it is still run by the internationally appointed High Representative.

As mentioned before, increasing intra-state war and decreasing inter-state war characterize the post cold war period. In addition, the location of conflict has significantly changed as well, shifting from the western world to previously colonized countries. There is however a group of scholars who argue that not only the context has changed but the whole nature of war is inexplicable through the existing theory of conflict. Specifically five types of change can be identified, four of which I shall discuss in turn. Firstly the goal of conflict has changed. According to Kaldor all conflict involves a clash of identities. She argues, however, that identities in old wars were based on an ideology of society. In contrast, 'new wars' lack this ideology and base their claim to power on a personal identity like ethnicity or clan-membership (Kaldor, 1999). This would be a fundamental difference because the claim to power in old wars would not exclude people from the state whereas in 'new wars' the envisaged state is only available to a few. A second point closely linked to this is that of the people involved. Because identity is prevailing, it follows that everyone is involved in the war instead of only the elite and as Holsti put it "the deadly game is played in every home, church government office, school, highway, and village" (As cited in Henderson & Singer, 2002, P.169). This again is closely linked to the third characteristic of 'new wars' which is the method of warfare. Kaldor argues that 'new wars' are fought using a new form of guerrilla warfare where parties attempt to control territory by spreading fear amongst opposition (Kaldor, 1999). As identity is the main cause for conflict this would imply a significant higher amount of civilian casualties as they can be part of the opposing identity without actually being involved in the conflict. A frequent cited case is Rwanda where the especially Tutsi civilians were slaughtered without taking part in the conflict. The final point that is made by the 'new wars' scholars is that the way the conflict is funded is fundamentally different.

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Where old wars relied on a total war economy, the 'new wars' get resources mainly from looting and illegal trade in drugs and arms. This type of income is intertwined with the conflict itself and therefore war becomes part of the economy.

Even though it is no doubt true that the location and type of conflict has changed, theorizing the post cold war conflicts as 'new wars' is incorrect. Kalyvas points out that many of the differences between new and old civil wars are based on a romantic view on old conflict and a simplistic view on new conflict with respect to its goals, support and violence (Kalyvas, 2001). As mentioned before, 'new war' scholars have pointed out that old wars have been dominated by ideology and a positive notion of how the state should look. Kalyvas however points out that numerous studies have found that on mass level these ideological motivations are nullified by other motives such as respect for leaders and friends and concern about reputation (Kalyvas, 2001). In addition, guerrilla groups in 'new wars' often have ideological ideas about the state too, although maybe not as well defined as western ideologies. The Tamils in Sri Lanka for example developed a whole state within a state. Equally, the impression that 'new wars' have an element of private gain involved can be applied on old wars as well, with examples going back to the French and Russian revolutions. Concerning support, Kalyvas shows that civil wars, both new and old often involve an aggregate of individual conflict on local level (Kalyvas, 2001). The existence of an overarching ideology is in this case merely an excuse to settle local grievances. Finally, the implication that 'new wars' have an element of unnecessary violence against civilians does not take into account the contextual importance of the shifts in location and type of wars. Ayres shows that when it comes to nationalist conflicts "neither fighting intensity, total deaths, deaths per month nor deaths per 1.000 population showed any significant differences between Cold War and Post Cold War conflicts" (Ayres, 2000, P.114). In addition, the recent civil wars may have seen a higher number of violence compared to the cold war and pre-cold war European conflicts, but if compared with earlier conflict in the same territory they have not changed. For example, in the second Philippines War 24,000 'soldiers' were killed but around 200000 civilians. (Henderson & Singer, 2002).

The 'new war' thesis also fails to define itself as distinctive from previous literature regarding warfare. To validate the thesis it should not be possible to explain 'new war' behaviour, as observed by scholars, with political theory on old wars. However, Henderson & Singer point out that the aforementioned 'new war' theory of Kaldor is similar to the already existing literature on Low Intensity Conflict (LIC) who are described as "weak national administration, lack of political infrastructure, economic stagnation, historic problems of disfranchisement for large parts of the citizenry, corruption and mismanagement and difficult military-civil relationships" (Henderson & Singer, 2002, P. 172). Similarly, Holsti's peoples wars are consistent with the existing literature on civil wars that focus on conflict related to the simultaneous challenges of state building and nation building (Henderson & Singer, 2002).

A conflict that illustrates the argument against the 'new war' thesis is the Rwandan conflict between the Hutu and Tutsi population. In less than a few months, over 500,000 ordinary citizens, a majority of which were from a Tutsi background, were killed by their fellow citizens. The 'new war' advocates have cited this conflict as an example of the nature of 'new wars', involving unnecessary violence and guerrilla attacks with the aim to get rid of the opposing identity. This theory of Hutu 'extremism' is far too simplistic. Although it is true that there was a polarization of ethnic identities, the theory does not take into account the role of contextual factors such as the involvement of the west and the Arusha peace accords (Collins, 2002). The western donors, very influential because of the large extent of the national budget they provided, clearly supported the Tutsi rebellion party RPF which increased resentment among the Hutu population even more. Furthermore, by forcing the moderate Hutu president Habyarimana to sign a peace accord that did not have any legitimacy in Rwanda was from the beginning certain to cause a "violent backlash" (Collins, 2002, P.166).

As much as the 'new wars' scholars fail to convince of the fundamental difference of 'new wars' as opposed to 'old wars', they raise a fifth and important issue that is important to consider. Almost one third of all the conflicts recorded by the Uppsala Conflict Data Program are internationalized, meaning the support of international actors to at least one party of the conflict (Themner & Wallenstein, 2011). The potential involvement of international actors in conflict means that governments and states now have to think about their legitimacy towards domestic population as well as foreign organizations and countries. As Kaldor phrases it, the state now faces the danger to have their "monopoly [of the use of violence] eroded from below and above" (Kaldor, 1999, P.4). Only recently Syria faced exactly this threat

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after it had no other choice than to allow observers of the Arab League to monitor the non-violent treatment of demonstrators (BBC, 2011). Here the Syrian state is clearly threatened to lose its monopoly of violence, both from below by domestic protests as from above through sanctions by the Arab League or United Nations. Equally, the aforementioned example of the Rwandan civil war shows that the role of the international community is not only important, it is pivotal. The political power of organisations such as the United Nations is so incomparable that their ideals become the norm. In other words, if the nature of a conflict is such that it experiences international intervention, the post-conflict state building process becomes completely different with its own likelihood of success and failure.

Now it is established that it is important to analyse the behaviour of political agents the next question is how to go about this analysis. It is difficult to scrutinize actual behaviour instead of intentions and mission statements. Therefore, this essay will look at the Bosnian conflict and the execution of the Dayton agreement by the international forces, especially the UN High Representative.

If one thing is clear about the Dayton agreement, established to bring an end to the Bosnian war in 1995, it is its interventionist desire. In the eleven annexes of the agreement only the first and second annex discuss military matters while the core of the whole agreement focuses on society building. Similarly David Chandler described the agreement as unique because of the "far reaching powers given to the international community" as well as a "major international experiment in political engineering" (Chandler, 2000, P.43, P.2). The reason for this interventionist attitude can be traced back to the erroneous views and perceptions of the 'new war' theory that were discussed earlier. While western 'old wars' are perceived ideological and noble, the 'new wars' such as the Bosnian conflict are portrayed as criminal and without any popular consent. This results in a non-political understanding of the conflict that justifies an intervention that is not only subjective but also 'superior' to the domestic processes (Chandler, 2004). With this perception the western interveners become a 'necessary' police force in a criminal war between drug lords and attempted to prevent 'human rights abuses.' This is done instead of a more constructive attempt at mediating between two political forces.

The 'new war' notion of Bosnian politics is well illustrated by the mandate and behaviour of the UN High Representative. This office is appointed by article II, annex 10 of the Dayton agreement and subsequently the PIC conference "to remove from office public officials who violate legal commitments and the Dayton Peace Agreement, and to impose laws as he sees fit if Bosnia and Herzegovina's legislative bodies fail to do so" (OHR, 2006). This mandate gives clear scope for the holder of the office to consider its own interests and judgements superior to those of the domestic policy makers. This intervention is something many have used frequently. When the previous High Representative Miroslav Lajčák took office in 2007 he explicitly stated: "Should it be necessary to use my powers, in the interest of achieving this goal, I will not hesitate" (Lajčák, 2007). Likewise, incumbent High Representative Valentin Inzko has frequently overruled decisions made by both referenda as well as decisions made by the parliament (Inzko, 2011a; OHR, 2009, 2011).

The problem of the described interventionist approach is that it ignores the political process. By taking the policy making out of the domestic politics it is impossible for domestic actors to create and develop democratic institutions that are legitimate in the eyes of the Bosnian population, as these institutions can only emerge out of existing domestic social forces and clashes of interest (Chandler, 2004). Instead, the domestic political arena is void with consensus and legitimacy building made impossible. In the words of Piotr Sztompka: "building a house is not the same as establishing a home" (As cited in Chandler, 2000). In this sense it is hardly surprising that in an August 2010 poll 68 percent of the respondents said they were not satisfied with the protection of their ethnic group (NDI, 2010). In addition, the fact that the office of president is still divided along ethnic lines and the recent failure of the domestic parties to quickly form a government indicate that the creation of fully legitimate state institutions has not taken place yet. Valentin Inzko went even further and concluded in May 2011 that Bosnia is facing the worst crisis since the Dayton agreement. (Inzko, 2011b).

However, in the same speech Inzko emphasizes that the Dayton agreement *has worked*. The international community and specifically the office of the High Representative have made sure that the peace has not been broken, implying that this would not have been the case without international presence (Inzko, 2011b). In this view the large extent of intervention by the international community is successful and even essential to establish peace in

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conflict-ridden societies. But this is just a short-term solution. As Chandler notes it is possible to have peace without politics (Chandler, 2004). The long-term goal of an independent sovereign state will only be damaged if the interveners extract politics out of the domestic sphere because it becomes troublesome to hand the power back to the domestic policy-makers. In Bosnia the mandate of the international community was meant to last for one year only but has been extended numerous times. A UN Security Council report in May last year again called for yet another extension of the mandate (UN, 2011). It can therefore be said that the initial interventions approach by the international community may be helpful to create peace and stability in the short-run but for long-run statebuilding of a legitimate and stable democracy it is rather damaging.

To conclude, the post-cold war perception of civil wars has been characterized by the 'new war' thesis. The 'new war' theorists argue that recent civil conflict is fundamentally different than before, calling for a separate analysis. However, it can be shown that this claim relies on a romanticizing of the past as well as a pessimistic view on contemporary conflict. In addition, the Low Intensity Conflict theory is perfectly capable of explaining a lot of the recent developments that Kaldor argues are 'new'. The erroneous perception of 'new wars' has influenced the international community to intervene in post-conflict state building to larger extent than ever before. The image of domestic political agents as merely war criminals that are merely interested in private gains justifies the interventionists' approach that considers the international community and its representatives superior to the domestics. This approach takes the political process away from the domestic sphere. Without domestic politics there are no clashes of interest that are necessary to form political institutions that are legitimate and rely on popular consensus. Instead, the only agents that can consider such a state legitimate are the international actors that intervened in the first place. In Bosnia the Dayton agreement and the role of the High Representative form clear examples of this approach that characterizes the international attitude on post-conflict state building. By ruling the country as a benevolent dictator the international community and the High Representative have created a situation that makes leaving difficult. This attitude has to change. Instead of viewing domestic politics as a threat to peace, it should be seen as a fundamental cornerstone of the long-term solution for Bosnia. As it is now, Bosnia and every other country that is subject to a similar type of 'new wars' intervention, regardless of the strength of their constitution and regardless of the unity of their society, will face an increased difficulty in establishing a domestically legitimate and stable state. In the long run, the presence of an international intervener such as the UN High Representative office will only increase the chances of failure of post-conflict statecraft. It can therefore be said that although the nature of post-cold war conflict has not changed, the inaccurate 'new war' perception by the international community makes it less likely to successfully rebuild the state.

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