

# **Reframing Responsibility:**

## **The limitations and potential of international narratives in statebuilding**

**By**

**Gizem Sucuoglu**

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## **ABSTRACT**

Statebuilding is widely defined as a comprehensive and external exercise that aims to shape economic, security and administrative structures and institutions in a post-conflict society by promoting liberal internationalist norms. This thesis proposes that the narratives on statebuilding assign limited responsibility to international actors engaged in statebuilding, despite its comprehensive and intrusive nature: a mismatch dubbed as the "responsibility gap". It continues to propose that the limited attribution of responsibility to actors engaged in external statebuilding is possible through "discursive safeguards" inherent in the framing of statebuilding. These propositions are tested in four stages: a) conducting a frame and discourse analysis on statebuilding in order to understand the way international responsibilities are framed, b) formulating an alternative framework to attribute responsibility by utilizing perspectives on moral responsibility, c) comparing these two frameworks to identify a responsibility gap in the way the statebuilding frame attributes responsibility to external actors, d) pointing out the discursive safeguards in international narratives that allow sustaining the responsibility gaps. As a last step, the propositions are tested through a case study, on the involvement of the European Union in Bosnia and Herzegovina.

## ACRONYMS

AfP	Agenda for Peace
CAR	Central African Republic
CFSP	Common Foreign and Security Policy
DFID	(UK) Department for International Development
DPA	Dayton Peace Agreement 1995
DRC	Democratic Republic of Congo
EC	European Community
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ENP	European Neighborhood Policy
ESDP	European Security and Defense Policy
ESS	European Security Strategy
EU	European Union
EUPM	European Union Police Mission
EUSR	European Union Special Representative
FAC	EU Foreign Affairs Council
FBiH	Federation of Bosnia and Herzegovina
G-77	Group of 77 (countries at the UN)
ICCPR	UN International Covenant on Civil and Political Rights
ICG	International Crisis Group
IFOR	Implementation Force
ILC	International Law Commission
MENA	Middle East and North Africa
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
OHR	Office of the High Representative
OSCE	Organization for Security and Cooperation in Europe
OECD	Organization for Economic Cooperation & Development
OECD – DAC	OECD Development Assistance Committee
PIC	Peace Implementation Council
PRST	Presidential Statement
RS	Republika Srpska (Serb Republic)
SBC's	EU Statebuilding Contracts
SEA	Single European Act
SFOR	Stabilization Force
SSR	Security Sector Reform
TMAF	Tokyo Mutual Accountability Framework
UN	United Nations
UNDP	United Nations Development Program
UN PBC	UN Peacebuilding Commission

UNSC  
US  
USAID

UN Security Council  
United States  
US Agency for International Development

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## PREFACE

One of the most enjoyable parts of life as an expat in a conflict or post-conflict country is the after work socializing. International aid workers, development experts, security sector specialists and political officers can often be found in the small number of "expat-friendly" places, discussing their experiences, roles and visions. And with the elevation of external statebuilding, also referred to as the external *construction of functioning states* as one of the most widely accepted models of conflict prevention and the application of this model in theatres as diverse as Bosnia and Herzegovina, Palestine, Iraq and Afghanistan, the promises, implementation and failures of individual statebuilding projects appear often on the global agenda. I have been lucky enough to spend days and nights speaking with many intellectual, driven and compassionate people about the underlying reasons why violent conflicts occur and where the possible solutions lie. Although the names of these people cannot be included here for practical reasons, they inspired and catalyzed this study.

As I engaged in formal and informal debates in various statebuilding contexts, it became clear that those engaged in the activity had questions about its nature, even though we were deeply engaged in its implementation. For example: Could sustainable peace and stability be imposed from the outside? What was the correct balance between international intervention and local ownership? What norms and values should intervention be based on? How and to what extent could the international community help? When was the right time to exit? Who was statebuilding really benefitting? In my head, all of these were related to one main question: Who was responsible for statebuilding, and what was the extent of this responsibility? These were the starting points of my research.

From 2006 to 2008, I was posted to Sarajevo as a junior diplomat. Since then, a consensus seems to be forming, which holds that many years of external efforts and donor aid spent on reforming legal systems, security structures and public institutions and on promoting higher standards of human rights and democracy have not achieved sustainable peace and stability in Bosnia, Kosovo, Iraq, Afghanistan and Palestine, among other places. When one wonders who is responsible for this lack of progress, the answers vary. Some will say that regional instabilities, violent histories and/or the undemocratic local culture prevent sustainable statebuilding efforts. Many will talk about the well-intentioned international efforts to reform the country in question, which have not been fully successful due to operational and technical failures in the reconstruction efforts, and will suggest ways these can be overcome



with certain adjustments in policy and practice. There will be those who define the post-conflict intervention as a neocolonial project, insensitive to actual local needs. Some will trace the origins of the conflict to previous external interventions and conclude that external intervention in any form does not work. In short, there seems to be no consensus regarding responsibility for statebuilding. I saw this too, in my subsequent diplomatic work in Israel, Palestine and Afghanistan. These shaped my aim of understanding how the discourse on responsibility is constructed and operationalized in post-conflict interventions.

To continue with Bosnia and Herzegovina; the European Union (EU) has openly declared its commitment on several occasions to Bosnia, initially as a secondary actor supporting US efforts, and later as a lead actor willing to assume collective responsibility in bringing sustainable peace, stability and prosperity to the country. It has constantly reaffirmed these intentions, for example at the beginning of the crisis in Yugoslavia when Luxembourg Foreign Minister Poos's remarked that "*the hour of Europe*" had arrived, or when the United Nations Security Council declared in 2005 that Bosnia was moving from the "*era of Dayton to the era of Brussels*"<sup>1</sup>. The previous EU Enlargement Commissioner Olli Rehn, during a commemoration speech he delivered 10 years after the Srebrenica genocide, touched upon "the major responsibilities of the EU" in ensuring peace and stability and in enhancing democracy and prosperity in the European continent, emphasizing both European security and European values. A joint report written by former High Representative of the EU Solana and Rehn in 2006 regarding a possible transition from the international administration (OHR) to an EU-led presence, stated that "*the revised EUSR mandate should continue to concentrate on political and security-related issues, including residual responsibilities of the Dayton/Paris Peace Agreement*"<sup>2</sup>.

In addition to the commitments, the EU has also engaged in the comprehensive neo-liberal statebuilding project in Bosnia, impacting the lives and futures of many affected by the program. The international community was instrumental in the formulation of the Dayton Peace Agreement that ended the war in Bosnia. Dayton was not only a ceasefire document; it highlighted the future direction that Bosnia was supposed to take: For example, the constitution of the country is the Fourth Annex of this agreement. The international community steered Bosnia beyond Dayton as

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<sup>1</sup> See Security Council Press Release on its 5506th Meeting (AM), "BOSNIA AND HERZEGOVINA READY TO ENTER 'POST-DAYTON' ERA JUST 10 YEARS", available at <http://www.un.org/press/en/2005/sc8558.doc.htm>. (Accessed on 19 February 2016).

<sup>2</sup> Bosnia and Herzegovina: Summary note on joint report by EUHR Solana and EU Commissioner Rehn on a Reinforced EU Presence, 17 October 2006: Brussels

well, through the vast executive powers given to the international High Representative in the country as well as the conditionality brought by the promise of EU enlargement. These imply that the external actors have an important share in the responsibility of the construction of the country.

However, after 2006, Bosnia was failing to progress toward becoming a fully sustainable state on its way to EU accession. Indeed, the country's political situation started to deteriorate. Bosnia had been championed as one of the triumphs of international statebuilding or peacebuilding efforts; but now, the Dayton Constitution was increasingly under attack by local parties. Fundamental divisions persisted, even deepened, on such issues such as territorial integrity, national identity and legitimacy of the state (ICG: 2012).

As the situation continued to deteriorate in terms of the goals and ambitions of the statebuilding project, the tone of statements changed dramatically to suggest that it was high time to transfer responsibility back to the local population. Bosnians, the rhetoric went, should vote for moderate reform-oriented parties<sup>3</sup>, find an agreement on how to reform the police, or to devise a more inclusive system of governance that would encompass all segments of the society (Leroux-Martin: 2013).<sup>4</sup> With these critiques, the international community seemed to be retaining for itself the power to set the vision and the benchmarks of progress for Bosnia; while declaring follow-up and implementation to be the responsibility of the Bosnians. Swedish Foreign Minister and former High Representative Carl Bildt put it bluntly in 2008 when he said *"if Bosnia is falling behind, the responsibility is not of the international community, is not of the EU, but the responsibility lies with the leaders of Bosnia and Herzegovina."*

This dynamic was apparent to those of us working in Sarajevo. I clearly remember a European colleague working for the Organization of Security and Cooperation in Europe (OSCE) in the mid 2000s – an institution that was responsible for intrusive democratization and electoral design in the country – stating that *"the international community should feel no (additional) responsibility whatsoever to Bosnia, and on the contrary, Bosnia owed the international community for all the progress it achieved"*. A friend working for the EU attributed the lack of progress in Bosnia to the country's unwillingness to join Euro-Atlantic institutions, and was flabbergasted why *"the Bosnians would not want to join a community of 400 million diverse Europeans"*. The Bosnian own narratives were different. Whichever ethnic community was speaking out, it tended to place responsibility for the problems of Bosnia on the international intervention,

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<sup>3</sup> Hawton, N. (2002), "Europe is increasingly present in Bosnia's affairs", BBC

<sup>4</sup> Hopkins, V. (2012), "Bosnia risks state failure", ICG warns", at [www.balkaninsight.com](http://www.balkaninsight.com).

and later, the EU. The statebuilders had failed to reverse ethnic cleansing or to facilitate sufficient refugee returns, had unnecessarily intruded into the local dynamics of the country, or had favored one community over another.

This dynamic is not confined to Bosnia. I have been confronted with similar confusion about what international responsibilities might entail in my postings in Israel/Palestine and Afghanistan. For instance, regarding the Middle East Peace Process, the EU committed itself many times to delivering humanitarian and emergency support, assisting the security sector reform, rule of law and institution-building efforts, as well as providing support to the sustained growth of the Palestinian economy all in support of the two state solution<sup>5</sup>. Yet, despite the political underpinnings of these acts, EU narratives defined its responsibilities mainly in technical terms. For instance, the former EU High Representative for Common Foreign and Security Policy (CFSP) Solana, during a joint press conference in Ramallah in August 2009, has strongly endorsed Palestinian Prime Minister Salam Fayyad's comments that "establishing the Palestinian state and its institutions is solely a Palestinian responsibility"<sup>6</sup>. Once again, the international community's intrusive involvement in Afghanistan, ranging from constitution-design to security sector reform and reshaping administrative structures did not match its narratives on responsibility. In 2012, a Tokyo Mutual Accountability Framework (TMAF) was accepted to draw the future support architecture for Afghanistan, which stated that "the international community's ability to sustain support for Afghanistan depends on the Afghan government delivering on its commitments described in the Tokyo framework" - a conditional responsibility not matching the intrusive decisions made by external actors<sup>7</sup>.

In short, external statebuilding, which has been in many ways so highly structuralized, formalized, well-thought and fine-tuned, seems to not have sufficiently formulated sufficiently clear-cut definitions on the origin and scope of the responsibilities of the local or external actors (Hameiri: 2009, Chandler: 2006, Paris: 2007). The goal of this research is to understand the persistence of the apparent mismatch between the comprehensive nature of statebuilding and the responsibilities that external actors are ready to assume.

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<sup>5</sup> See, for example, the remarks of Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP), Berlin Conference in Support of Palestinian Civil Security and Rule of Law today, Monday 24 June 2008, Berlin; or the opening remarks by Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, at the Annapolis International Conference on the Middle East, 26 November 2007, Annapolis.

<sup>6</sup> Earthtimes Extra: *Solana: Europe supports Palestinian Premier's state vision*, <http://www.earthtimes.org/articles/show/283611,extra-solana-europe-supports-palestinian-premiers-state-vision.html>

<sup>7</sup> See [www.cfr.org/afghanistan/tokyo-mutual-accountability-framework/p28675](http://www.cfr.org/afghanistan/tokyo-mutual-accountability-framework/p28675).

**PART ONE:**

# **1. INTRODUCTION**

## **1.1 The Puzzle: The responsibility gap**

### ***1.1.1 Introducing the puzzle:***

As of this writing, four years after the outbreak of riots in the Middle East and North Africa (MENA) in 2011, popularly referred to as the “Arab Spring,” global news headlines are reporting daily on new crises in Iraq, Syria, Libya, and Yemen. The coverage indicates how the MENA region has been shifting away from democracy, prosperity, security, stability and development. The agenda of the UN Security Council, the institution responsible for maintaining international peace and stability, is full, attempting to respond to outbreaks of violence not only in MENA, but in Ukraine, Central African Republic, Mali, South Sudan and Afghanistan. Even Bosnia and Herzegovina, which was being hailed only a decade ago as the “success story” of international intervention, seems to be hostage to inflammatory rhetoric, ethnic and political divisions and heightened threats to stability.

It is interesting to observe how UN veterans—people in management positions today who have been in the organization since the 1990s—are increasingly drawing parallels between the number of violent conflicts today and in the first years after the end of the Cold War. Throughout the early 1990s, after the fall of the Berlin Wall, the international community, the UN and the EU repeatedly failed to respond adequately to bloodbaths—in Somalia, Rwanda, Bosnia, Somalia and Kosovo. These failures led to soul-searching about what the international response to conflict should be, and statebuilding was one of the answers the international community came up with.

Statebuilding has been widely defined as a comprehensive and external exercise that aims to shape economic, security and administrative structures and institutions in a post-conflict society by promoting liberal internationalist norms (Zartman: 1995, Mallaby: 2002, Chesterman: 2004, Paris: 2002, Fukuyama: 2004, Berger and Weber: 2006, Hehir and Robinson: 2007, Ghani and Lockhart: 2008, Lake: 2010, Newman: 2010, Chandler: 2006, Zaum: 2009, Chomsky: 2007, World Bank: 1997, RAND: 2007, OECD-DAC: 2008, OECD: 2009, The Commission on Post-Conflict Reconstruction: 2003, Kirsti: 2006, DFID: 2010). In January 2011, for example, a Presidential Statement (PRST) issued by the Security Council sustained this definition, drawing strong parallels between effective, stable and sustainable institutions in a given country and the prevention of renewed violence.

Statebuilding concepts have been implemented in many contexts since the mid 1990s—including Bosnia and Herzegovina, Kosovo, Afghanistan; Palestine and Iraq. Its elements are often presented regarded as the best way to achieve sustainable international peace and stability, and to legitimize comprehensive external involvement in conflict and post-conflict countries. According to the RAND Corporation (2007), “Western governments increasingly accept that nation-building has become an inescapable responsibility.” Similarly, the European Security Strategy (2003) claims that “Regional conflicts need political solutions but military assets and effective policing may be needed in the post conflict phase. Economic instruments serve reconstruction, and civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations.”

Many interventions have produced positive results in the short run, by putting an end to violence, improving security, imposing the basic tenets of democracy and human rights and enabling immediate economic growth. But in the long run, addressing the root causes of conflicts and bringing a lasting end to conflict, in order to establish fully functional states, have been bigger challenges (Chesterman: 2004, Paris: 2002, Berger and Weber: 2006, Ghani and Lockhart: 2008). The number and intensity of the latest conflicts worldwide, including in theatres where comprehensive statebuilding projects have been implemented, such as Iraq, Bosnia and Afghanistan, increasingly raises question marks about whether externally funded and driven statebuilding projects can provide sustainable solutions to violent conflict.

That the world’s nation states bear primary responsibility for preventing violent conflict and protecting civilians is well established in the international system. Yet, when external actors become involved in comprehensive activities in post-conflict countries such as “establishing effective institutions, (re)creating a social fabric and fostering healthy civil society,” this might indicate their heightened responsibility for conflict prevention and the protection of civilians—especially when these statebuilding activities fall short of delivering on their promise of lasting stability and peace (Call and Cook: 2003). In other words, engaging in statebuilding might imply important responsibilities for involved international actors. Based on these points, one goal of this thesis will be to investigate how the responsibilities of international actors are defined by international narratives on statebuilding, and whether these narratives accurately connect the concept of international responsibilities to the comprehensiveness of the task of statebuilding.

A cursory look at the way international responsibilities are framed in statebuilding indicates that neither the concept of “responsibility”, nor the principles outlined that would help interested parties to assess “responsible” behavior, are defined with clarity (Mayer: 2008b, Erskine: 2003). Although there have been many efforts to structuralize, enhance and fine-tune the application of statebuilding in various contexts, it appears that these efforts have not sufficiently extended to the discursive domain regarding responsibility. In other words, there seems to be a lack of clear-cut, well-defined, standardized formulations of international responsibilities in statebuilding, where these responsibilities begin and when they should end.

Such “non-definitions or inconsistencies (...) can lead to attributing duties or responsibilities to [some] institutions beyond their capabilities, while leaving more appropriate actors off the hook,” creating a risk that responsibilities could be defined selectively and changed arbitrarily, possibly based on the evolving capabilities and interests of external actors, as much as global realities and new threat perceptions (Erskine: 2003). This means that when a statebuilding project falters, blame can be shifted to factors such as regional politics, entrenched internal conflicts, or ancient hatreds, without necessarily conveying ways the international presence could have been responsible for insufficient progress toward the establishment of functioning, efficient and sustainable states. International debates about “what went wrong” tend to focus on operational and technical failures, rather than inherent problems related to the application of the statebuilding frame (RAND: 2007, OECD-DAC: 2008). Thus, another of this thesis’s intentions will be to look into the “discourse of responsibility,” and assess whether, in the absence of clear definitions of external responsibilities, the international discourse is structured in a way that allows international actors to frame their responsibilities in a narrower manner than what they may actually be.

Statebuilding has evolved constantly since the end of the Cold War. This evolution has been shaped by the changing global context, the interests, available resources and threat perceptions of the international community, as well as the need to factor in new experiences, best practices and setbacks along the way. In the era of the “War on Terror,” after the September 11 terrorist attacks, the discourse around statebuilding evolved to emphasize the need to protect the interests of Western states and to preserve the world order, in contrast with the “humanitarian intervention” era of the 1990s, which focused on the value of external intervention to protect civilian populations (Mallaby: 2002, Holzgrefe and Keohane: 2003, Wheeler: 2003, Weiss: 2012, Scott: 2007, Schmidt: 2013). Given the challenges the international system is currently facing, it is not especially surprising that a new round of soul-searching is underway. The announcement in 2014, by UN Secretary-

General Ban Ki-moon, that a High-Level Independent Panel would be convened in 2015 to review the entire UN peace-operations system was one major indication that this phase has begun.

Such processes provide an opportune moment for reflection on any gaps and inconsistencies in the way international responsibilities in statebuilding have been framed over the past two decades. The aim is to move toward better and more responsible practices. Looking into whether statebuilding involves more comprehensive responsibilities than are actually defined in common narratives and whether international actors tend to define their responsibilities in a narrow and limited way would be a good place to start. This is the purpose of my thesis.

### *1.1.2 The evolution and implementation of statebuilding: A literature survey*

In order to claim that statebuilding is a comprehensive exercise that entails important responsibilities for external actors, the first step will be to conduct an initial survey of the literature covering the birth, evolution and implementation of statebuilding since the end of the Cold War.

#### *1.1.2.1 The Evolution of Statebuilding: A short summary*

In the years immediately after the end of the Cold War, a theory dubbed “democratic peace” gained traction. This theory claimed that peace between states could be best secured by liberal democracy, interdependence and (Western) civic identity (Sorensen: 2006). The immediate post-Cold War years were marked by a naive belief that democracy, peace and individual freedom would take root and flourish in parallel with economic liberalization with a little push from the “winners” of the Cold War. This faith was quickly shattered, as tragic conflicts erupted in succession in the former Yugoslavia, Rwanda, Somalia and elsewhere (Paris and Sisk: 2009, Gheciu and Welsh: 2009). The human costs of these conflicts, as well as the threats they posed to international peace and security, exhibited the painfully weak response capability of the international system. Meanwhile, the complex needs of societies under transition became increasingly clear.

In response, the concept of “peacebuilding” emerged, and with it came a revisiting of the limited mandates of peace operations of the Cold War era (Gheciu and Welsh: 2009, Paris: 1997, Lake: 2010, Newman: 2010, Paris and Sisk: 2009, Clarke and Herbst: 1996). Peacebuilding was not a genuinely new concept—it had been in use since the 1970s as a method of promoting sustainable peace by addressing the root causes of violent conflict (Call and Cousens: 2008). But it was only in the 1990s that it became widely used. All of



the major reviews of peace operations conducted by the UN after the Cold War emphasized peacebuilding, including the Agenda for Peace in 1992, the Report of the Panel on United Nations Peace Operations in 2000 (the Brahimi Report) and the Secretary-General's Policy Committee in 2007. These studies describe peacebuilding as a comprehensive exercise that aims to go beyond stopping war, and that intends to reduce the risk of lapsing or relapsing into conflict, via capacity-building and other activities designed to lay the foundations of sustainable peace and development. This signaled a major break from the more limited peace missions of the Cold War era, which mostly involved establishing buffer zones and monitoring ceasefires.

Peacebuilding also attracted new, non-UN actors to the work of conflict resolution (Paris: 1997). Among these was the EU, which was seeking to consolidate its identity and gain relevance as an actor on the global scene (Aybet, KM). In parallel with its increased use in conflict-prevention literature, "peacebuilding" was incorporated more and more into the mission mandates of international and regional organizations, development agencies and non-governmental organizations (Call and Cousens: 2008).

Over the course of the 1990s, peacebuilding grew increasingly connected to theories of democratic peace and liberal internationalism (Paris: 1997). Peacebuilding helped connect democratic-peace theories to global realities and gave it an opportunity to realistically respond to conflict. In return, the democratic-peace thesis served to justify the choice of peacebuilding to promote free-market economies, human rights and democratic institutions based on individual rights as the prerequisite of sustainable peace and development (Baum: 2008).

During the same period, two major adjustments occurred. The first was the elevation of institution building (or the building of state institutions) on the conflict-resolution agenda, as the key to stability (Fukuyama: 2004). The OSCE Istanbul Document of 1999, for instance, claims "We have put Europe's old divisions behind us, but new risks and challenges have emerged. (...) We have experienced conflicts, which have often resulted from flagrant violations of OSCE norms and principles. (...) We are committed to strengthening our protection against these new risks and challenges; strong democratic institutions and the rule of law are the foundation for this protection." The second adjustment encompassed realizations, by international actors, that they could play a new and more active role in conflict resolution, and that they would need to upgrade their response capabilities if they wished to do so. The 2003 European Security Strategy recognizes that "a more capable Europe is within our grasp, though it will take time to realize our full

potential<sup>8</sup>". Former US President Bill Clinton's remarks sum up both of these elements of peacebuilding in his address to the 52nd UN General Assembly in 1997: "[W]e must improve the UN's capabilities after a conflict ends, to help peace become self-sustaining. The UN cannot build nations, but it can help nations to build themselves by fostering legitimate institutions of government, monitoring elections, and laying a strong foundation for economic reconstruction."<sup>9</sup> In short, it was increasingly accepted that the international (or at least the Western) community would need to make a stronger push for involvement if it wanted to promote and establish the liberal-democratic state worldwide, in its new conception as a prerequisite for peace<sup>10</sup>.

The increased focus on institution-building and liberal institutionalism led to a rapprochement between statebuilding and peacebuilding; these concepts were often used interchangeably after the Cold War (Paris: 2002, RAND: 2007, Call and Cousens: 2008, OECD: 2010). However, of the two, peacebuilding is often regarded as the more general and comprehensive approach to ending and preventing violent conflict and to supporting sustainable peace. Statebuilding relates to the building of functional states as a response to state fragility that might lead to violent conflict. The term "statebuilding" is particularly important, as a particular and dominant form of peacebuilding.

Statebuilding is defined as a normative liberal project—one that shapes the content of peace agreements and helps implementing them (Hameiri: 2002, Paris: 2002). It advocates exporting the ideas and norms of the democratic state from the core to the periphery of the globe, with a view to enhancing peace and security in the post-conflict reconstruction arena (Paris: 2002, Fukuyama: 1992, Paris: 1997, Berger and Weber: 2006). It advocates holistic and "whole of government" approaches, which holds that the social, economic and institutional needs of societies need to be addressed in order to achieve sustainable peace, with the participation of a multitude of (international) actors (Lake: 2010, Jahn: 2007, Newman: 2010). Statebuilding suggests that development, security and human rights norms are mutually reinforcing, thus putting additional emphasis on the normative aspects of liberal internationalism. In statebuilding, external actors often take the role of "educators" until full and just ownership can be established. Roland Paris

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<sup>8</sup> See the full text of the 2003 European Security Strategy at <https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

<sup>9</sup> Address by President Bill Clinton, September 22, 1997, Remarks to the 52nd Session of the United Nations General Assembly, <http://www.state.gov/p/io/potusunga/207553.htm>

<sup>10</sup> In its declared goal to promote the liberal-democratic worldview and preserving global (or Western) stability and peace, this normative framework has also led to criticisms defining statebuilding as neocolonial and imperialistic (De Guevara: 2010, Chomsky: 2007, O'Connell: 2010, Chandler: 2006).

(1997), for example, considers the permissibility of balancing the destabilizing effects of democracy and the free market by delaying elections, promoting equitable and growth-oriented adjustment policies and extending the duration of peacebuilding operations until the liberal peace is institutionalized (Paris: 1997).

The introduction of statebuilding brought forward interesting questions and dilemmas regarding state sovereignty and local ownership. Despite the comprehensive, normative and intrusive nature of statebuilding, it emphasizes local ownership as its ultimate goal. Moreover, even during the statebuilding process, the overall responsibility to adapt to the liberal-democratic framework and to internalize institutional reforms rests with local actors (OECD–DAC: 2008, Lotz: 2010). According to OECD–DAC (2008), “[S]tatebuilding is an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations...successful state building will almost always be the product of domestic action, though it can be significantly enabled by well-targeted, responsive international assistance.” The words “endogenous” and “international assistance” appear in the same sentence; this apparent paradox implies a shift in the traditional conceptual bases of the international system, which was formerly characterized by state sovereignty, non-intervention in domestic affairs and self-determination. However, this shift might be more a reflection of the way powerful states and international organizations (choose to) understand sovereignty and to act upon it, rather than a shift away from an international system based on state sovereignty (MrCormack: 2010). These dilemmas are among the core interests of this thesis, and will be analyzed in detail later on.

It is worth briefly mentioning the concepts of “responsibility to protect” (R2P) and “humanitarian intervention” here; because of the way they connect to statebuilding narratives. The UN officials Deng and Cohen first promoted the idea of “sovereignty as responsibility,” advocating the formation of a higher authority to which states would be accountable if they failed to carry out the responsibility of protecting their populations (Weiss: 2012, Deng et al.: 1996). A report prepared by the International Commission on Intervention and State Sovereignty in 2001 (ICISS: 2001), introduced the concept of the “responsibility to protect” (R2P), based on the idea that states had to maintain minimal standards with respect to their populations; if not, this duty would fall to the international community (Cunliffe: 2010). R2P also included capacity-building and temporary substitution for government in that country—as a measure before humanitarian intervention (Warner: 2003). As such, the “responsibility to protect” (R2P) doctrine expanded the possibility of intervention, and the scope of possible intervention, inside a sovereign state, by including options for military intervention beyond the traditional

requirement of securing UNSC approval. This is often described as a “normative shift” (Newman: 2009, Warner: 2003, Ignatieff: 2004; Chesterman, Ignatieff and Thakur: 2004). Under pressure from the G-77 countries, in 2005, the UN World Summit<sup>11</sup> backtracked to the traditional prohibition on use of force without UNSC authorization except for self-defense and limited the international responsibility for collective action mainly to intervention in genocide, war crimes, ethnic cleansing and crimes against humanity. However, the international community did “commit [itself], as necessary and appropriate, to helping States build capacity” (O’Connell: 2010). This shift is important to note; while the scope of humanitarian military intervention narrowed significantly in the 2000s, the decree in a way legitimized international involvement in support of nation states, in the form of capacity building.

The September 11 terrorist attacks and the so-called “War on Terror” that followed became a new turning point for statebuilding, bringing a new urgency to address security threats emanating from state fragility. First of all, the dynamic between nation states’ responsibilities and international (military) intervention changed. The paradigm shift was the legitimization of the emphasis on security, rather than humanitarian concerns, for intervention (Lake: 2010, Berger and Weber: 2006). Former US President George W. Bush put it bluntly in October 2001: “Every nation has a choice to make. In this conflict, there is no neutral ground. Any government sponsors the outlaws and killers of innocence; they have become outlaws and murderers themselves. And they will take that lonely path at their own peril.”<sup>12</sup>

The international community continued to play key role in the aftermath of the era’s military interventions. Bush remarked in September 2008 “we are working to ensure that our military progress is accompanied by the political and economic gains that are critical to the success of a free Afghanistan<sup>13</sup>”. Statebuilding was once again the proposed solution. But where the focus of interventions had previously been on improving state capacity and fostering development, these aims were now explicitly linked to security—a merger known as the “development—security nexus.” This concept continues to form an important part of the intellectual framework for statebuilding today (ESS: 2003, Mallaby: 2002, Barnett: 2006, DFID: 2010).

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<sup>11</sup> The full text of the World Summit Outcome Document can be found at <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>.

<sup>12</sup> The speech was given directly after the start of the US and British military strikes on targets in Afghanistan. The full text is available at [www.putlearningfirst.com](http://www.putlearningfirst.com)

<sup>13</sup> The full text is available at <http://georgewbush-whitehouse.archives.gov/infocus/afghanistan>.

The focus was on combating threats such as terrorism, weapons of mass destruction and state failure, as is evident in the National Security Strategy of the USA<sup>14</sup> and the European Security Strategy (2003). This shift affected statebuilding strategies as well. With the development–security nexus, poverty and underdevelopment were identified as threats to international peace and stability. This in a way “legitimized” intrusive and comprehensive statebuilding. The European Security Strategy (2003) claims, “In much of the developing world, poverty and disease cause untold suffering and give rise to pressing security concerns.” This line of thinking connected statebuilding to the security interests of the Western/developed world. The Mission Statement of the US Department of State for 2004–2009, for example, identifies the department’s purpose as “creat(ing) a more secure, democratic and prosperous world for the benefit of the American people and the international community.”<sup>15</sup>

These new trends also led to a shift in the priority of statebuilding from establishing democratic states to establishing strong states. Francis Fukuyama (2004) argued that the promotion of democratic norms continued to carry weight could be rated as less of a priority in fragile states because of the difficulties of enforcement. The RAND Corporation (2007) prioritized security issues over democratization, economic reforms and development, instead of concentrating on gradually reaching economic, social and political goals together. The unilateralism and preventive action championed by the US National Security Strategy (2002), and the increasing emphasis on the security needs and interests of democratic states” by some analysts (such as Mallaby: 2002, Rotberg: 2004, Krasner; 2004, RAND: 2007) further challenged the legitimacy framework of earlier statebuilding projects (Newman: 2010, Chandler: 2006).

As global realities change, statebuilding continues to evolve to address shifting threat perceptions and new definitions of (international) interest. The pullback of US forces from Iraq in 2011 and the announced departure of ISAF combat troops from Afghanistan in 2014 indicated a new era. The declining support among domestic constituencies in Western countries for military interventions, combined with the austerity measures put in places by many donor countries due to the global economic crisis and the sovereign debt crisis in the Eurozone highlighted a significant weakness of statebuilding efforts: successful exit strategies. The World Bank’s 2012 report on the Palestinian

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<sup>14</sup> The full text is available at [www.state.gov/documents/organization/63562.pdf](http://www.state.gov/documents/organization/63562.pdf). (Accessed on 5 February 2016).

<sup>15</sup> See the website of the US Department of State, available at [www.state.gov/s/d/rm/rls/dosstrat/2004/23503.htm](http://www.state.gov/s/d/rm/rls/dosstrat/2004/23503.htm). (Accessed on 5 February 2016).

economy, for instance, warned that the decline in donor assistance would jeopardize gains made in building strong institutions<sup>16</sup>.

In their narratives about conflict-torn states, at least, international actors continue to pronounce capacity building—in such sectors as security, governance and human rights—as a prerequisite to sustainable peace. Statebuilding may not be as pronounced in their syntax as it was in the past, yet the basics are still present: in addition to mentions of capacity building, security, democracy, development and human rights remain mutually reinforcing, and the notion that the international community must support conflict and post-conflict countries remains at the fore<sup>17</sup>. However, while the number of violent conflicts has increased and the number of contexts where statebuilding could be applied has broadened, there seems to be a lack of resources and will to engage in comprehensive statebuilding projects. For example, the “global strategy” outlined by US President Barack Obama in January 2012 announced a major shift in the strategic military objectives of the US, and also indicated changes in the US approach to international statebuilding. Obama said, for example, “As we look beyond the wars in Iraq and Afghanistan—and the end of long-term nation-building with large military footprints—we’ll be able to ensure our security with smaller conventional ground forces.”<sup>18</sup> With this, he signalled a more threat-oriented and cost-effective approach to interventions.

General suspicions based on the dubious track record of past post-conflict interventions reinforce this trend. Will these new realities lead to a reformulation of the theory and practice of statebuilding? What will happen to those states currently residing in gray areas, such as Afghanistan and Bosnia, where statebuilding programs have been started but are still far from achieving their declared goals of bringing lasting stability? And finally, what are the responsibilities of the international community in this dynamic? This thesis will seek answers to these questions.

### *1.1.2.2 The Application of Statebuilding: Main elements*

Statebuilding connects the liberal-democratic-state ideal to lasting peace and security, and presents statebuilding as the way to achieve this ideal (Paris: 2002, De Guevara: 2010, Fukuyama: 2004, Paris: 1997, Berger and Weber: 2006,

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<sup>16</sup> See <http://www.worldbank.org/en/news/press-release/2012/03/15/pa-fiscal-crisis-jeopardizes-institution-building-progress> (Accessed on 5 February 2016).

<sup>17</sup> Most UN Security Council debates on the various conflicts the world faces today, such as in Syria, Iraq, Libya, Mali, Central African Republic, Ukraine, Yemen, continue to emphasize the importance of elements of statebuilding.

<sup>18</sup> For full text of the speech, see <http://www.whitehouse.gov/blog/2012/01/05/president-obama-outlines-new-global-military-strategy>. (Accessed on 5 February 2016).

Lake: 2010, Newman: 2010). Although it is widely understood that each conflict situation is unique and that statebuilding should be tailored to match specific social, historical, economic and regional circumstances based on the concept of local ownership, it is still possible to identify a format and a similar set of instruments that external statebuilders rely on in each context (RAND: 2007, OECD-DAC: 2008). Indeed, there have been repeated attempts to develop guidelines defining universal best practices, for use in future post-conflict interventions. In fact, several handbooks published by policy organizations, notably those of the RAND Corporation, DFID and OECD-DAC, elevate statebuilding almost to the level of a technical process.

Through the late 1990s and the 2000s, institutions such as the OECD-DAC, RAND, DFID, and UNDP conducted policy-based research on how to operationalize statebuilding and enhance the implementation of existing policies (PRIO: 2004). This has transformed peacebuilding into a structured approach that brings different forms of response, including security, humanitarian action, rule of law, human rights and development, under one framework (De Coning: 2010). Efforts to sequence statebuilding efforts based on priorities prevailed. Although there is no exact and unified position on how international post-conflict efforts should be structured and sequenced, the organizations mentioned above mostly suggest that statebuilding consists of the following activities, in sequence:

- Promotion of immediate security and stability,
- Humanitarian aid and assistance, building basic infrastructure,
- Establishing a transitional administration to provide basic governance functions.
- Economic stabilization,
- Security Sector Reform (SSR) and Rule of Law (RoL)
- Governance Reform,
- Human Rights and Democratization,
- Economic Growth and Development

In other words, following the provision of the basic humanitarian and security needs of populations, international efforts have almost always concentrated on building a state's governance abilities, security sector, public administration, economy, development, human rights and democratic institutions. Despite the oft-mentioned uniqueness of every case, these activities have formed the basis of statebuilding activities in a number of contexts, from building the Bosnian state in the aftermath of the Yugoslav conflict, to establishing Palestinian institutions with a view to solving the Arab-Israeli conflict, to strengthening the Afghan state amid an ongoing war with militants who are often embedded in the territories of neighboring

countries. Through the application of these guidelines, statebuilding almost ceases to be a political choice of certain international actors; it is rather presented as a technical exercise in building the abilities of states, based on universal best practices (Bain : 2009).

A more detailed analysis will be provided in later parts of this thesis, focused on the presentation and operationalization of statebuilding as a technical exercise. Here, a couple of initial propositions about the development and application of statebuilding will be made. These propositions, combined with other elements, will help to establish the research question:

a) Statebuilding is a comprehensive exercise, which aims to bring forward long-term, durable and sustainable solutions for conflict and post-conflict countries, by reshaping the political, security and economic foundations of societies.

b) Statebuilding requires long-term and somewhat intrusive commitment from the international community. Quick-fix solutions will not bring sustainable solutions; a high level of commitment is required, with detailed institutional arrangements and resources dedicated to building a state (DeConing: 2010, RAND: 2007).

c) Statebuilding is a normative exercise, based on the choice to promote a specific form of state administration as a universal best practice. This is despite attempts by some actors to present it as a technical exercise.

d) The elevation of statebuilding as a universal best practice to achieve sustainable peace and stability legitimizes international civilian post-conflict involvement. It also leads to formulations about the future of a given country. From this angle, statebuilding is prescriptive.

Combined, these elements lead to the first proposition of this research: The international community may have put itself in a position of substantial power and responsibility in the past few decades through engagement in statebuilding, which has been implemented in many contexts as a comprehensive, intrusive, prescriptive, normative exercise. In short, statebuilding implies comprehensive responsibilities for international actors, in line with its normative, intrusive and prescriptive nature.

### ***1.1.3 The Gap: "International Responsibility" in Statebuilding***

Despite progress toward ending violence, imposing basic law and order, promoting the norms of human rights and democracy and enabling



immediate economic growth, it is unclear whether statebuilding has been successful in reaching its ultimate goal of establishing viable and sustainable states based on functional and effective institutions and liberal democratic values (Ghani, Lockhart and Carnahan: 2005, RAND: 2007, OECD-DAC: 2008). Many states where comprehensive statebuilding projects have been implemented, such as Afghanistan, Palestine and Bosnia, have in fact experienced backlashes in terms of political stability, if not in terms of their overall security situations. In fact, post-conflict interventions have often been criticized for creating aid dependency, as well as for relying on external actors for basic societal functions, for hampering local ownership, for fostering corruption and even for imposing a version of “colonialism” (Chandler: 2006, Smith: 2004, OECD-DAC: 2008, Samuels et al.: 2004, Narten: 2006). In the face of such critiques, it is unclear how much of a “route to sustainable peace and security” that statebuilding projects can provide in the conflicts under way in MENA and Africa today.

In 1993, Samuel Huntington called upon the world to be wary of grand nation-building missions to shape the world in its own image and to focus instead on its own national interests (Huntington: 1993). After more than two decades of moving in the opposite direction, Western leaders, such as President Barack Obama, increasingly seem to be echoing Huntington today—especially as donor resources dwindle and “intervention fatigue” mounts.

Yet, in the meantime, statebuilding continues to be implemented, sometimes in textbook form, in many conflict and post-conflict countries, as the best means of combating state fragility, and thereby achieving lasting peace and stability. In addition, even if some interventions are not dubbed “statebuilding,” per se, many elements of the statebuilding framework, ranging from good governance to security-sector reform and democratization, continue to be implemented in conflict and post-conflict countries. For instance, the EU has sought security-sector reform (SSR), good governance and democratization projects in such places as the Democratic Republic of the Congo (DRC), Afghanistan, Ukraine, and the Central African Republic<sup>19</sup>. Finally, even though in some contexts, like Bosnia, Iraq and Kosovo, where the international community has moved away from large-scale statebuilding

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<sup>19</sup> For a detailed description of the European Common Security and Defence Policy missions undertaking SSR activities, visit [http://www.eeas.europa.eu/csdp/missions-and-operations/index\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/index_en.htm). (Accessed on 5 February 2016). For the EU’s good governance projects in DRC, see for example, The European Court of Auditors’ 2013 report on the issue at [http://www.eca.europa.eu/lists/ecadocuments/sr13\\_09/sr13\\_09\\_en.pdf](http://www.eca.europa.eu/lists/ecadocuments/sr13_09/sr13_09_en.pdf) (Accessed on 5 February 2016). See the EU Commission’s press release, detailing the EU’s support to democratization in CAR, at [http://europa.eu/rapid/press-release\\_MEMO-10-517\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-10-517_en.htm?locale=en) (Accessed on 5 February 2016).

missions it had undertaken, the projects have already had lasting impacts on subject countries, challenging traditional societal and political structures, shifting loyalties, and promoting “foreign” norms (Chandler: 2010).

Finally, statebuilding does not only affect local populations who are suffering or emerging from conflict. It impacts on the economic and security interests of the intervening countries. It affects the international image of statebuilders, as engagement in statebuilding helps certain actors—such as the EU—to gain relevance on the international scene.

All of these elements should ideally strengthen the proposition about the comprehensive responsibilities of international actors in statebuilding. Yet, if the first proposition of this thesis is that engaging in such normative, comprehensive, intrusive and prescriptive statebuilding projects implies wide responsibilities for the international community, the second proposition is that they do not. On the contrary, there is no clear - cut, well-defined, standardized formulation of what responsibilities the international community has with respect to statebuilding. References to “responsibility” are not conceptually clear about what the term means and what principles should be applied when assessing responsible international behavior (Mayer: 2008a, Erskine: 2003). When responsibility is defined, it is often done in a narrow and limited manner.

#### *1.1.3.1 The legal literature on the responsibilities of international actors in interventions is narrow, limited or still being debated:*

The subject of responsibilities of international actors in interventions is not ignored in international relations and law. Yet, our proposition is that none of these studies defines the responsibilities of international actors in statebuilding in a manner that is thorough and commensurate with their comprehensive involvement in other countries.

The duties and responsibilities of external actors that militarily intervene in other countries have been well researched and theorized. The “just war theory” doctrine, for instance, establishes a moral justification for war by looking at two sets of rights: “the right to go to war (*jus ad bellum*)” and “right conduct in war (*jus in bello*)” (Osterdahl and Zadel: 2009, Doyle: 2010, Walzer: 2003). There have also been attempts to expand these concepts to cover post-conflict responsibilities (*jus post bellum*), based on the assumption that the return to peacetime carries with it moral duties for international actors (Doyle: 2010, Bass: 2004, Orend: 2002). However, this category of “just war” has not yet been formally recognized for post-conflict situations (Osterdahl and Zadel: 2009). Studies on *jus post bellum* mostly deal with

questions like where war ends and post-conflict situations begin; the extent of the “responsibility to rebuild” in the aftermath of military operations; and how a state can best be restored to its pre-war condition (Bass: 2004, Osterdahl and Zadel: 2009). As such, they don’t (yet) deal with the responsibilities implicit in statebuilding activities. In fact, *jus post bellum* tends to hold that international actors should get out of countries where military interventions have taken place as soon as possible (Bass: 2004).

International laws do not currently provide a fully satisfactory answer, either. Articles 32 to 41 of the Hague Convention IV, which contains most of the available rules for post-conflict situations, are largely inapplicable to the demands of modern-day conflict (Osterdahl and Zadel: 2009). The International Law Commission (ILC) defines international responsibility solely from the perspective of wrongful or unlawful acts (Leck: 2009). The definition of responsibility as “the liability to answer,” is in legal terms equated with penalty (Lewis: 1948). In short, legal responsibility is more concerned with defining wrongful acts and assigning penalties to them. International law also tends to focus on the conduct of actors in specific situations, such as whether an international peacekeeping mission has committed a legally wrongful act. This definition is insufficient for explaining why external actors would or should assume responsibility for the building of another state—especially those actors that were not been involved in the military intervention in that country.

One last area to explore is the connection between the responsibility to protect (R2P) and *jus post bellum*. R2P advocates that while sovereign states have the responsibility to protect their citizens, if states are unable or unwilling to do so, this duty might fall to the international community (ICISS: 2001). R2P debates do delve into the question of capacity building, insofar as boosting the capacities of states better allows them to protect their people. In this sense, R2P prescribes a technical, temporary assistance role for the international community, albeit one not matching the broadly normative and intrusive activities undertaken by statebuilders. R2P also limits the scope of responsibility to the protection of local populations and the maintenance of international peace and security. Not mentioned are the intervenors’ notions of responsibility to preserve the liberal internationalist world order or their own security and economic interests, or to boost their own capacities or images abroad (Evans: 2008, Weiss: 2012, Doyle: 2010). Finally, although the UN Secretary-General’s reports on R2P<sup>20</sup> have featured the concept of the “responsibility to rebuild,” specifically in the areas of good governance,

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<sup>20</sup> United Nations General Assembly, “Implementing the responsibility to protect,” Report of the Secretary-General (January 2009).

lasting peace and sustainable development, the concept does not go beyond a mere recommendation (Osterdahl and Zadel: 2009, Koeman: 2007).

#### *1.1.3.2 International narratives on statebuilding define responsibilities of statebuilders in a narrow and limited way:*

The introduction of the concepts of “responsibility to protect” and humanitarian intervention has created a gray area for the international community to intervene in other states affairs. According to these concepts, a responsible state is one which is able to provide security and services to its citizens and does not pose a threat to international peace and security; when states are unable or unwilling to fulfill their responsibilities, their sovereignty can be problematized – allowing external actors to step in (ICISS: 2001, Ghani and Lockhart: 2008, Weiss: 2012). The remarks of previous EU High Representative Solana’s words summed up the situation: “Weak states are a nightmare for those living in them but also a problem for the rest of us. (...) Creating well-run states requires functioning politics. And this is something that foreigners cannot provide; only the locals can. We can help. But it is ultimately their responsibility. At the same time, their failures rebound on us. This is the core dilemma for diplomacy in our democratic age”<sup>21</sup>.

While post-conflict statebuilding interventions allow the international community to act, their responsibilities are still formulated in narrow and limited ways. Two factors limiting international responsibilities in statebuilding are of particular interest to this thesis: the temporary support role prescribed to international actors and the framing of statebuilding as a technical exercise.

With respect to the first factor, despite the debates that took place following the Cold War on whether globalization had made the nation state redundant and state sovereignty was withering away, the sovereign equality of nation states remains one of the most basic tenets of the international system, as embedded in the United Nations Charter<sup>22</sup>. This is one of the main reasons why the international system stresses state sovereignty and local ownership when conducting interventions. UN Security Council Resolution 1366 (2001), for instance, claims that “the essential responsibility for conflict prevention rests with national Governments, and (...) the United Nations and the international community can play an important role in support of national

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<sup>21</sup> Speech by Javier Solana, European Union High Representative for the CFSP, “Europe in the World”, at Harvard University Kennedy School on 17 September 2009, [http://eu-un.europa.eu/articles/en/article\\_9007\\_en.htm](http://eu-un.europa.eu/articles/en/article_9007_en.htm) (Accessed on 5 February 2016).

<sup>22</sup> See the open debates at the UN Security Council on post-conflict peacebuilding and security sector reform at [www.un.org/en/sc](http://www.un.org/en/sc).

efforts for conflict prevention and can assist in building national capacity in this field.” OECD–DAC (2008) supports this argument: “Statebuilding is an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations” and “successful state building will almost always be the product of domestic action, though it can be significantly enabled by well-targeted, responsive international assistance.”

First of all; despite the debates following the Cold War on whether globalization has made the nation state redundant and state sovereignty was withering away, the sovereign equality of nation states remains one of the most basic tenets of the international system, as embedded in the United Nations Charter<sup>23</sup>. This is one of the main reasons why the international system stresses state sovereignty and local ownership in interventions. The UN Security Council Resolution 1366 (2001), for instance, claims that “the essential responsibility for conflict prevention rests with national Governments, and that the United Nations and the international community can play an important role in support of national efforts for conflict prevention and can assist in building national capacity in this field.” OECD-DAC (2008) supports this argument: “Statebuilding is an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations” and “successful state building will almost always be the product of domestic action, though it can be significantly enabled by well-targeted, responsive international assistance”.

The R2P debates also ascribe a support function to international actors carrying out activities such as capacity building<sup>24</sup>. This defines the first aspect of the role narratively ascribed to the international community in statebuilding well: one of *support and assistance*, not one of leadership and decision-making, diminishing the responsibilities that could be attributed to external actors even where state sovereignty is problematized<sup>25</sup> and local ownership is too weak to prevail.

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<sup>23</sup> See the open debates at the UN Security Council on post-conflict peacebuilding and security sector reform at [www.un.org/en/sc](http://www.un.org/en/sc).

<sup>24</sup> According to the United Nations definition of R2P; “the State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement; (...) the international community has a responsibility to encourage and assist States in fulfilling this responsibility”. <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> (Accessed on 5 February 2016). These principles originated in a 2001 report of the International Commission on Intervention and State Sovereignty and were endorsed by the United Nations General Assembly in the 2005 World Summit Outcome Document paragraphs 138, 139 and 140. See [www.globalr2p.org](http://www.globalr2p.org) for more details (Accessed on 5 February 2016).

With respect to the second factor, the framing of statebuilding as a technical exercise, democratic peace and liberal internationalism—which form the theoretical core of the statebuilding debate—tend to elevate statebuilding to the level of a universal best practice, rather than a subjective policy choice. This thesis will argue that this definition leads to attributing to international actors solely the responsibility of *assisting* conflict-affected countries, as a narrow and limited definition of external responsibilities. This dynamic also leads to attribution of political responsibilities to national authorities, even where there is no real national authority to speak of. For instance, Catherine Ashton, the EU's High Representative for Foreign Affairs and Security Policy, said of the EU's statebuilding endeavors in the Palestinian Authority, "Institution-building must facilitate the peace process and not replace it. We are working in partnership with the Palestinian Authority to build the institutions they will need to have when the State is established."<sup>26</sup>

#### *1.1.3.3 While statebuilding constantly evolves, responsibilities remain static:*

As the literature survey demonstrates, statebuilding has evolved over the past two decades, due to changing global realities and threat perceptions, new ambitions, acquired capacities and past experiences (Paris and Sisk: 2009). Statebuilding is still an experiment that changes with different threat perceptions, new ways of thought and "lessons learned." External actors change—sometimes they consist of mainly Western actors and allies; sometimes they include regional actors, civil-society institutions or other types of donors. Measures of success in statebuilding change, too, in ways that affect the nature of the international community's involvement, and, eventually, its exit strategies. Discourse evolves and adapts, in order to bridge the gap between the changing realities on the ground and the neoliberal framework of statebuilding, creating new roles and responsibilities for international (and national) actors.

However, while this evolution has been taking place in the discourse around statebuilding, it is unclear how much the responsibilities of the international community have been redefined in kind. In different phases of interventions, the role of the international community has been framed mainly as a temporary and technical capacity-building function in support of national actors, even where statebuilding has been intrusive<sup>27</sup>. Another assumption that will be tested in the following chapters of this thesis is the notion that the

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<sup>26</sup> Full text available at [http://europa.eu/rapid/press-release\\_SPEECH-10-94\\_en.htm?locale=FR](http://europa.eu/rapid/press-release_SPEECH-10-94_en.htm?locale=FR). (Accessed on 5 February 2016).

<sup>27</sup> The comprehensive and intrusive statebuilding function assumed by the Office of the High Representative in Bosnia and Herzegovina between 1997 – 2005 is an example.

responsibility attributed to the international community in interventions has remained relatively static.

These points contribute to strengthening the second proposition of this thesis. In past decades, state sovereignty was held to be at the core of the international system, whereas analysis on the moral dimension of world affairs was limited (Vogt: 2008). The international community has put itself in a position of substantial power and responsibility in recent decades by engaging in statebuilding activities. In addition, concepts such as “human security” and “humanitarian intervention” started entering the international agenda, while debates intensified in considering how to morally justify international intervention and post-conflict involvement, in light of the traditional notion of state sovereignty. The concept of responsibility has in fact become a fashionable catchphrase in the last decades, used by politicians, bureaucrats, journalists, businessmen and civic activists “in numerous contexts and with a great number of meanings in mind” (Vogt: 2006). As such, the term “responsibility” has found its way into UN declarations, political statements and academic articles, and has been used increasingly by the European Union in the past decade.

The first proposition of this thesis was that statebuilding is a comprehensive and often intrusive activity, which implies deep responsibilities for the members of the international community engaged in the act. The aforementioned points suggest that responsibility has been understood, defined and constructed in a narrow and limited manner, which may not be commensurate with the wider responsibilities statebuilding entails. In considering external statebuilding efforts and the international responsibilities a gap can be identified between the ambitious task of shaping the future structures, mechanisms and structures of conflict-prone countries and the limited and incomplete way responsibilities can be attributed to them (Mallaby: 2002, Chesterman et al: 2004, Etzioni: 2004, Barnett and Zuercher 2006). In other words, the temporary, technical facilitation and support role assigned to the international community in statebuilding, and the emphasis that the primary responsibility of protection, reconstruction and building of effective states lies with the nation states, seems to be in contrast with the comprehensive, prescriptive and intrusive nature of statebuilding identified earlier in this thesis (Chesterman: 2004, Carothers: 2007). In addition, the definition of external responsibilities does not take into account the changing roles external actors assume during different stages of statebuilding interventions, as well as the changing nature of statebuilding itself.

This mismatch will be dubbed as the “responsibility gap” in this study. The concept will form one of the thesis’s building blocks—its second proposition

is that there is a mismatch between the comprehensive, intrusive, normative and prescriptive nature of external statebuilding and the limited and narrow way responsibilities are attributed to international actors.

#### *1.1.4 Sustaining the responsibility gap – Discursive safeguards:*

The final proposition relates to the structuring of the international narrative in a way that helps to sustain the responsibility gap defined above. It has already been suggested how the narratives prioritizing the responsibilities of local or national actors in the international system, or framing statebuilding as a technical exercise might indicate a mismatch with the comprehensive responsibilities statebuilding should entail for international actors. This part of the thesis will elaborate on this suggestion, before moving on to formulate a hypothesis and research question.

At every step of statebuilding's evolution, new problems and challenges have emerged. There have been mistakes and shortcomings in the way it has been applied; there have been questions about its success in sustainably solving conflicts (De Guevara: 2010, Chomsky: 2007, O'Connell: 2010, Chandler: 2006). The shortcomings of statebuilding have great potential to affect local populations emerging from conflict, the prosperity and security of the citizens of donor countries and the credibility of the norms championed by liberal internationalism.

The academic and policy worlds have constantly fine-tuned the practice of statebuilding, in an attempt to tailor it to rapidly changing global contexts. They have tried to address problems such as insufficient planning, lack of coordination by international actors and shortcomings in ensuring accountability (RAND: 2007, OECD-DAC: 2008). But there have been notably few studies aimed at responding to critiques questioning the appropriateness of applying liberal internationalism to the problems of conflict-prone countries. Paris and Sisk (2009), for example, claim that although issues such as coordination, coherence, local ownership, legitimacy, dependency, accountability and exit strategies are commonly discussed in the UN Peacebuilding Commission and elsewhere, debates surrounding the problems tend to be superficial, and underlying problems are rarely explored.

The same dynamic can be seen in considering the responsibilities of international actors in statebuilding. There are no clear-cut, specific definitions or formulations of the responsibilities of external actors engaging in comprehensive statebuilding activities. According to Erskine (2003), such "non-definitions or inconsistencies... can lead to attributing duties or responsibilities to [some] institutions beyond their capabilities, while leaving



more appropriate actors off the hook.” This hazard applies to a range of issues, from addressing poverty to supplying justice, from solving conflicts to building states. And if the task of defining and attributing responsibilities is left to the agents themselves, there is a risk that these will be defined selectively, possibly based on calculations of short-term interest. Such definition could be to the detriment of the local populations involved, as well as to the populations of the European countries engaged in statebuilding, the international community as a whole, and to global norm-promotion and the entire statebuilding project.

Those working in the field frequently say that—despite years of donor aid, despite international efforts to reform security sectors and legal systems, to build public institutions, to push for higher standards of human rights and to democracy and politically support the peace process—they see little progress toward genuine reconciliation, development and sustainable peace in conflict-ridden places. Where failures have been evident, members of the international community have tended to shift blame toward regional instability, the intractability of the conflict, the “bizarre” mentality of the locals and “ancient hatreds.” They rarely elaborate with any sufficiency on how their own mostly well-intentioned presence and efforts bear some responsibility. In addition, most debates of “what went wrong” tend to focus on operational and technical failures related to inexperience, which are presumably possible to correct given certain adjustments to policy and application.

The lack of a proper definition for the responsibilities of external actors in statebuilding can also be traced to vague, inconsistent and sometimes contradictory statements in official discourse. Equally evident, building on Erskine’s (2003) point on non-definitions and inconsistencies in attributing responsibility, is the selective assumption of responsibilities by the international community, which tend to be based on their present capabilities and interests, and the current state of affairs. For instance, the EU has openly and repeatedly declared its commitment to the international statebuilding project in Bosnia, initially as a secondary actor supportive of US efforts, and later as a lead actor. Yet, Swedish Foreign Minister and former EU High Representative Carl Bildt, for example, remarked in 2008, “If Bosnia is falling behind, the responsibility is not of the international community, is not of the EU, but the responsibility lies with the leaders of Bosnia and Herzegovina.”

One of the main concerns of this thesis is to explain how it is possible to assume important responsibilities both discursively and in practice, while avoiding accountability for them at the same time. The proposition here is that certain narratives, which will be dubbed “discursive safeguards,” have evolved to become defense mechanisms for international actors who wish to

avoid accepting responsibility for the shortcomings and failures of statebuilding projects. And so, the third proposition of this thesis holds that, while discourse has been an important method of gaining legitimacy for interventions and statebuilding projects, it has also been used as a tool to avoid, rather than assume, responsibility. This is not to suggest that international actors consciously gather together to formulate narrative responses that will help them avoid their responsibilities when engaging in statebuilding, only to argue that external actors contribute to the narrow and limited framing of the responsibilities they hold, and that they benefit from invoking such principles as state sovereignty and the primary responsibilities of nation states. Through discourse, external actors might be falling back on these principles, while benefitting from the limited way the international system allows them to define their roles.

## **2. The Way Forward**

### ***1.2.1 The hypothesis and the research question:***

This thesis started with a simple goal: understanding the international community's discourse on responsibility and statebuilding. Three propositions have contributed to the construction of the research question:

1. Statebuilding implies comprehensive responsibilities for international actors, in line with its normative, intrusive and prescriptive nature.
2. There is a gap between the comprehensive actions of international actors in the political, economic, security and normative dynamics of post-conflict countries, and the narrow and limited moral, legal and discursive formulations of international responsibilities in conflict-resolution and statebuilding.
3. The core principles of the global system—such as state sovereignty and self-determination, as well as the changing nature of statebuilding—create fertile narrative ground for international actors to define their responsibilities narrowly, (a practice referred to as *discursive safeguarding*).

The research question of this thesis, then, is twofold: Are there mismatches—responsibility gaps—in the role accepted by the international community in statebuilding and the responsibilities attributed to that community? And: How does the discourse surrounding peacebuilding deal with these gaps?

The accompanying hypothesis of this thesis is that:

1. Responsibilities are not attributed to international actors engaged in statebuilding in a way commensurate with their comprehensive engagement in post-conflict countries (responsibility gaps).
2. International narratives about statebuilding include safeguards to ensure that responsibilities will continue to be attributed to external actors in a narrow and limited manner (discursive safeguards).

A research question combining the concepts of statebuilding, responsibility and international discourse is of course a complex one. In order to answer the research question, first the phenomenon of external statebuilding will be thoroughly analyzed. Secondly, based on the proposition that international relations and conflict-resolution literature do not define international responsibilities in a way commensurate with the comprehensive set of responsibilities that statebuilding entails, the concept of responsibility will be analyzed to understand what kind of responsibilities might be attributed to international actors beyond the current narrow and limited definitions. The third goal is to investigate international discourse around responsibility, in order to understand how actors assume or avoid the duties assigned to them. This last goal will entail the pursuit of a method of inquiry into the nature and evolution of the international discourse on responsibility. Finally, the thesis will include a case study, in support of theoretical findings.

### ***1.2.2 Designing the research:***

#### *1.2.2.1 Methodological preferences:*

To find the appropriate theoretical umbrella to the research questions at hand, two goals of this thesis must be underlined: a) understanding the way present day narratives frame statebuilding, as well as the related responsibilities of external actors and b) critically approaching this framing, by presenting an alternative framework to construct responsibility.

Achieving these goals will necessitate a research design and theoretical perspectives that allows to connect three concepts; responsibility, statebuilding and discourse under a single framework, borrowing from different fields of study. The research question has already been broken down into three associated propositions, in order the practically address its complexity. In a similar fashion, a multitude of theoretical perspectives and methodologies will be utilized, when addressing different propositions under the research question.

Statebuilding, as a subject, is mostly analyzed through the perspective of international relations, politics and government, and engenders discussions

on a broad range of concepts including the nature of sovereignty, the possibility of successful intervention, the connection between development, security and peace, and the challenges of sustainable peace. Statebuilding encompasses cross-sectoral actions such as institution-building, good governance, public administration, security sector reform, development, human rights, and to some extent, humanitarian aid, adding to the complexity of discussing it. Dealing with statebuilding necessitates the use of a theoretical framework that would allow discussing these diverse topics, insofar as they relate to the responsibilities of international actors in statebuilding and the discourse surrounding them. The purpose is understanding the general framework of statebuilding, the discourse surrounding it and the way this discourse constructs responsibilities, and to avoid technical and detailed conversations on, for example, the opportunities and challenges of security sector reform or best practices in good governance.

Adding responsibility to the statebuilding discussion complicates the issue further. The field of international relations has not sufficiently elaborated on the issue of moral responsibilities and their attribution, or borrowed deeply from the field of moral philosophy in the limited number of studies that has (Erskine: 2003, Vogt: 2006). This study will also need to take this track, seeking for answers in the field of moral philosophy, since the international relations literature cannot be seen fully sufficient in connecting the responsibilities of international actors in statebuilding. Bridging the international relations, politics and philosophy fields might enable addressing thoroughly and adequately the issue of the responsibilities of international actors, as well as exhibiting the possibility of alternative constructions of responsibility for international actors beyond official narratives.

The decision to seek answers to the research question in the discipline of politics and international relations, while benefitting from ideas and propositions of the field of moral philosophy, also necessitates relying on more than a singular methodological framework. The proposed way forward is using frame analysis as a methodology; to understand the way present narratives frame statebuilding and the related responsibilities of external actors. This methodology will be supplemented through surveying the moral responsibility literature, particularly studies on attribution of moral responsibilities, to discover alternative (and morally, more appropriate) ways to attribute responsibilities to international actors (Visoka and Doyle: 2014). The outcome of the frame analysis will be compared to the results of the literature survey on 'attributability', to point out a 'responsibility gap between discursive and moral attributions of responsibility. Finally, discourse analysis will be utilized to identify 'discursive safeguards', as previously proposed.

### 1.2.2.2 *Frame analysis:*

Frame analyses focus on how certain actors organize, interpret, and act on knowledge, and how this makes some actions possible while precluding others (Auteserre: 2012, Hansen: 2006, Loizides: 2015). Frames show how agents locate, perceive, identify and label events. They provide a singular interpretation and appropriate behavior for a certain context, such as peacebuilding and statebuilding in conflict-affected countries, while helping order normative content and define the boundaries of political discourse (Payne: 2001, Goffman: 1974, Klandermans: 1997). Frames are technically defined by Loizides (2015) as “conscious strategic efforts to shape shared understandings about a group, its environment, moral entitlements and range of possible actions.” They influence how international actors understand the world, construct certain phenomena and what they perceive to be appropriate actions (Loizides: 2015). They also help explain why actors with different identities and internal cultures adopt similar understandings of situation. In other words, using frame analysis is beneficial in understanding the lens through which the practical actions are undertaken, narratives are constructed and responsibilities are defined.

With respect to the issue at hand – statebuilding - frame analysis will help understand why different actors, working in different contexts, tend to use similar narratives and endorse similar courses of actions when defining the responsibilities of the international community and their own roles within. It will help point out the similarities and differences among these actors. Framing will help account for the kinds of evolutionary thinking and technical adjustments to statebuilding that have taken place over time, due to new global realities, changing threat perceptions and lessons learned. It will assist in factoring in “time and change”, by encompassing the identities, interests and policies that continue to be established and reinforced, as well as the processes through which new information is interpreted as confirmations of existing belief (Hansen: 2006). In short, identifying the way responsibilities are framed in statebuilding narratives will constitute the backbone of the research methodology.

Once this statebuilding frame has been identified, the second part of the research will concentrate on the possibility of defining these responsibilities through an alternative lens, different than the framing of the current narratives.

This framing exercise, in a nutshell, will help thoroughly and systematically define the way statebuilding frames international responsibilities in official discourse. This exercise will also help test the proposition that the

statebuilding is a comprehensive and extensive exercise. In other words, it will enable analyzing the ideas, thoughts and actions that define the narratives and the possible discursive safeguards that allow international actors to avoid responsibility.

### *1.2.2.3 Discourse analysis:*

Discourse analysis will be used as the main method to gather evidence and input, in order to identify the elements of the frame.

Discourse gives away clues about the existence and evolution of a frame (Hansen: 2006). First of all, discourse consists of stable elements, which help identify the existence of frames. In terms of statebuilding, the initial literature survey already proposed that statebuilding has been presented as a key method to establish and preserve sustainable peace and security in conflict-affected countries, while the international actors are attributed a temporary and limited responsibility in bringing this transformation further. Looking at discourse in a structured way can help test this proposition, by locating the elements of the frame.

It has been previously indicated that the way the responsibilities of international actors have been framed in statebuilding has been mostly static, without reflecting the changing dynamics of conflicts, the interests and intentions of actors, and developing capabilities. Discourse analysis is also an important method to bring the element of change into the conversation. As statebuilding<sup>28</sup> evolves, the discourse surrounding it is also constantly reproduced and reconstructed. For instance, debates on “humanitarian intervention” and the “responsibility to protect” legitimized interventions to promote the needs, interests and rights of people suffering under conflict. The “War on Terror” days, which gained strength after the September 11 terrorist attacks, propagated external interference to preserve international (or Western) peace and security interests.

Discourse analysis can be used to show how facts are dependent on particular discursive framings, and offers an empirical method for operationalizing them, by locating the intentions and choices of moral agents to attribute them responsibility (Laclau: 1993, Mouffe, Torfing: 1999, Torfing: 2005, Jorgensen and Phillips: 2002, Fairclough: 1995, Hansen: 2006). For instance, discourse analysis can help point out how those actors who promote specific norms and

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<sup>28</sup> The theory and practice of statebuilding will be explored in detail in the following parts of this study. For further information on the debates on statebuilding mentioned in this part, see Paris (2002), Hameiri (2002), Ghani and Lockhart (2010), Ghani, Lockhart and Callahan (2005), and also RAND (2007), OECD/DAC (2007).

practices might also be manipulating frames strategically to achieve their ends and boost their legitimacy (Payne: 2001, Hansen: 2006). Analyzing discourse could also indicate how agents avoid responsibility and legitimize this. From this angle, in addition to helping identify elements of the statebuilding frame, analyzing the narratives of international actors can also help approach the narrative construction and attribution of responsibility in a critical way.

Two subsets of the methodology of discourse analysis will be particularly utilized in this study: discourse theory and critical discourse analysis (Hansen: 2006). Discourse theory aims to describe, understand and explain how and why particular discursive formations were constructed, stabilized and transformed. It presents discourse as constitutive, and describes stability and change as coming mainly from the narrative level, and allows for discourse to construct the stability in responsibility narratives. Narratives could be used to obscure change, and define, construct and reconstruct responsibilities in a static way, despite shifting dynamics, knowledge, perceptions and practices. (Jorgenson and Phillips: 2002, Torfing: 2005). This approach is useful when explaining stability in narratives and in practice. Furthermore, as discourse theory claims that knowledge is not fixed, but is produced and reproduced through discursive activity, it can help assert that the policy and practice of statebuilding are not incontrovertible truths, and could be challenged (Laclau: 1993, Mouffe: 2006, Torfing: 1999, Torfing: 2005). This understanding is in line with the propositions on discursive safeguards, which ensure that responsibilities will continue to be attributed to external actors in a narrow and limited manner, in statebuilding.

Critical discourse theory (CDA), another subset of discourse analysis, better explains how narratives are produced and reproduced when faced with changing dynamics and challenges. (Fairclough: 1995, Jorgenson and Phillips: 2002). Language users act both as discursive products and producers in the reproduction and transformation of narrative, and thereby in social and cultural change (Jorgenson and Phillips: 2002). Therefore, CDA allows to claim that, (a) the statebuilding frame is instrumental in the construction of the discourse on the responsibilities of international actors, and (b) discourse can help force and reinforce the existing responsibility framework of statebuilding – ‘discursive safeguarding’. Hansen’s (2006) work provides an excellent basis for the goals stated for this chapter, as she operationalizes framing and discourse analysis by combining these two subsets of discourse analysis, and applies them to conflict prevention and statebuilding.

#### *1.2.2.4 Literature surveys:*

Discourse and frame analysis alone do not help address the remaining concept - responsibility. A significant part of pointing out a “responsibility gap” requires conceptually working on responsibility, in order to show that, (a) official narratives define international responsibilities in statebuilding in a limited and narrow manner, and (b) it is possible to use an alternative framework to assess international responsibilities.

Finding different ways of attributing responsibility, beyond the narrow and limited depictions found in the statebuilding literature, requires investigating alternative ways through which responsibility might be defined and operationalized. Both disciplines of international relations and moral philosophy can be utilized towards this end. A number of mainly constructivist studies and philosophical texts dealing with the concept of responsibility will be used, with the aim of formulating answers about what responsibility means and entails, where it originates from, how responsibilities can be attributed to specific actors and who they are directed toward (Erskine: 2003, Erskine: 2007, Vogt: 2006, Szigeti: 2006, Frost: 2003, DeWinter: 2001, Frankfurt: 1969, 1971, French: 1979, Cooper: 1968, Lewis: 1948, Held: 1970, Velasquez: 1983, Downie: 1969, Brown: 2006, Cohen and Levesque: 1990, Watson: 1987, Husak and Thomas: 2001, Barry: 2005). The focus will be on formulating an alternative framework for attributing moral responsibility beyond official narratives. After understanding in depth the possibility of ‘attribution of responsibility’ and the conditions for ‘moral agency’, the thesis will focus mainly on studies that consider the question of “collective moral responsibility’, and how it can be applied to the case of the European Union (Mayer: 2008b, Erskine: 2003, Erskine: 2007, Runciman: 2003, Harbour: 2003, Vogt: 2006, Szigeti: 2006, French: 1979, 1982, DeGeorge: 1981, Doyle: 2010, Walzer: 2003, Navari: 2003, Ojanen: 2003, Mayer: 2008, Tocci: 2007, Manners: 2008, Smith: 2008, Whitman: 2009). In short, for this part, the method will be a literature survey on attribution and agency in moral responsibility, borrowing from parallel works in the fields of international relations and philosophy.

#### *1.2.2.5 Case study:*

The final component of my research is a case study designed to test the propositions and hypothesis of the thesis. Specifically, I will look at the European Union’s involvement in statebuilding in Bosnia and Herzegovina. Bosnia has been characterized as one of the most long-term, comprehensive, and extensive statebuilding projects of the past few decades, which makes it particularly interesting as a study of the moral responsibilities of international actors (Chandler: 2010). With international statebuilding efforts now stretching into their third decade, the Bosnian case is particularly helpful for



showing how change happens, how the relationships between different variables change and new variables are introduced, and how the world moves from one pattern to another (Lieberman: 2008, George and Bennett: 2007).

Broadly speaking, the choice to analyze the EU's statebuilding efforts is based on these factors:

- a) The EU has been engaged in Bosnia and Herzegovina in different roles and capacities since the beginning of the Balkan conflict in 1992.
- b) The EU has been involved in the Balkans via both statebuilding efforts and through European enlargement processes.
- c) Many of the EU's new civilian crisis-management tools and policies, such as the European Security and Defense Policy, and the Common Foreign and Security Policy, were tested in Bosnia and Herzegovina.
- d) The double hatting of the High Representative and the EU Special Representative provides an interesting example for analyzing statebuilding and European enlargement together.

George and Bennett (2005) underscore that, for research that employs multiple methods, like this one, process tracing is an apt methodology for conducting cross-method collaboration and integrating the different methods. By looking at several sets of information and data over many years, process tracing helps to identify changes in global dynamics and their effects on processes (Checkel: 2006). It will be particularly useful given the long time horizon in Bosnia, which will require factoring in two decades of changing global, regional, and local dynamics; evolving capacities; new threat perceptions; and new interests.

For Checkel (2006), process tracing can also be used to challenge "law-like propositions" in international relations, such as the argument that "democracies do not fight democracies" or, for this thesis, "the international community's responsibilities in statebuilding are technical, temporary, and limited role." Process tracing is useful also for analyzing the perceptions, judgments, preferences, environment, and choices of actors, and meshes well with the frame analysis used in previous sections (Levy: 2008).

As a first step, the case study aims to identify the casual mechanisms that explaining the stability of discourse regarding international responsibilities in changing global and national environments (Checkel: 2006, Levy: 2008, George and Bennett: 2005). The second step will be looking at the EU's role in Bosnia and Herzegovina from an "attributability" perspective, to see whether

this stable framing of international responsibilities is appropriate from the point of view of moral philosophy. As a third step, I will look at several discursive examples from the EU in order to analyse how the stability of responsibility discourse remains static amid evolving dynamics and processes. These three steps will help to test the hypothesis on responsibility gaps and discursive safeguards.

Since the case study is, in essence, designed to test a hypothesis, the underlying implication is that the EU's statebuilding efforts in Bosnia and Herzegovina are a representative example of a broader phenomenon: the consistent and stable framing of international responsibilities in a narrow, limited, and temporary fashion, despite the comprehensiveness, intrusiveness, and extensiveness of international involvement (Levy: 2008). Yet, the thesis also allows for deviations. The frame analysis in the third chapter focuses on the responsibilities of the international community in general, while the fourth chapter hopes to identify the frame that defines how the EU's responsibilities are constructed—and in the process, to identify the EU's position and unique role within the broader framing of statebuilding. Although when it comes to establishing moral responsibility, all contexts are unique and complex, the Bosnia case study should still broadly shed light on the roles and responsibilities of the EU in global statebuilding efforts (Erskine: 2003, Szigeti: 2006).

This overarching analytical framework will be a consistent lens through the sections of this thesis covering responsibility, statebuilding, discourse and the EU, and will lead to a unified argument that will help test its ultimate hypothesis. As the thesis proceeds, framing and discourse analysis will help define the interplay between the more stable framing of statebuilding, and the changing and evolving approaches and responsibilities as states adapt to changing interests, threat perceptions and capabilities. This line of inquiry and methodological framework will test the hypothesis regarding the use of discursive safeguards to cover the gap between the responsibilities entailed by statebuilding and the narrow ways they are attributed to international actors. It will show, in sum, how the international community adapts to changing situations by fine tuning the already existing frame of statebuilding and presenting this, via discourse, as responsible, rather than questioning the essence of statebuilding as dictated by neoliberal internationalism, even in situations where such self-questioning would be the more responsible thing to do.

#### *1.2.2.6 Accompanying theories:*

Several different theories will go into the investigation of my research question, as an overarching framework over the methodological preferences. Liberal international theories, on which many concepts and practices of statebuilding are based on, will be used to understand better the theoretical framework which statebuilding is based on. These theories help point out the relevant actors in statebuilding, their ambitions and interests and what their (social) structures comprise of (Finnemore and Sikkink: 2001). In other words, neoliberal internationalism will help shed light on the framework by which statebuilding is conceptualized, constructed and operationalized, as a factor supporting the dominant narratives of statebuilding and their conceptualization of responsibility (Paris: 2002, Fukuyama: 2004).

Liberal internationalist studies are useful in understanding where statebuilding comes from and the dominant beliefs and theories its application is based on. They help explain statebuilding as it is applied today, as well as such attendant principles and terms as state sovereignty, democratic peace, free market economies, liberal internationalism, globalization, interventions and human rights. However, when the goal is to critically analyze notions of responsibility in statebuilding, approaches that focus on issues such as discourse, interests, identities, norms and responsibilities are more relevant. One example is the common implication in statebuilding narratives with liberal internationalist undertones that define statebuilding as a technical best practice aimed at establishing functional and peaceful states. This definition inhibits attempts to explain and analyze inconsistencies in the concept, as well as technical shortcomings and inherent contradictions. It fails to explain potential mismatches between narratives about international responsibilities and how those responsibilities play out in practice. As such, for the more essential critical elements of this thesis, which consists of taking a critical look at the current construction of responsibilities through narratives, different approaches will be needed. Also, because statebuilding is constantly being constructed and reconstructed in order both to account for problems that appear in practice and to adapt to the changing realities of the global world order, as explained in the previous part, more adaptable approaches are required.

To that end, constructivist, and to a lesser extent, post-structuralist theories provide a useful framework for analyzing statebuilding. These theories do not make particular claims about the content of social structures or the nature of agents as the liberal internationalist narratives on statebuilding do. They do not produce specific predictions about political outcomes, namely what will work and what will not. They are more concerned with how social facts change and how those social facts influence international politics (Finnemore and Sikkink: 2001). Where notions of responsibility in statebuilding are

concerned, literature in the fields of international relations and the law cannot thoroughly connect the responsibilities of international actors in statebuilding. Both constructivism and post-structuralism deal with norms, ideas, knowledge, culture and ideas (Ruggie: 1998, Finnemore and Sikkink: 2001). When analyzing the behavior of agents, they concentrate on the identities, values and the interests of actors (Hansen: 2006, Finnemore: 1996, Checkel: 1999). They see the world as constantly under construction, which makes it a valuable theory when attempting to account for change and compare static versus shifting constructions of facts through narratives (Hansen: 2006, Hoffman: 2009).

From the perspective of agency, approaches that allow for actors to be defined as normative agents are particularly useful. Not only constructivist and post-structuralist studies, but also theories of moral responsibility allow analyzing agency, including the possibility of the agency of international organizations and collectives (Finnemore: 1996). They examine the involvement of international organizations in the process of the social construction of actors' perceptions of their interests. Therefore, moving away from liberal internationalist understandings and interpretations make it easier to examine, analyze and interpret the normative and discursive framework, as well as the operational aspects of statebuilding.

To summarize, although this thesis will make use of neoliberal theories to define and analyze the framework of statebuilding and responsibility, its main approach will be critical to these understanding. This is not to define the study within the boundaries of post-structuralist or constructivist theory or moral philosophy, but rather to acknowledge the opportunities presented by these theories and approaches to establish an alternative framework that looks at responsibility narratives in a critical manner. This shall be the framework defining the methodological approaches explained above.

#### *1.2.2.7 Data collection:*

Previous sections of this thesis established that the research question would require multiple methodologies. The same is true of data-collection methods.

For the frame analysis, the primary data-collection methods will be discourse analysis and literature surveys. As previously noted, the discourse analysis will mainly focus on official discourse from the statements and resolutions of the United Nations, the European Union, the and Peace Implementation Council. Focusing on the narratives of single actors across extended periods makes it easier to identify the static and changing elements in discourse. The data generated as a result of discourse analysis will later be employed both to

identify the way international responsibilities are framed in connection to statebuilding, and to determine how these responsibilities would be framed from a moral-responsibility perspective. The convergences and divergences between the two different framings will help point out a “responsibility gap.” The discourse analysis will also be used to locate “discursive safeguards” that allow for stable narratives to be safeguarded amid evolving global, regional, and local dynamics. The secondary data obtained from official discourse will be largely adequate for fulfilling the goals of this research.

Process tracing, too, will serve as a data-collection methodology (Collier: 2011). Process tracing takes “good snapshots at a series of specific moments”—exactly what is needed to identify certain key time periods and to characterize key steps in the evolution of the EU’s statebuilding activities in Bosnia (Collier: 2011, Hansen: 2006). Process tracing allows for the evolving dynamics in each identified time period to be tested against the proposed stability of responsibility narratives, building a case for the proposed “responsibility gap.”

George and Bennett (2005) argue that in process tracing, the researcher examines histories, archival documents, statements, and other sources, to see whether the casual processes that a theory hypothesizes are evident in the sequence. In order to ensure that all of the identified time periods receive sufficient and equal emphasis, the case study will draw on sources that have been consistently producing material on statebuilding in Bosnia and Herzegovina since 1995, such as UN Security Council statements and resolutions, EU Council Conclusions, and Bosnia and Herzegovina Peace Implementation Council’s statements. The historical data will prevent present-day perceptions and understandings from dominating the research.

### ***1.2.3 Chapter breakdown:***

Testing the first proposition of this research—that statebuilding implies comprehensive responsibilities for international actors—requires a strong understanding of the way statebuilding is constructed and operationalized. An initial literature survey has already helped demonstrate how liberal internationalist approaches have guided the emergence and evolution of statebuilding since the end of the Cold War, and showed the interplay between these approaches and official narratives to define the roles and responsibilities of international actors in statebuilding. Yet, further elaboration and analysis will be needed to highlight the comprehensive and often intrusive nature of statebuilding as a method of conflict resolution, to prove that this nature might requires attributing stronger responsibilities to international actors beyond narratives.

The second goal is discovering the possibility of attributing responsibility to international actors beyond the responsibility framework contained in official narratives. The solution will be sought through the disciplines of international relations and philosophy, which both have useful studies that focus on the attribution of moral responsibility. These studies that deal with how moral agency can be established and the way responsibilities can be attributed will be used as a lens to look at the theory, narratives and practice of statebuilding, as well as statebuilding actors. This is expected to allow reformulating and reconstructing responsibility in ways that go beyond the statebuilding frame. The expected outcome will be to exhibit a clear mismatch between the limited and narrow way official narratives ascribe responsibilities to external agents and the more comprehensive responsibilities that could be attributed to them through a moral responsibility perspective. This mismatch can already be dubbed as “a responsibility gap.”

The final concept to be elaborated on is discourse. Building upon the proposition of Critical Discourse Theory on the way narratives are produced and reproduced, when faced with changing dynamics and challenges, the third proposition of this thesis suggests that official international narratives on statebuilding contribute to the narrow and limited framing of external responsibilities, by constantly producing and reproducing them when met with challenges (Fairclough: 1995, Jorgenson and Phillips: 2002) This constant reproduction of the frame, which effectively helps avoid the attribution of more comprehensive responsibilities to external agents, will be called ‘discursive safeguards’. Building an argument on discursive safeguards will necessitate a deep investigation of the discourse surrounding statebuilding—how it defines the main actors, what kinds of roles it attributes to them, how it frames statebuilding, as well as how statebuilding and its narratives have evolved.

The research will be structured around the purpose of analyzing the interplay between these three concepts, discourse, responsibility and statebuilding. The first chapter has already analyzed some literature on statebuilding, responsibility and discourse, and has put forward the main propositions that the research wants to test. Those propositions, again, pointed to: (a) the comprehensive international responsibilities that statebuilding implies, (b) the gap between responsibilities as they are defined by official narratives and the comprehensive set of responsibilities cited above, and, (c) that international actors tend to contribute to this gap via discourse. The hypothesis has accordingly been defined as “the international community uses discursive safeguards to obscure the gap between the comprehensive and intrusive

nature of statebuilding and the narrow and limited definition of external responsibilities through narratives in international relations.” The following parts of the chapter set the goals of the research and proposed a theoretical, methodological and conceptual way of testing the propositions and the hypothesis.

The second part of the thesis, which encompasses the second, third and fourth chapters, will operationalize the research question and build the argument responding to the research question. These chapters form the core of the thesis. The second chapter will probe the concept of responsibility, and that of the responsibility gap, and will point out what moral responsibilities statebuilding might actually entail. Legal and philosophical literature will also be applied here in order to help assess the framework in which the responsibilities of international actors in statebuilding are defined.

The third and fourth chapters will each look at three points: (a) defining the frame of external statebuilding and its attendant responsibilities, (b) advancing the responsibility framework outlined in the second chapter by creating an alternative way to attribute international responsibilities in statebuilding, (c) testing the framework that explains how statebuilding is framed, “responsibility gaps” arise and discursive safeguards are used to avoid a comprehensive attribution of responsibility. The fourth chapter will look at these points from the perspective of the European Union, with the vision of portraying where the Union sits within the statebuilding frame. The methodology that will be employed in the third and the fourth chapters is a combination of framing and discourse analysis, as previously explained (Hansen: 2006, Auteserre: 2012, Loizides: 2015, Laclau: 1993, Fairclough: 1995). The empirical method offered by Hansen (2006), which suggests that “[I]t is a key goal of discourse analysis to show how... facts are dependent upon a particular discursive framing of the issue in question”, will be particularly useful to operationalize these methods through the prism of conflict and interventions.

The statebuilding frame will be approached from discursive and practical angles, in order to show how it is constructed and operationalized, combining a number of practical ways suggested to conduct frame analysis (Auteserre: 2012, Loizides: 2015, Hansen: 2006, Payne: 2001). In the third chapter, the main concepts of statebuilding will be identified in order to set the discursive frame; the practical frame will be established through looking into how statebuilding has been operationalized. In the fourth chapter, the focus will be on how statebuilding is constructed by the EU. Discourse analysis will be used to support the frame analysis and to solidify the propositions with concrete narrative examples. Identifying dominant narratives, according to

Hansen (2006), is a core part of frame and discourse analysis. As such, the study will, first and foremost, attempt to identify the way dominant narratives frame statebuilding, and the responsibilities of international actors (Hansen: 2006). For the sake of simplicity, dominant narratives will be defined mainly through looking at official discourse: statements, resolutions, and speeches. This will serve two purposes. First of all, limiting the number of venues where discourse is produced (in our case to Security Council meetings, European Union debates and Bosnia and Herzegovina's Peace Implementation Council sessions) is a practical choice – these are all places where discourse on peacebuilding is consistently produced and reproduced. Secondly, the focus on official discourse to locate the frame will be useful to factor in the continuity and change in narratives. Selecting a certain type of discourse and a specific venue for analysis will provide the consistency, whereas the change in discourse by the same actors over time will help exhibit variations. These variations will be the basis to test the prepositions on discursive safeguards.

Additionally, discourse analysis works with constructions of the Self and Other, to exhibit how identities are implemented and put into concrete practice, including by international institutions (Hansen: 2006). As such, it will be interesting to look how statebuilding discourse constructs its own Self (statebuilders) and Other (conflict or post-conflict countries). Looking into how the identities and interests of the Self (statebuilding actors and in particular, the EU) and the Other (post-conflict countries) are framed in discourse will make it easier to understand policy choices that lead to the construction of the statebuilding frame (Hansen: 2006, Auteserre: 2012). A more detailed description of how framing and discourse analysis will be conducted will be made in the third chapter, including the details on source selection.

The fourth chapter aims to narrow the scope of the research by studying a single agent of responsibility - the European Union. Hansen (2006) suggests "it is a key goal of discourse analysis to show how (...) facts are dependent upon a particular discursive framing of the issue in question." While the general assumption is that the EU subscribes to the neoliberal frame of statebuilding, it still needs to ascribe meaning to this frame and to construct objects within it based on norms, habit, rules and procedures within its own institutional space (Tversky and Kahmemann: 1981, Hansen: 2006, Auteserre: 2012). As such, the first part of the fourth chapter intends to show how the EU constructs its foreign-policy identity and how it frames statebuilding and its related responsibilities via discourse. As Laclau (1993) explains, "[T]he way in which the speaker puts sentences together... [is] largely determined by the way in which institutions are structured, by what is sayable in some context."



Building on this understanding, framing and discourse analysis will be used in the fourth chapter as well, in order to emphasize how and why the social and political conditions supporting the dominant narrative arose (Moses: 2007).

The first four chapters are the analytical parts of the thesis. The final two chapters will be the case study, which aims to show the practical application of the propositions put forward in the first chapters of the study—specifically, in Bosnia and Herzegovina. The same theoretical and methodological framework defined outlined above will be used here too. After defining, in the second and third chapters, the framework in which “responsibility gaps” and discursive safeguards” emerge, and investigating the European Union in the fourth chapter, the case study will further narrow the scope by looking at the intersection of the concepts of statebuilding, responsibility, discourse and the EU from the perspective of the statebuilding project in Bosnia and Herzegovina. The concluding chapter will also analyze the extent to which the research hypothesis has been accurate, discuss how the proposed framework might be expanded beyond Bosnia and Herzegovina and the EU, and explore further potential areas of study.

#### *1.2.4 The boundaries of the research:*

Looking into the interplay between responsibility and discourse through the lens of statebuilding is an enormous task. In order to provide a glimpse into this vast subject in a manageable fashion, it is necessary to limit the boundaries of the research. This will be done in four ways: limiting the actor, limiting the time frame and limiting the examples.

First, the leading actor: the European Union. While initially defining the frame of statebuilding, there will be no major distinction between external actors that have taken part in the implementation of the statebuilding project. The reason for this is an argument previously made - a variety of international actors, such as states, international organizations and NGO’s engaged in statebuilding efforts have applied similar frameworks based on democratic peace, free markets and good governance under the name of statebuilding. However, once the statebuilding frame is defined, the study will increasingly focus on the European Union as the international agent.

The Union, as the main subject of the thesis was initially chosen due to its vast presence in efforts concerning in the past, present and future of Southeastern Europe, and Bosnia and Herzegovina in particular. However, the EU’s connection to statebuilding goes beyond the Balkans. The EU has emerged as an interesting and unique actor in conflict resolution and statebuilding efforts,

with its own conflict resolution background, its external policies based on a combination of hard and soft power, with its ambition to benefit from its trade, diplomacy and aid tools through a normative touch. The EU, in conflict/ post-conflict theatres such as Bosnia, Iraq, Palestine and Afghanistan is currently an important actor, gaining relevance through being a major donor of development and financial assistance, operating European Security and Defence Policy (ESDP) missions, appointing EU Special Representatives (EUSR) to gain a political voice and using conditionality through instruments such as enlargement or the European Neighborhood Policy (ENP). Moreover, the timing that the EU started to formulate its foreign policy identity more or less coincides with the rise of the concept of “statebuilding as peacebuilding” in conflict resolution efforts. Thus, the EU’s involvement in statebuilding goes beyond being a matter of interest or altruism, expanding into the area of identity formation. In addition, statebuilding, especially as a technical/operational exercise, serves as a tool for the Union to undertake joint exercises, develop foreign policy tools and speak with a common voice.

The European Security Strategy of 2003 states that “The best protection to our security is a world of well-governed, democratic states,” thus, the member states and the EU “have intervened to help deal with regional conflicts and to put failed states back on their feet.” In this sense, European engagement in statebuilding aims to respond to international and US demands to play its special part in protecting global order and security. These demands have also elevated the EU as a model for democracy and peace, with its active promotion of international law, democratic values and multilateralism. Thus, the contribution of the EU to statebuilding efforts also becomes an exercise through which the EU affirms and exerts its identity, both as a model and as a foreign policy actor. This point alone makes the EU a very interesting object of analysis.

Another interesting point regarding the relevance of the European Union to this study is based on the discourse of the Union. It has been mentioned previously how, in the absence of a clear definition of the responsibilities of the international community, it becomes an easy way out for external actors to point their fingers elsewhere for the failures stemming from the inherent contradictions and inconsistencies of the theory and practice of statebuilding (Erskine: 2003). For the EU, who engages in statebuilding also to formulate its foreign policy identity and affirm the very principles it was found upon, failure of statebuilding efforts for reasons related to the very essence of the statebuilding project seems to hold serious repercussions. In relation to this study, discourse is not solely a tool used to avoid responsibility. It also reflects how an actor constructs itself and what kind of image it wants to project to the outside world. Experience from the ground suggests that there

is a gap between the way the EU presents its efforts in statebuilding and its self-perception as a foreign policy actor and the way the role and efforts of the EU are seen from others (Manners: 2008). Thus, using discourse to circumvent certain responsibilities instead of drawing a realistic picture of the situation on the ground could also harm the image of the Union and eventually become self-destructive. For these reasons, it becomes particularly interesting to select the EU and its formulation of discourse as the agent.

Regarding the time frame, the study will mainly focus on the post-Cold War and only on interventions that can be defined as post-conflict peacebuilding or statebuilding. Thus, only the historical development of statebuilding since the 1990s and the shaping of the EU as an aspiring global actor in this time period will be included. One reason for this is the desire to concentrate on the responsibilities after statebuilding projects have been launched. Responsibility is a difficult subject that goes deep into the areas of ethics and political philosophy, none of which is the intended area of focus of this study. The purpose is to avoid losing focus by entering extended debates on the origins of moral responsibility. Focusing on responsibilities acquired through engagement in liberal-internationalist statebuilding helps avoid complex issues such as historical responsibilities of the West, colonialism or any other philosophical debate that aims to go deep into the roots of duties and responsibilities of Western powers (Barry: 2005). Obviously, the other reason of identifying the post-Cold War period as the launching pad is the increasing dominance of neoliberal internationalism after this point in global politics. For all these reasons, even if there are interventions that could be defined as statebuilding before the Cold War, they are not the direct focus of this research.

On the sources, a more complete list of texts to be studied will be detailed in the following chapters. However, as a general principle, the purpose is to concentrate on texts that can capture the elements of continuity as well as change in statebuilding as an evolving exercise. Statements made at relevant UN Security Council debates, European Council and EU Foreign Affairs Council conclusions (or their earlier versions) and Peace Implementation Council meetings will be prioritized for official discourse. The context-specific statements of high level EU or other officials on the ground will also be used.

Finally, as explained at the beginning of this part, the first steps leading to this study were taken on the field, in Bosnia, Kosovo, Palestine and Afghanistan and were the results of practical debates concerning everyday issues related to external statebuilding. As such, the more theoretical formulations on responsibility and statebuilding will also be tested by case studies from the field, based on practical experience. In order to limit the thesis, the

concentration will be on Bosnia and Herzegovina. The reason for this is both practical and personal. Bosnia is generally considered as the birthplace for intrusive statebuilding, where the theory and practice of the phenomenon were developed and structuralized. In this respect, the time frame chosen for the study more or less will be with the beginning of post-conflict reconstruction in Bosnia and Herzegovina in 1995 and end in 2012, with a brief mention of the riots in February 2014.

### *1.2.5 Novelty of the study:*

The issue of responsibility has been featured in different ways in philosophy, politics and international relations literature, under themes such as humanitarian intervention, the responsibility to protect, statebuilding, state responsibility and responsibilities of international organizations (Szigeti: 2006, Frost: 2003, DeWinter: 2001, Frankfurt: 1969, 1971, French: 1979, Cooper: 1968, Lewis: 1948, Held: 1970, Velasquez: 1983, Downie: 1969, Brown: 2006, Cohen and Levesque: 1990, Watson: 1987, Husak and Thomas: 2001, Barry: 2005, Mayer: 2008, Erskine: 2003, Erskine: 2007, Runciman: 2003, Harbour: 2003, Vogt: 2006, DeGeorge: 1981, Doyle: 2010, Walzer: 2003, Navari: 2003, Ojanen: 2003, Mayer: 2008, Tocci: 2008, Manners: 2008, Smith: 2008, Whitman: 2009). There are studies on attributing responsibility to international organizations, as well as those that talk about responsibilities of international actors in statebuilding (Mayer: 2008, Erskine: 2007, Hansen: 2006, Chandler: 2012). While these studies provide valuable insights on how responsibility can be attributed, they do not provide sufficient conceptual clarity and consistency on the issue of international responsibilities in statebuilding, especially in relation to longer-term structural issues such as aid dependency, problems associated with consociationalism or the evolving nature of statebuilding (Bose: 2002, Erskine: 2003, Erskine: 2007, Mayer: 2008, Vogt: 2006). This leads to a “responsibility gap” when defining international responsibilities in statebuilding.

Although there have been efforts to analyze the concept of responsibility in relation to international relations (Finnemore and Sikkink: 2001, Erskine: 2003), there has also been no attempt to directly construct a framework that could be used to attribute responsibility to the relevant actors in a fair manner. In other words, the current international relations literature on responsibility does not provide a framework that defines the origins and scope of responsibility in external statebuilding that would address the “responsibility gap” defined above. The reason is that the statebuilding literature does not provide a thorough definition of “responsibility,” whereas the responsibility literature does not enter much the field of statebuilding.

This study proposes to contribute to the analysis on these issues, by figuring out whether it is possible to establish a framework to attribute responsibility to the international community in its statebuilding endeavors in post-conflict countries. The second purpose is to test the assumption put forward by, for example Erskine (2003), that this responsibility gap might become a fruitful ground for international actors to avoid their earlier assumed responsibilities. In addition, the concept of “discursive safeguards” is also a new phenomenon, which claims there is a framework that helps understand how international actors avoid responsibility in a structured manner.

The introduction of the concept of the “responsibility gap” as well the analysis on how this gap reflects itself in statebuilding discourse is another one of the proposed novelties of this research. The concept of “discursive safeguards” is also new, suggesting that international discourse uses well-established principles such as state sovereignty and the primary responsibility of nation states, as well as propositions such as the universality of (some) neoliberal basis of the state such as democracy and free market economies to avoid its responsibilities. The ambition to undertake a research that will deal with both the “responsibility gaps” and “discursive safeguards” simultaneously and in a structured manner will hopefully bring new insight on to the concepts of statebuilding, discourse and responsibility.

Heathershaw (2008) states that statebuilding is overworked and under theorized. According to Paris and Sisk (2009), the amount of studies that go beyond guidelines for operationally improving current theories have been on the increase in the past years. To conclude this part, by identifying a gap between international responsibility and external statebuilding, by adding international discourse into the equation, by trying to formulate a definition of moral responsibility in line with the scope of this thesis, by attempting to show the deficiencies of statebuilding at a deeper level than fine-tuning, this research hopes to add to the increasing amount of studies which try to “theorize” statebuilding from a more critical perspective.

### ***1.2.6 Personal perspectives: Opportunities and constraints***

As I mentioned in a previous section, I began to consider a study of the responsibilities of international actors in statebuilding when I was working as a diplomat in Sarajevo. In my capacity there, I was actively following and contributing to policy through my country’s seat on the Peace Implementation Council (PIC). While working on my thesis, I also had the opportunity to serve in Israel and Palestine, Afghanistan, and New York, getting acquainted first-hand with different aspects of peacebuilding and

statebuilding. As such, most of the ideas and propositions in this study are based on personal experience.

Writing a Ph.D thesis as a practitioner has been an interesting and rewarding, yet challenging experience. In terms of opportunities, while studying the evolution of the principles, theories, and practices of peacebuilding and statebuilding for my thesis, I was able to see up close the direct application of statebuilding on the ground. In my last months as a Ph.D. student, I also had the opportunity to work for the United Nations, supporting the 2015 Review of the UN Peacebuilding Architecture, which let me acquaint myself with the most recent developments, trends, and ideas in the field. As such, many of the ideas in this thesis were tested against real-life experience with the pragmatic and practical aspects of peacebuilding. I also read academic literature through this pragmatic lens. Conversely, in my job I was able to view the more practical policy aspects of statebuilding from an academic angle.

While I believe that my practical experiences have made my thesis stronger and in many ways unique, working simultaneously as a researcher and practitioner has also been challenging. The main difficulty was, not surprisingly, balancing my academic, professional, and personal roles and commitments. Although the academic and policy worlds overlap significantly, they are still distinct and separate. I was mostly happy with the practical insight that my work as a practitioner allowed me to bring into my studies, but I was also aware that, had I been solely an academic, I would have been able to concentrate more on strengthening the theoretical perspectives of my thesis, and to broaden and deepen its scope.

A second challenge was ensuring that I would be able to distance myself from the confidential, classified information that I saw while working as a practitioner. Similarly, as a researcher, it was important to be able to be objective in my research, without being influenced by the perceptions and more practical concerns that my day-to-day work brought forth. Having frame analysis and process tracing—which allow the use of official statements, speeches, resolutions, and declarations as data—as the guiding methodologies of the thesis has mostly alleviated this challenge. Had I relied solely on primary data, detaching myself from my policy work would have been much more difficult, particularly since I had contact with many of the key people in the field.

Finally, as a researcher, I had to challenge the core assumptions, principles, and practices that guided my work as a practitioner. Having to question frequently my own practice was sometimes a painful, yet very valuable

experience. My research experience allowed me to look at policy issues and practices more critically and analytically.

**PART TWO:**



## **2. MORAL RESPONSIBILITY IN STATEBUILDING: AN ALTERNATIVE FRAMEWORK**

This research started with the identification of inconsistencies in the way formal and informal discourse on statebuilding defined responsibility. Further elaboration on the concepts of responsibility and statebuilding led to the proposition on the “*responsibility gap*” - the apparent mismatch between the comprehensive and intrusive role played by international actors and the limited and narrow way their responsibilities are defined.

“Responsibility” is a frequently used word by politicians, bureaucrats, journalists, businessmen and civic activists in numerous contexts and with a great number of (different) meanings in mind (Mayer: 2008). However, these references are often not backed up with conceptual clarity on what responsibility would mean (Vogt: 2006, Mayer: 2008, Erskine: 2007). Such “non-definitions or inconsistencies (...) can lead to attributing duties or responsibilities to [some] institutions beyond their capabilities, while leaving more appropriate actors off the hook” on a range of issues (Erskine: 2003). Statebuilding provides a good example to these situations, where despite the frequent use of the word ‘responsibility’, there is actually no clear principles to assess responsible international behavior. Murithi (2009) claims that the absence of an assessment of the ethical dimensions of peacebuilding could be a contributory factor to the limited success that has been experienced in consolidating peace (Murithi: 2009).

An initial literature survey undertaken in the first chapter has indicated three elements that define narratives on the responsibilities of international actors in statebuilding:

- The main responsibility of statebuilding and conflict resolution rests with local governments; the primary responsibility of nation-states is prioritized.
- International actors assume a supporting and temporary role in their engagement with conflict-affected states; thus, the responsibilities attributed to international actors through narratives are narrow and limited,
- While the principles and practices of statebuilding are constantly evolves, narratives continued to define international responsibilities in a relatively static manner.

This chapter will attempt to challenge these parameters of responsibility, by asking the following questions:

- When the international community talks about “responsibility”, what kind of responsibility does this indicate?
- What principles would apply to attribute moral responsibility to international actors in statebuilding?
- What are the criteria for agency? Can international organizations be held responsible for their deeds?
- Towards whom can responsibilities be directed?

The answers to these questions necessitate alternative formulations of responsibility beyond official narratives. As underscored in the previous chapter, there are studies in the fields of international relations and philosophy that have in fact dealt with the topic of (moral) responsibility; yet, none of them have worked specifically on statebuilding. This part intends to conduct a literature survey on these studies, and utilize them to construct a framework for specifically attributing responsibility to international agents involved in statebuilding. Later, this survey will be used to establish how international actors can be held responsible for their involvement in statebuilding, and to whom its responsibilities are to.

## 2.1 Defining Responsibility

The Report on the Implementation of the European Security Strategy (ESS Report: 2008), which says “five years on from adoption of the European Security Strategy, the European Union carries greater responsibilities than at any time in its history”, connects this responsibility to “rising up to challenges” arising from violent conflicts around the world. The EU Programme for the Prevention of Violent Conflict (Commission: 2001) is clearer, claiming that “the international community has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflict”. The former EU High Representative Ashton, in a 2010 hearing to the European Parliament’s Foreign Affairs Committee, accepted that “the EU has primary responsibility for [its] neighbourhood”, alongside other global issues<sup>29</sup>.

As these examples indicate, the “responsibility of international actors” (or the EU) in conflict resolution is a commonly used catchphrase. Yet, what this responsibility entails is often left unclear. The first purpose of this part is to shed more clarity on what can be meant by “responsibility”, by looking into debates on legal and moral responsibility.

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<sup>29</sup> See Pantelic, Z. and Palokaj, A. (2010), “Ashton keeps low profile on Western Balkans”, at <http://euobserver.com/news/29247> (Accessed on 5 February 2016).

### 2.1.1 *Legal Responsibility vs. Moral Responsibility:*

There have been efforts to define and construct international responsibility both from a legal and a moral point of view. The first chapter has already suggested that the international law framework has its limitations and is not able to fully respond to the requirements of this research. This part intends to solidify the argument that moral, rather than legal, responsibility should be used as a basis for this thesis.

The International Law Commission (ILC), at its 63<sup>rd</sup> session in 2011, adopted draft articles on the responsibility of international organizations and submitted them to the General Assembly<sup>30</sup>. In line with previous arguments on legal responsibility, the ILC defines (international) responsibility (in post-conflict interventions) mainly from the perspective of “wrongful or unlawful acts” and “international obligations” defined within the scope of international law. Article 11 of the text states that “an act of an international organization does not constitute a breach of an international obligation unless the organization is bound by the obligation in question at the time the act occurs”. Similarly, Lewis (1948) defines responsibility as “the liability to answer”, which, in legal terms, is equated with penalty. Legal responsibility, therefore, is more concerned with defining wrongful acts and assigning penalties to them.

Going back to the starting point of this thesis, defining responsibility of international organizations strictly from the viewpoint of international law holds its limitations. First and foremost, this legal definition of international responsibilities is not what the international narratives have in mind, when they talk about their responsibilities to (support) ending violent conflict. For instance, when the EU claims that “they have greater responsibilities than any time in history”, as cited above, they are clearly not talking about a legal responsibility as formulated by the ILC.

Secondly, the legal framework does not help build the argument on the “responsibility gap”. International law would not see a problem with narratives that focus on state sovereignty and the primary responsibility of nation states in interventions and confining the responsibilities of international actors to *support*. In fact, the *jus post bellum* doctrine prioritizes sovereignty and establishes the most important responsibility of international actors in interventions as exiting as soon as possible (Osterdahl and Zadel: 2009, Orend: 2000, Bass: 2004). In line with the prioritization of the UN

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<sup>30</sup> For the full text, see [http://legal.un.org/ilc/texts/instruments/english/draft%20articles/9\\_11\\_2011.pdf](http://legal.un.org/ilc/texts/instruments/english/draft%20articles/9_11_2011.pdf). (Accessed on 5 February 2016).

Charter of state sovereignty, a core legal document defining the basic principles of the international system, the legal field does not go deep into defining the legal obligations of third parties engaged in statebuilding beyond this framework. In other words, engagement in conflict states in a comprehensive and intrusive manner is not within the radar of international law. Thus, it cannot explain the mismatch between the comprehensive nature of external statebuilding and the narrowly defined responsibilities of international actors. It keeps its focus on conducts of actors in specific situations, such as an international peacekeeping mission committing a legally wrongful act.

Another document to turn to in this respect is the Hague Convention of 1907, on the Regulations concerning the Laws and Customs of War on Land. The Convention, in its 43<sup>rd</sup> Article states that *“the authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”*<sup>31</sup>. The law presupposes that an occupying power will not restructure the operation and function of a state, but rather, will hold the status quo (Wouters and Chan: 2012). In other words, the law does not involve itself with external statebuilding under international law. This creates a tension between the law of occupation and the process of statebuilding (Wouters and Chan 2012, McGurk: 2005 – 2006).

The examples of institution building authorized by the Security Council, such as for Kosovo under UNSCR 1244 (1999) or when the consent of the receiving state is sought might be exceptions of this phenomenon. However, even in documents such as 1244 (1999), the responsibilities of international actors during or after the institution-building process are not clarified. These resolutions only help legitimize statebuilding in certain contexts, but do not dwell upon the way statebuilding is conducted. Moreover, not every intervention is conducted strictly in abidance with international law. The Security Council, for example, did not provide the coalition forces with a legal mandate to use force against Iraq under Chapter VII, thus raising questions about the legality of the intervention in Iraq in 2003. Although elements of statebuilding in Iraq were authorized in the following Security Council resolution 1483 (2004), the legal basis as well as the scope of statebuilding and relevant international responsibilities remained unclear.

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<sup>31</sup> For the full text, see <http://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=3741EAB8E36E9274C12563CD00516894> (Accessed on 8 February 2016).

Of course, since the end of the Cold War, there have been shifts and changes regarding how the principles of state sovereignty and non-interference should be interpreted. The doctrine of “responsibility to protect” allows interventions on limited occasions<sup>32</sup>. The present position of international law regarding the question of state-building intervention does lean towards a kind of ‘soft’ sovereignty doctrine – one where sovereignty of State can, in some instances, be penetrated (Wouters and Chan: 2012). However, the scope and extent of this doctrine is far from clear. Activities such as institution building and democracy promotion also do not have a solid basis under international humanitarian law (McGurk: 2005-2006).

Chandler (2006), talking about statebuilding, argues that “*law and reality no longer coincide when considering the location of a sovereign power*”. In short, international law does not cover many “grey areas” in interventions, particularly those related to international responsibilities in statebuilding. When international law does deal with responsibilities in post-conflict interventions, the responsibilities it defines does not match those mentioned in international narratives, some of which have been exemplified above. *The legal field a) defines (external) responsibility in limited terms, and b) the relationship between statebuilding and international law seems to be relatively unclear*; making a clear and concrete definition of responsibilities of international actors in statebuilding under international law difficult.

Barry (2005) points out the limitations of law, stating that when dealing with ethical responsibility, importing standards of application from strictly legal contexts is not sufficient to define responsibility in its fullest sense, “as standards of ethical/ moral responsibility are much higher than those of legal responsibility”. Defining responsibility solely as a wrongful act would not make it possible to explain more complex phenomena; such as, for example, why a change of discourse of the international community emphasizing local ownership and responsibilities as a part of their exit strategy when their statebuilding project does not proceed as expected, could be viewed as an irresponsible act. There is no reference in the law which would make it possible to define evading responsibility in this sense as a wrongful act, despite the possible negative consequences to the local population, the image of the international community, global security and neo-liberal norm promotion. From this perspective, the law cannot give satisfactory answers to more general questions such as “Has the EU been responsible in its conduct related to statebuilding in Bosnia and Herzegovina since the entry into force of the Dayton Accords”.

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<sup>32</sup> See the website of the United Nations on the Responsibility to Protect for further information, at <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>. (Accessed on 8 February 2016).

Studies on moral responsibility provide a stronger basis to move forward. First of all, when the European Union talk about responsibility, what they refer to can be understood as moral, not legal or any other form of responsibility. In fact, there are many specific references to moral responsibility. The EU document entitled “A Human Security Doctrine for Europe” states that *“human beings have a right to live with dignity and security, and a concomitant obligation to help each other when that security is threatened.(...) There is nothing distinctively European about such moral norms. On the contrary, they are by their nature universal”*.<sup>33</sup> The EU Programme for the Prevention of Violent Conflicts (Commission: 2001) similarly argues that the EU *“has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflict”*. Examples can be diversified.

An initial look into studies on moral responsibility shows that the subject of moral responsibility has been elaborated on, both from the perspectives of the international relations and moral philosophy disciplines, even if these studies have not specifically concentrated on moral responsibilities in connection to peacebuilding and statebuilding (Szigeti: 2006, Frost, DeWinter: 2001, Frankfurt: 1969, 1971, French: 1979, Cooper: 1968, Lewis: 1948, Held: 1970, Velasquez: 1983, Downie: 1969, Brown: 2006, Cohen and Levesque: 1990, Watson: 1987, Husak and Thomas: 2001, Barry: 2005, Mayer: 2008, Erskine: 2003, Erskine: 2007, Runciman: 2003, Harbour: 2003, Vogt: 2006, Szigeti: 2006, 1982, DeGeorge: 1981, Doyle: 2010, Walzer: 2003, Navari: 2003, Ojanen: 2003, Mayer: 2008, Tocci: 2008, Manners: 2008, Smith: 2008).

Moral responsibility is commonly defined as “the status of deserving praise, blame, reward or punishment” for an act of omission, in accordance with ones obligations (Klein: 2005). The Stanford Encyclopedia of Philosophy follows the same definition in different words; stating *“when a person performs or fails to perform a morally significant action, we sometimes think that a particular kind of response is warranted. Praise and blame are perhaps the most obvious forms this reaction might take”*. These definitions indicate that moral responsibility goes deeper than legal responsibility. Based on these elements, the following parts of this chapter will attempt to test whether a working definition of responsibility around the concept of moral responsibility can be utilized.

### **2.1.2 Moral responsibility:**

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<sup>33</sup> See “A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe’s Security Capabilities”, at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/solana/040915CapBar.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/solana/040915CapBar.pdf) (Accessed on 8 February 2016).

The Stanford Encyclopedia of Philosophy identifies the elements of moral responsibility as:

- a) The concept of moral responsibility itself;
- b) The criteria for being a moral agent,
- c) The conditions under which the concept of moral responsibility is applied,
- d) Possible objects of responsibility ascriptions (e.g., actions, omissions, consequences, character traits, etc.)<sup>34</sup>. Throughout the rest of this chapter, moral responsibility will be defined and operationalized based on these elements.

Before going on to exploring the subject of moral responsibility, it is worth repeating that this is a research on international relations rather than ethics or moral philosophy. Thus, inputs from the field of philosophy should not be understood as attempts to establish new understandings in this field, but rather to benefit from it to the limited extent that it is relevant for this thesis. In order not to dwell too much upon philosophical debates which could lead to losing focus, three simple approaches will be followed when analyzing moral responsibility: a) the use of more simple and general definitions from sources such as the Oxford Companion to Philosophy<sup>35</sup> and the Stanford Encyclopedia of Philosophy, rather than reliance on heavy philosophical literature, b) looking into international relations literature as much as possible on responsibility and the use of ethics and philosophy to fill gaps, c) in the field of philosophy, looking at debates only directly related to the subject matter at hand.

Looking into the first element, *the concept of moral responsibility itself*, the Oxford Companion to Philosophy defines moral responsibility as “the status of deserving praise, blame, reward or punishment” for an act of omission, in accordance with ones obligations, similar to the Stanford Encyclopedia on Philosophy. These definitions have two interlinked elements: a) defining the status of deserving praise, blame, reward or punishment, and b) defining ones obligations. This status can be prescribed through two different elements: prospective responsibility and retrospective responsibility (Erskine: 2003, Vogt: 2006, Szigeti: 2006, French: 1979).

*Prospective responsibilities* refer to “all the special responsibilities an agent may have in the short or long run in virtue of its given situation and in virtue of what or where it is” (Szigeti: 2006). Erskine (2003) defines prospective responsibility as the wish to assign and distribute moral burdens, often going

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<sup>34</sup> See the Stanford Encyclopedia of Philosophy at <http://plato.stanford.edu/entries/moral-responsibility/> (Accessed on 8 February 2016).

<sup>35</sup> See Honderich, T. (ed) (2005), “Oxford Companion to Philosophy”, Oxford: Oxford University Press.

beyond the obligations of a legal system. Jurado (2006) also defines responsibility as “*moral requirements imposed on the behavior of those who assume certain functions, roles and offices*”. These responsibilities “*often arise from the fact that the agent voluntarily shoulders or is involuntarily saddled with certain functions, roles and offices*”, and can be used interchangeably with the concept of special duties or obligations (Szigeti: 2006). As such, this definition of responsibility refers to duties and obligations moral agents are expected to fulfill in the present and in the future.

*Retrospective responsibilities* relate to moral evaluations of institutions based on their past conducts. They are based on the assessment of certain circumstances where the agent can be blamed or praised (Erskine: 2003). Szigeti (2006) argues that “*ascriptions of retrospective responsibility concern what the agent has done or failed to do*”. Velasquez (1983) claims that responsibility means an action and its consequences are attributable to a certain agent. Cooper (1968) also leans on this definition of responsibility, defining it as “*attitudes of blame, praise, indignation, remorse, reward and punishment*”. On the other hand, Lewis (1948) makes a distinction between the legal and moral approaches to blame and shame; the basis of moral responsibility is the moral agent capable of acting rightly or wrongly, and cannot only be defined by being punishable.

Approaching responsibilities from the angle of prospective and retrospective responsibilities fit the purposes of this research well. First of all, they don't refer to abstract and undefined responsibilities, but rather connect responsibility to “*being involved in a certain act*”. The promise of action (prospective responsibilities) and past actions (retrospective responsibilities) are the basis of attribution of responsibility. Secondly, their use allows the addition of the element of time and change into the equation of responsibility. Instead of talking about a standard, universal responsibility that is not subject to any alteration, responsibilities change based on declared intent and undertaken action. Finally, they connect better to international discourse. Although common use of the word “*moral responsibility*” by international actors, the limited and narrow way they define their responsibilities under this term already differs from the initial description above. Thus, looking at moral responsibilities by including prospective and retrospective responsibilities can be a good way in identifying a responsibility gap.

Based on these definitions, in a study on moral responsibilities of certain actors, establishing their prospective responsibilities should be one of the initial purposes. This includes defining moral duties and obligations voluntarily or involuntarily assumed by those claiming certain roles, duties and functions. For this research, this would be those duties and obligations



that can be attributed to the EU when it assumes an international actor position related to statebuilding and conflict resolution. Defining prospective responsibilities, often identified through signs of open or implicit intent such as narratives or conduct, is a first step in defining both the frame in which an actor operates, and also the way its identities, interests and self-image is formulated. At this point, it is sufficient to note that one essential element for defining moral responsibilities is prospective responsibility – those responsibilities assumed *after* a declaration of intent has been made (Szigeti: 2006, Jurado: 2006).

Another essential element is the retrospective responsibility of moral agents. The concept of retrospective responsibility points out that the study of moral responsibility takes past practices into regard in attribution as well. Previous actions, as well as current ones, might indicate responsibilities for agents based on the consequences of these actions. In other words, prospective responsibilities occur *after* an action has been undertaken, based on attributed based the intended or unintended impact of that action. Prospective responsibilities are particularly interesting for the study of statebuilding, a constantly changing and evolving phenomenon tailored to adapt to global context, emerging capabilities and new interest or threat perceptions. Taking retrospective responsibilities in account will mean that responsibilities for past action will not be erased with each new context or situation.

In defining moral responsibility, another way to factor in time and change is looking at constitutive theory. Constitutive theory suggests that judgements about what actors should ethically do are related to their roles deriving from specific practices at a certain point of time, in a specific geography (Frost: 2003, DeWinter: 2001). From this angle, moral responsibilities are not static or universal, there is no singular set of moral rules, and responsibilities change and evolve based on context, culture and time. DeWinter (2001) accepts this viewpoint, stressing that “over time, shared understandings of what set of rights and responsibilities can be ascribed to them will change”. In other words, responsibility is a constructed and changing phenomenon. From a retrospective responsibility angle, though, defining new responsibilities due to changing contexts does not mean previous responsibilities are necessarily cancelled out.

These points made through constitutive theory increase the eminence of using specific discursive examples, case studies and concentrating on evolving context for this research. This way, instead of defining broad moral codes for unspecified which moral responsibilities can be related to a certain actor (the European Union) at a specific time (after statebuilding projects have been

launched on the ground) related to a specific practice (statebuilding) in a specific geography (Bosnia and Herzegovina).

To summarize;

- Aided by the concept of prospective responsibilities, one future goal of this research is to define the moral duties and obligations which have been voluntarily or involuntarily assumed by those assuming certain roles, duties and functions within a frame;
- Looking at retrospective responsibilities, together with constitutive theory, will help go beyond the formulations of responsibility within a specific frame, by factoring in the elements such as change, context, time and geography.

### 2.1.3 *Moral Agency:*

After defining moral responsibility, the next step is establishing *the criteria for moral agency*. International law establishes legal responsibility for collectives based on criteria such as possessing legal personality, rights, obligations and responsibilities under the framework of international law. However, identifying moral, as opposed to legal agents proves to be a more challenging endeavor.

The main actor of moral responsibility is the moral agent (Lewis: 1948). Every agent has to meet certain conditions to be fit to be held responsible (Szigeti: 2006). This section, based on a detailed analysis on academic texts dealing with agency in moral responsibility, identifies the following criteria an actor should fulfill to be classified as a moral agent:

- *The capacity of deliberation and forming intentions:* The first characteristic assigned to moral agents is the ability of deliberation. For responsibility to be assigned to an agent, it must be aware of the nature of the action it is performing (Held: 1970). According to Lewis (1948), moral value can be assigned to conduct which we understand and control. Erskine (2003) defines having the capacity of moral deliberation as the ability to understand courses of action, their consequences and outcomes. Agents capable of deliberation are considered to be able to form intentions, which indicate their plan and purpose of action – a necessary condition to attribute responsibility.
- *Agent Control - The capacity of acting purposively according to formed intentions:* Velasquez (1983) states that according to the traditional

notions of responsibility, an agent is liable for the actions which originate in its bodily acts (*actus reus*), in addition to its intentions (*mens rea*). He argues that an agent must have a unity of body and mind, which allows intentions to be carried out by the same agent. French (1979) mentions the requirement for the agent to capacity to carry out its intentions to establish responsibility. Erskine (2003) points out the ability to take action in response to moral guidelines as a requirement of moral agency. Thus, the ability to form intentions is not enough to be a moral agent; an essential part of moral agency is the capability to transform intentions into action.

- *Alternative possibilities - the element of choice*: One of the key debates on moral responsibility is the “alternative possibilities debate”, which claims that an agent must have had the possibility to choose from alternative courses of action to establish moral agency (Downie: 1969, Held: 1970). Brown (2006), quoting Frankfurt (1969), supports this argument, arguing that that choice is an important prerequisite of moral responsibility; and “an agent can be morally responsible for what it has done only if it could have done otherwise”.
- *Independence and free will*: The ability to act independently from other actors, based on free will is another essential element of agency (Watson: 2003). The decision-making capabilities of agents are strengthened by the ability to make free choices. Some philosophers such as Frankfurt (1969) place the element of free will even above alternative possibilities: even if alternative choices are not available, it is possible to hold an agent responsible as long as it acts on free will.

In the case of the EU, the subject of analysis in this study, it is also needed to look into the discussions on collective responsibility in order to establish agency in addition to the debates on establishing moral agency put forward above. The notion that collectives, and more specifically international organizations, can be held responsible is relatively new in international relations. The International Law Commission’s (ILC) draft articles on the responsibility of international organizations shows that the legal field accepts this idea<sup>36</sup>.

As new international actors become more pronounced in international relations after the end of the Cold War, international organizations became a subject of analysis in addition to the nation state (Erskine: 2003). The moral dimension of world affairs also increasingly became a subject of study (Vogt: 2006). This inspired academic and policy debates on how to morally justify

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<sup>36</sup> For the full text, see [http://legal.un.org/ilc/texts/instruments/english/draft%20articles/9\\_11\\_2011.pdf](http://legal.un.org/ilc/texts/instruments/english/draft%20articles/9_11_2011.pdf).

international intervention and post-conflict involvement against the traditional notion of state sovereignty.

The increasing dominance of the idea that the international system consisted of actors other than states made philosophical debates on collective responsibility more relevant. A group of philosophers dubbed as “methodological individualists” claim that collectives cannot be held morally responsible, challenging their capability to fulfill the elements of agent responsibility mentioned above (Lewis: 1948, Downie: 1969, Cooper: 1968, Held: 1970). First of all, they identify the individual as the sole unit of ethical deliberation, reasoning and choice (Lewis: 1948, Downie: 1969), they suppose that all statements about the acts of collectives are in principle reducible to statements about actions of individual human beings (Cooper: 1968, Held: 1970). Downie (1969) claims that collectives cannot make moral choices, and thus they cannot have moral responsibility: when a collective acts, actually someone acts on its behalf. Velasquez (1983) argues that an institution cannot possess agent control, claiming responsibility requires the unity of body and mind, an aspect that is not relevant for institutions.

Proponents of the notion of collective responsibility challenge these views, stressing the following points:

- *Collectives (institutions) have identities, continuity and organizational memories, which makes them different than the aggregate of individuals:* Runciman (2003) states that corporations exist apart from the individuals who represent them through which they act. Harbour (2003) supports this point, suggesting that the individuals which act on behalf of an organization would not conduct the same acts if the organization did not exist, the continued nature of organizations depend on them having a separate identity which is more than the sum of the identity of their constituents. French (1979) bases moral responsibility of collectives on their ability to have continuity and organizational memories, thus representing more than the identities and interests of the individual members which construct it, stating that corporations subordinate individual ambition and decisions to the need of the corporation’s well being and survival. Harbour (2003) strengthens this point, referring to the shared values and organizational culture of institutions.
- *Collectives with formal decision-making powers, internal unity and self-command are more capable of moral deliberation and forming intentions:* French (1979) argues that being able to form intentions, act purposively and commit deliberately to a specific form of action is one of the main

components of institutional responsibility. Indeed, based on the previous arguments related to moral agency, an institution should possess the relevant decision-making capabilities enabling to choose a course of action among different possibilities. From this point of view, groups with formal decision-making procedures, internal unity and self-command such as corporations and nation-states can be assigned responsibility easier. French (1979) define these types of entities as “conglomerate collectives”, Erskine (2003) classifies them as “formal organizations”. One debate on the capabilities of institutions to form intentions is that, in order to construct majorities, collective decision-making is based on compromise. Harbour (2003) claims that since purposive action is a requirement of collective responsibility, and compromise solutions allow action, compromise is what makes moral agency of complex organizations, which combine differing worldviews possible.

- *Responsibility cannot be divided among the constituents of collectives with their own identity and complex decision-making structures.* Harbour (2003) challenges the point made by individualists, on the possibility of assigning collectives responsibility by distributing it among its constituents. He argues that it is difficult to untangle individual responsibility, as “the complex flow of information, guidance and consequences give policy a very collective stamp”. Moreover, a reduction of statements such as “Norway is richer than Sweden” to statements about individuals would be unacceptable (Held: 1970). DeGeorge (1981) argues that it is equally important to hold an institution responsible as the people working for/ representing it: “We not only need moral people. Even more importantly, we need moral structures and organizations”. Assigning responsibility to individuals that act on the behalf of the organization, or distributing responsibility is especially difficult in the context of states and international organizations (Erskine: 2003). This is why “we hold nations responsible, and do not ascribe the responsibility to a particular individual” (Cooper: 1968).
- *Collectives have the capacity to act as moral agents:* Erskine (2003) cites traditional international relations theories, which would claim that possessing capability of purposive action would not imply moral responsibility. These theories would suspect the capacities of international actors to act as moral agent, as they would be expected to act solely according to their interests. Frost (2003) challenges this view, arguing that there is nothing logically incoherent about placing the same group of actors within the frame of both social practices. An

agent that acts according to its interests could nevertheless be expected to assume moral responsibilities.

- *The moral necessity to hold collectives responsible*: Runciman (2003) mentions one last element relating to the necessity of holding collectives responsible: “We can hold states responsible, not because the law dictates so, nor because of some extra-legal phenomena, but because of the absence of anyone else being willing to take final responsibility for the actions performed in its name.” Sometimes, responsibility can be established in order to protect the interests of those, which might be harmed by the actions of an agent, even if the agent hasn’t done anything strictly contrary to its legal or moral responsibilities. Feinberg (1970) illustrates this point in his deliberation on prospective responsibility. He claims that, when collectives engage in activities with serious public risk, the law might impose responsibility to the agents for events even beyond their control. The rationale beyond this is that, if a collective knows it will be held responsible for wrongdoings even beyond its control in advance, it will take extra precaution when engaging in that act. In cases when public interest is concerned, and when the risk of serious harm is valid, prospective responsibility might be established to protect the general public, even if the agent hasn’t intentionally broken the law. Accepting that the parallel between the two cases is somewhat weak, it is still possible to argue we might talk about responsibility of an international organization if it is engaged in activities that carry risks for future and well being of the general public, it is easier to establish the responsibility of that actor.

To summarize, the abovementioned criteria suggest that in order to be considered a responsible moral agent, a collective has to possess certain qualities, such as (a) a separate identity, continuity and organizational memories, (b) formal decision-making powers, internal unity and self-command, (c) possess agent control and the capacity to act, (d) ability to act independently, based on free will. If an institution is engaged in activities that carry consequences for the well-being and future of a general public, or if it is the only logical actor to be held responsible for an act, it becomes easier to attribute responsibility to these collectives.

The decision-making structure of the EU, its involvement in statebuilding, the evolution of its foreign policy and the way it frames statebuilding will be analyzed in detail in the fourth chapter, facilitating a conclusion that the EU can be considered a moral agent as well as what its responsibilities are. As seen above, especially in order to reflect on “retrospective responsibilities”, it

is necessary to connect an agent to a time, location and context. Thus, at this stage, it is not entirely possible to define the EU (or any international actor) as a morally responsible subject or attach responsibilities to it.

However what could be concluded is that, it seems possible to identify the EU as the lead actor in a study that deals with moral responsibilities. The EU has its own separate identity, in addition to a legal personality, which does not change significantly with every new additional member or every change in leadership. EU decision-making is a complex process of deliberation; and once a decision is taken, it is difficult for its components to challenge it. Its freedom to act independently from other members and external influence can be addressed more in relative terms, as the attribution of moral agency is not an all-or nothing exercise and each of the criteria can be met in degrees: even if we cannot talk about a complete independence in terms of foreign policy as the member-states have not fully transferred their powers to EU in this realm, there is a growing trend in this direction. The EU is becoming more and more self-directive, also in the sense of having its own material resources. Thus, the previous part not only helps show how moral agency can be defined and established, but also enables selecting the EU as a subject of analysis.

## **2.2 Operationalizing Responsibility**

After having formulated a definition of moral responsibility, as well as conditions to establishing moral agency, the third step is defining *the conditions under which the concept of moral responsibility can be applied*.

Attribution of responsibility to a specific actor is a relatively easy task when a reference can be established to a legal/moral code, which clearly defines the prospective responsibilities of an agent. In this case, any agent that would (intentionally and willingly) break this code would be held retrospectively responsible. This is particularly easier when one is dealing with legal responsibility, which is established by treaties, agreements and customary law. It is easy to establish the responsibility of an agent engaged in an act such as killing, which is clearly defined as a legally and morally wrongful act by almost all legal systems. Any breach of contract would be enough to establish responsibilities, and what was meant by these breaches would be clearly defined.

Operationalizing the moral responsibility of external actors in statebuilding is not an easy or simple task. Moral responsibility does not make reference to clear and often written codes, which define wrongful acts and prospective responsibilities. Moral codes are more vague, more subjective and change easier, making it hard to define responsibility. The Stanford Encyclopedia of

Philosophy, for example, states “morality can be a body of standards or principles derived from a code of conduct from a particular philosophy, religion, culture etc. Or it can derive from a standard that a person believes should be universal”. As such, it is very difficult to make references to clearly defined legal and moral codes, when looking at the responsibilities of an international institution engaged in conflict resolution/ statebuilding. It is not possible to talk about wrongful acts intentionally undertaken contrary to a specific code. The fact that the subject matter in hand is international organizations makes the attribution of responsibility even harder. The international relations and legal fields include more extensive and clear definitions on what the responsibilities of state parties should be, yet international organizations are not thoroughly analyzed in this realm.

In fact, the absence of a moral code or clear criteria to attribute responsibility to international actors in statebuilding might very well be the reason why the dominant framing of the responsibilities of international actors does not seem to match the comprehensive tasks they undertake in statebuilding. This part will attempt to construct a more structured way to attribute responsibility to international (collective) agents, as an alternative responsibility framework.

However, the lack of such a code does not mean that attribution of moral responsibility is not possible or practical. Two points are particularly worth highlighting in this debate. The first is the argument that connects agency to “alternative possibilities”, or the element of choice. If statebuilding can be defined as a normative choice, rather than a universal best practice and the only course of action, the alternative possibilities debate would indicate the responsibility of the actor making this choice. This research indeed favors the definition of statebuilding as a normative choice.

The second point relates to debates on the *need* to hold collectives responsible argue that in the absence of anyone else being willing or able to take final responsibility, especially if the interests of a wider public are concerned (Feinberg: 1970, Runciman: 2003). Statebuilding is concerned with situations where states do not have the capacity to fulfill their responsibilities to its populations or international peace and security, problematizing their sovereignty (Ghani and Lockhart: 2008, Chandler: 2006). These two points indicate that attributing responsibility to international actors in statebuilding is not only a possibility; it is a *necessity*, from the perspective of moral responsibility.

### 2.2.1 *The moral responsibility framework:*



Building upon the propositions made in the previous parts of this chapter on prospective, retrospective and constitutive responsibilities, and the assumption that collectives such as international organizations (or the European Union) can be held morally responsible, this section intends to come up with a formulation that establishes a simple and practical framework through which moral responsibility can be attributed to international organizations. The starting point of reference will be Mayer and Vogt's (2006) volume entitled *A Responsible Europe: Ethical Foundations of EU External Affairs*. The said volume focuses on the attribution of responsibility to the EU regarding its foreign policy in order to formulate an ethical framework through which the responsibilities of the EU can be identified and analyzed. Towards this end, six principles are identified to facilitate the attribution of responsibility:

- Contribution principle: If an actor has caused and contributed to a situation of damage/ harm, it is morally responsible.
- Beneficiary principle: When an actor benefits from a situation where others suffer harm, it is morally responsible.
- Community principle: Moral responsibility can be derived from the obligation arising from membership in a community to obey its rules.
- Capacity principle: If there is a valid duty to do X, all actors capable should do X.
- Legitimate Expectation principle: Actors must do X if others legitimately expect it to do X. (for example, when an institution has repeatedly stated an intent to do X)
- Consent principle: X is obliged once it consents to do X. (Consent theory, in this regard, claims that (political) authority is legitimate if and only if it acts in accord with principles the subjects concur with).

For the sake of functionality and efficiency, instead of looking into how all of these principles can fit into the framework of moral responsibilities of collectives, a number of them will be selected, keeping the following factors in mind:

First of all, the legacy of colonialism is sometimes cited as a factor that necessitates the attribution of moral and historical responsibility to former colonial powers. Arguments on the economic wealth and military power of the Western world feeds into this debate, where the very existence of this wealth and power is seen as a reason to attribute moral responsibility towards the world's poor, repressed and unfortunate (Barry: 2005, Montero: 2008). These sorts of attributions are not the immediate interest of this study. The purpose is concentrating on the more immediate and direct moral

responsibilities, which can be attributed to international actors based on involvement in statebuilding on a practice that is currently ongoing.

Secondly, and related to the first point, the purpose of this research is to specifically focus on the responsibilities that arise *after* a third party actor subscribes to the notion of neoliberal statebuilding, consciously decides to take part in it and takes action towards this end. In other words, the responsibilities that can be attributed to an external actor after it chooses to initiate, facilitate or engage in the building of states are in the focus of this research. Thus, among the principles stated above, the most practical ones that connect responsibilities to the direct choices and actions made by the agents will be in focus. Taking a look at the principles defined above for the attribution of responsibility; the *legitimate expectation*, *contribution* and *capacity* principles will be prioritized.

The legitimate expectation principle is useful when attempting to establish responsibility based on intentions and choices put forward in discourse. The legal definition of legitimate expectation applies the principle of fairness and reasonableness to a situation where a person has an interest in a public body or private parties retaining a long-standing practice or keeping a promise<sup>37</sup>. More simply, retaining a practice or keeping a promise is defined as a legally responsible behavior. Mayer and Vogt (2006) connect this to discourse. When an agent has repeatedly stated an intention to undertake an action, this establishes a legitimate expectation from the affected parties for the agent to undertake that task. Going back to moral philosophy, with regard to arguments on attributability, Watson (2003) highlights that the central concern is whether the agent's action or attitude discloses evaluative judgments or commitments<sup>38</sup>. This understanding connects well to the frame of statebuilding and discourse, as it indicates that discourse and frames can both be used to establish intent, which may lead to legitimate expectations from the side of the recipients to fulfill responsibilities arising from this (openly or tacitly) declared intent. In other words, established *intentions* are the first keyword in the attribution of responsibility for this research.

The contribution principle is more self-explanatory, as it connects directly to actions undertaken and the impacts of these actions. It has been previously

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<sup>37</sup> See <http://definitions.uslegal.com/l/legitimate-expectation/> Accessed on 8 February 2016.

<sup>38</sup> The consent principle follows a seems to follow a similar logic from the perspective of this research: when an agent consents to an action, it is expected to undertake that action. On the other hand, a brief research into the origins of consent theory has indicated that it is mostly associated with political authority and the responsibilities of an individual (citizen) under the framework of a state (Locke: 1990, Rawls, Simmons). This framework, in this respect, is not fully in line with the ambitions of this research, and will not be utilized as a way forward.

noted how the Stanford Encyclopedia of Philosophy defines moral responsibility connected to the performance of a morally significant action and the blame and praise associated with it. In this respect, the attribution of responsibility based on *the impact of action* will constitute the second keyword to attribute responsibility.

Finally, from a 'capacity principle' perspective, the *valid duties* mentioned by the capacity principle are, in fact, not the focus of this research. However, the capacity principle can also be utilized in a different manner: "if an actor declares intention to undertake an action, it should have the capacity to undertake that action". In fact, the principle is the same: all actors *capable* should undertake an action.

In short, based on the principles of legitimate expectations, contribution and capacity compiled by Mayer and Vogt (2006), the conclusion is that concrete intentions, undertaken actions and their impacts and the capacity of the agents can be used while attributing responsibility. This approach is also in line with the findings of the previous parts, which points out ability to form intentions and make impact (which is used to establish prospective and retrospective responsibility), the existence of agent control and free will are the main pillars of moral agency. The next step is to look into these concepts in a more detailed way, to suggest a practical way forward to attribute responsibility. The framework that will be finally reached will be used as the framework for the attribution of responsibility throughout the entire research.

### ***2.2.2. Operationalizing the responsibility framework: Intentions, impact and capacity:***

It has been previously mentioned that the field of moral philosophy would be utilized to devise an alternative framework to attribute responsibilities beyond the narrow and limited definitions in statebuilding. This part will constitute another step in that direction. Operationalizing the responsibility framework defined above, by setting out alternative ways to look into the discourse, actions and capacities of international actors involved in statebuilding, aims to highlight the limited nature of way responsibility is currently attributed to international actors, thus highlighting the responsibility gap.

#### *2.2.2.1 Attributing responsibility through exhibited intentions:*

As explained in the previous part on moral responsibility, if an agent possesses decision-making capabilities allowing it to form intentions, consents to a specific course of action among alternative possibilities using its

free will, and has the capability to carry out that action, moral responsibility of that agent can be established. Once agency is established, the legitimate expectations principle states that when an agent voices its intent to take action in a certain direction, it can be held responsible for that action. Watson (1987), also stressing on the importance of free will when forming intentions, argues that that “we are responsible of what we consent to, [if] (...) consent is not necessitated by causes internal or external to the agent”. Ronnegrad (2007) states that moral responsibility can be attributed to an agent for its intentional action: “Moral responsibility resides with those members who intentionally acted in pursuit of an event or ought to have intentionally prevented an event”. Attribution is possible through identifying intentions of an actor, through the promises it has made, the vision it points out, the theories and guidelines it stands on and the actions it undertakes.

The intentions of an actor and its prospective responsibilities can also be connected (Szigeti: 2006, Erskine: 2003, Jurado: 2006). As mentioned previously, attribution of responsibility to a specific actor is a relatively easy task when a reference can be established to a legal/moral code, which clearly defines the prospective responsibilities of an agent. In this case, any agent that would (intentionally and willingly) break this code would be held retrospectively responsible. In the absence of such a code, the declaration of intent serves as a useful basis for the attribution of prospective responsibilities, considering that intentions come before action and thus establish “prospectivity”. In other words, intention is choice with commitment, which helps define prospective responsibilities (Cohen and Levesque: 1990).

These arguments further strengthen the choice of discourse analysis and framing as the main methodology of this research. According to Husak and Thomas (2001), declared intentions showing consent can be understood from linguistical expressions. Moral agents form/ declare intentions also to enable themselves to publicly justify their behavior, their existence and their policies. DeWinter (2001) claims “by offering reasons to justify an action, one constitutes an action as legitimate or illegitimate. This serves in turn to redraw the boundaries of the actor itself, delineating the space it can legitimately occupy by defining what is acceptable action based on the type of actor it is deemed to be”. These intentions might be motivated by self-interest, but they nevertheless create legitimate expectations on the receiving side. In this sense, declared intentions to justify actions may turn into responsibilities.

Husak and Thomas (2001) continue to state that expressions are not the only method of establishing intentions of consent; these intentions can be derived from the behavior of the agent as well. Koeman (2007) argues that intent can

be discerned from examining evidence: observing behavior, incentives and explicit avowals. When declared intentions are vague or multiple, (which is sometimes the case for the EU foreign policy) or when there is no specific declaration of responsibility; the activities undertaken, the vision set forward and the way that the problems and their solutions are framed can be used to establish responsibility. For instance, an agent does not have to state clearly that it plans to contribute to the security of a country, engaging in or contributing to security sector reform activities is enough to exhibit this intention. Thus, when an international agent assumes responsibility in conflict-resolution based on a normative and practical framework and takes action towards that end, responsibility can be established. Frames include prospective responsibilities within them, thus being part of such a frame can also result in the attribution of moral responsibility.

To sum up, expressions of intentions or behavior indicating intentions can be used to determine what an actor has consented to, and – if the conditions are right - what it is morally responsible for. This does not mean that every word uttered would be sufficient to establish responsibility. Using framing and discourse analysis will be useful in this respect, to point out to the actual intentions of the international community in a more structured manner.

#### *2.2.2.2 Responsibility of impact: Actions, impacts, causation and intentionality:*

The *contribution principle* is connected to casualty or an agent causing or contributing to a situation of damage or harm. The principle suggests that moral responsibility can be established if actions have impact on those the agent is responsible to (Mayer and Vogt: 2006). Especially when there are no institutional mechanisms to distribute responsibility in a fair manner, the contribution principle that looks into actions and their (harmful) impact can be a valuable tool for attribution (Barry: 2005).

There are some elements to clarify here, before moving on to the operationalization of the contribution principle. First of all, the contribution principle differs from the legitimate expectations principle, as it derives responsibility from specific actions. An action leading to impact is the first step of the contribution principle. In other words, establishing moral responsibility is to judge to what extents certain actors deserve blame or praise for their *past actions* and *conduct* (Erskine: 2003, Szigeti: 2006). In this way, it is closer to the concept of retrospective responsibilities, which look into attributing responsibilities to agents based on moral evaluations of their past behavior.

The second step is connecting the action undertaken by the agent in question to causation. In order to establish moral responsibility, one must look into whether the agent's action is (viewed as) a necessary condition for the impact (harm) in question and whether the actor caused the impact (harm) (Shultz, Schleiter and Altman: 1981). An action that leads to a negative impact and causes harm can be permissible by legal and moral codes. Here, it is important to note that the harm is wrongful, not because it is necessarily wrongfully inflicted, but because it wrongs the victim and infringes its rights (McMahan: 2007). As such, in order to establish responsibility due to causation, it is not always necessary that the action in question is wrongful.

The third step is establishing intention. The capacity to deliberate and form intentions has previously been marked as one of the most basic tenets of moral responsibility (Held: 1970, Lewis: 1948, Erskine: 2003). As such, for *full* attribution of moral responsibility, the act must be intended and controlled by the agent (Pizarro, Uhlmann and Bloom: 2003). However, there are debates on the need to attribute responsibility in some cases for unintentional acts beyond the agent's control as well, such as in the absence of anyone else being willing or able to take final responsibility or when actions of the agents involve serious public risk (Feinberg: 1970). Szigeti (2006) suggests, "if an actor has caused and contributed to a situation of damage/ harm, it can be held responsible". According to the "causal deviance" concept put forward by Pizarro, Uhlmann and Bloom (2003), when an action causes an unintended impact, "blame can be reduced or eliminated" but not necessarily abolished. Statebuilding can be established as one of those situations where unintended impact might lead to responsibility as well. In fact, attributing responsibility to external actors when they have led to the deterioration of a situation they are involved in, referring to issues such as world poverty, climate change and the protection of civilians during armed conflict, is a well-debated phenomenon (Barry: 2005, McMahan: 2007, Montero: 2008).

These elements show the importance of going beyond intentions and looking into actions and (harmful) impacts when attributing responsibility. John Stuart Mill (1859), in his essay titled "A Few Words on Non-Intervention", stated that a government achieved through intervention would not be authentic or self-determining, it won't represent the will, deliberations and actions of local citizens. Evans (2009), focusing on the legitimacy of military intervention, argues that, no matter how justified the reasons and good the intentions for intervention, interveners do hold certain responsibilities by virtue of the harmful impact that they have inevitably caused. Navari (2003) points out that "international intervention may temporarily and to a certain extent relieve a state from its responsibilities, but it doesn't deprive this state or its citizens from their rights". Post-conflict statebuilding reshapes the

subjects and participants; their activities and interactions are expected to change form (Mitchell: 2009). Interventions change the direction of development in societies, making the international community a constant and resilient feature of domestic governance, whose removal might create existential problems to the constructed state (Carothers: 2002). These factors highlight the importance of looking into the impact of interventions when attributing responsibility.

One example to the use of looking into impact is aid dependency. The undesired of many post-conflict interventions has been the increased aid dependency of conflict states to international donors (RAND: 2007, OECD-DAC: 2008). Since this dependency is not based on a wrongful act and surely is not the intention of the international community, responsibility cannot be attributed through established intentions or promises made. However, keeping in regard the serious public risks of aid dependency as well as the absence of any other suitable actor to take responsibility, it is important to have the possibility to attribute at least part of the responsibility of negative impact on international actors. The contribution principle is most useful in these cases.

In terms of operationalization, conducting a frame analysis will also be useful to analyze the impacts of actions of international actors. Framing intends to show the vision, guiding principles, discourse, operative framework and the problems associated with statebuilding. As mentioned above, utilizing the contribution principle will point out to the possibility of attributing responsibility to international actors beyond the intended impacts. This way, the responsibility gap can be further highlighted.

### *2.2.2.3 The Capacity Principle:*

The primary interest of this research is to focus on responsibilities that arise *after* an agent willingly becomes part of a conflict resolution process and contributes towards that end. Looking into the intentions of international actors and the impact of their actions allows limiting the research as such; whereas the capacity principle will be operationalized as a secondary element to make a more thorough attribution of responsibilities. This will be done by converting the capacity principle “if there is a valid duty to do X, any actor capable should do X”, as previously explained.

The main actor chosen for this research is the EU. Looking into the EU’s emergence as a foreign policy actor, a striking element is the incremental development of its foreign and security capabilities and its adjustment of its internal decision-making structures. The EU seems to be in a constant process

of redefining itself and boosting its capacities in crisis response. Thus, especially in the example of the EU, connecting capacity to responsibility seems to be an interesting way forward.

First of all, increasing foreign and security capacities to respond better to conflict implies the intention to become more involved in crisis management, and possibly statebuilding. Intentions do not always have to be declared verbally; for instance, establishing European Security and Defence Policy (ESDP) missions in the Middle East and the Balkans imply an intention to engage – an intention that can be used in the attribution of responsibility.

Second, increased capacity means more room for involvement and subsequently a heightened impact. The contribution principle argues that moral responsibility could start as soon as intentions are translated into action and capabilities are deployed. Indeed, Ojanen (2006) states “growing expectations have been widely recognized as an important factor pushing the EU into more activism in international relations. To a large extent, the EU has itself fed these expectations by its own indications”. In other words, looking into capacity-building efforts of an external actor – in particular the EU, may help better support the two principles explained above.

However, there is a third way to look into responsibility. If one turns the capacity principle around; to say “an actor should not become involved in a certain act if it does not have the capacity to do so”, this establishes an additional basis for attribution. The EU’s involvement in conflict is again a very good example; the capacity principle would allow attribution of moral responsibility to the EU for its early involvement in violent conflicts in Yugoslavia without the necessary capacity to do so. From this perspective, every attempt to build capacity would signify a responsible act for the agent towards closing the responsibility gap, by matching its capacities to its responsibilities arising from intentions and impact.

This research does not argue that having the capacity to solve a problem does not have to mean bearing responsibility for that problem. There are many problems, many conflicts around the globe, which the EU could help; on the other hand, it does not have the capacity to help all of them. This is why this research concerns itself with the theatres the actor intends to contribute and chooses to engage in. On the other hand, when making a choice to engage in a conflict in a particular way, an agent must make sure it does not overstretch its commitments and has the capacity to contribute in the way it intends to. Declaring intentions without a proper analysis of the capabilities of the agent may, in itself, constitute an irresponsible act.



### 2.2.3 *The Way Forward:*

In the previous part, building on debates on moral philosophy and responsibility, the principles of legitimate expectations, contribution and capacity were identified to advance the framework of moral responsibilities of external actors in statebuilding. This part has suggested possible ways to operationalize these principles, with the goal of establishing a method to attribute moral responsibility to agents in statebuilding.

It cannot be repeated enough that this is not a study of moral philosophy. Nor is the goal to provide an exhaustive list on every single responsibility that might arise for external actors engaged in statebuilding. The purpose is simply to conduct a more structured and thorough look into the concept of moral responsibility beyond vague narratives, in order to show that it is possible to expand the narrow and limited framework of responsibilities attributed to external agents in statebuilding. Keeping this goal in mind, the three principles can be translated into three concepts and methods, for operationalization:

- Expressions of intentions or behavior indicating intentions can be used to determine choice and consent, prerequisites for establishing moral responsibility for alternative possibilities. Discourse analysis and framing are useful to discover patterns of consent, by offering a way of looking into discourse or behavior in a structured manner.
- Impacts of action also create responsibilities for agents. As such, the (harmful) impacts of external action in statebuilding will be the second path through which responsibility is attributed. Towards this end, the frame analysis to be conducted will once again prove useful, to show the vision, the guiding principles, the discourse, the operative framework and the negative impacts of statebuilding.
- Finally, the choice to develop capacities contributes to establishing responsibility based on the alternative possibilities and contribution principles. Moreover, a mismatch between intentions and capabilities can also establish responsibility. Towards this end, the frame analysis will also concentrate on the development of capacities of agents.

Operationalizing this framework will be instrumental in testing one of the main propositions of this research, *that there is a responsibility gap between the narrow and limited definitions of external responsibilities in statebuilding, and the comprehensive and intrusive nature of statebuilding*. This gap will be made apparent by establishing an alternative framework to attribute responsibilities

to international agents and identifying an additional (non-exhaustive) list of their moral responsibilities.

### 2.3 Attributing Responsibility:

In the previous parts, the possibility to establish the moral agency of the European Union, as an institution with a separate identity, continuity, formal decision-making powers, agent control and the capacity to act as a responsible collective agent has been established. Secondly, a framework to attribute responsibility to the international community (the EU) has been suggested, based on its intentions, impacts of its actions and capacity.

The final task is to look into how responsibility can be attributed concretely – thus identifying the last element of the responsibility framework. Obviously, a concrete (and non-exhaustive) list of responsibilities can be identified only *after* the frame and narratives of statebuilding are analyzed in the following chapters. This part merely aims to limit the direction of responsibilities for the sake of simplicity, by pointing out “*towards whom*” external agents can be held responsible to. Navari (2003), thinking around similar lines argues that, “*it is the obligations to entities that have moral standing that complete the notion of a moral obligation*”.

In the first chapter, it has been established how liberal internationalism, strengthened with the doctrines of humanitarian intervention and the responsibility to protect, frame the responsibilities of international actors in a narrow way *towards local populations* (Evans: 2008, Koeman: 2007, Doyle: 2010). Despite the discursive focus on the protection of local populations to foster the legitimacy of interventions, the point that there are no purely altruistic interventions is also valid, implying that statebuilding agents might have many different additional responsibilities (Evans: 2008, Weiss: 2012). For instance, the responsibility towards the preservation of *international peace and security* is highlighted as a basic principle of international relations in the UN Charter and is a core tenet of humanitarian intervention (Weiss: 2012). Engagement in conflict resolution and statebuilding, as previously noted, is a promise to the taxpayers of donor countries to bring them better security and economic opportunities. Moreover, especially for the EU, taking part in statebuilding efforts is often seen as a pathway to global actorness and liberal norm promotion (Mayer and Vogt: 2006, Smith: 2008). Furthermore, potential responsibilities might also arise from the sustained costs of intervention to taxpayers, as well as negative impacts of intervention on locals.

To further build on these points, a number of different directions of responsibility will be identified, to answer the question “*responsibility to*

*whom*". Statebuilding discourse, which has been analyzed in the previous chapter, identifies reasons why third parties decide to intervene in conflicts and engage in post-conflict reconstruction, such as putting end to violent conflicts, stopping bloodshed and enhancing the lives of local populations, protecting and promoting security and economic interests and promoting certain values, norms and visions in the global sphere. The discourse and actions of the external actors in statebuilding seem to indicate that both its intentions and the consequences of its actions produce effects that create responsibilities to three different groups:

- Responsibilities to the local population
- Responsibilities to protect/ advance self-interests
- Normative responsibilities/ Identity promotion

Every intervention is unique, and a thorough frame and discourse analysis on statebuilding is possible only through looking at cases from the ground with specific examples based on specific actors. However, based on the previously established elements of moral responsibility, it is possible at this point to combine the argument on responsibility gaps with the direction of responsibilities.

### ***2.3.1 Responsibilities of the intervener towards local populations:***

The first chapter has indicated that declarations of responsibility towards local populations are a distinctive element of statebuilding narratives. The vision of building state capacity through comprehensive international post-conflict interventions has necessitated a shift in the traditional principles of state-sovereignty and non-intervention, legitimized by narratives that prioritized the protection and interests of local populations as the purpose of intervention (Doyle: 2010, Weiss: 2012). The proponents of "just war theory" take these narratives even further, suggesting that just interventions must always keep the interests of local populations above others (Evans: 2008, Koeman: 2007, Doyle: 2010). The intentions and impact of external statebuilding will be analyzed in detail in the next chapter. At this point, it is enough to highlight the promise to build just, well-functioning, economically viable and self-sustaining states guided by democracy and human rights; as well as the comprehensive and often intrusive actions taken in this direction (RAND: 2007, OECD-DAC: 2008).

The international community, through involvement in statebuilding, *chooses* to support a particular vision of peace based on a specific model of a functioning state. It (contributes to) building structures and institutions, provides aid and personnel towards this end, and presents its vision as a way

to enhance regional and global security as well as certain norms and values. Its actions lead to important change on the ground; sometimes causing negative impact. Based on the alternative choices and contribution principles explained previously, these promises (intentions) and impacts implies moral responsibilities to international actors, beyond the declared temporary, narrow and limited responsibilities in terms of time and scope (Navari: 2003, Carothers: 2002, Mitchell: 2009). The lack of attributing such responsibilities would lead to a responsibility gap towards local populations.

In order to establish the existence of a responsibility gap, it will be necessary to conclude the exercise of identifying the frame of statebuilding, as well as the dominant narratives included within (Hansen: 2006). At this point, certain elements of moral responsibility towards local populations will be identified, and later compared with narratives on responsibility from the statebuilding frame.

- *Protecting local populations from harm:* The protection of local populations from harm is perhaps the most dominant way that international interventions are legitimized by discourse. As such, moral responsibility can be derived from the promise to local populations (intention), the impact of actions taken towards this end, and whether external actors had the capacity of protection when this promise was made.
- *The promise of sustainable security:* Statebuilding differs from humanitarian intervention in its promise to bring sustainable security and stability. The moral responsibility would necessitate looking at to what extent this intention has been prioritized and fulfilled, whether international capabilities have been built in a way to ensure that this promise is realistic, and whether there have been (unintended) impacts of external action on sustainable security. The adding of the word "sustainability" to the equation could also imply moral responsibilities beyond the actual intervention on the ground.
- *Economic development, democracy and human rights:* Liberal international statebuilding, particularly strengthened with the development-security nexus, propagates and acts upon a vision that connects security to development, democratic institutions and human rights. (Ghani, Lockhart and Carnahan: 2005, ESS Report: 2008). External actors choose market economies, democratic institutions and human rights policies as the way forward for conflict countries, promising this vision will bring sustainable peace. From a moral responsibility perspective, external actors could be held responsible if their vision failed to live up

to its promises. As the statebuilding vision is translated into international action by the hands-on promotion of the neoliberal state in different directions, international actors might also bear comprehensive responsibilities for impact in economy, development and human rights. Finally, even if the international capacities at the beginning of the intervention were not sufficient to fulfill the comprehensive intentions, the building of capacities to close this gap would be a responsible act.

### 2.3.2 *Responsibilities to protect or advance self-interests*

The narrative of humanitarian intervention and especially “just war theories” prioritize the protection of local populations in interventions, implying that other prioritizations could be immoral and illegitimate (Doyle: 2010, Weiss: 2012). This is not the proposition of this research. Self-interest can be seen as a positive and benevolent factor that drives purposeful action (Murithi: 2009). If an agent has certain interests to fulfill in a certain area, the likelihood that it exits without its project being completed and its goals realized might become lower (Evans: 2009). Especially in the example of the EU, protecting and promoting the security and economic interests of its members could strengthen EU commitment to the regions it engages in and projects it funds. In fact, the moral responsibility framework defined above does not suggest in any way that keeping self-interests in mind while engaging in third countries would be morally irresponsible acts.

Yet, again from the perspective of the moral responsibility framework, it could be suggested that declarations of self-interest by external actors (intentions) and the impact of statebuilding on these interests could be utilized to establish moral responsibility. Statebuilding narratives of the international community and the EU clearly stresses on how interventions will positively affect their own citizens and international peace and security (ESS: 2003, ESS Report: 2008, US NSS: 2002, RAND: 2007). Navari (2003) argues that international organizations are “*instruments of our own being*”, as they are composed of states willing to sacrifice their particular wills for the sake of the general will and create an agency that acts on their behalf. Oakeshott (2003) mentions the rights of institutions to accomplish a particular end to fulfill their own interests. Even when self-interested factors are not clearly defined as an intention, agents “*tend to act for self-interested reasons and sometimes unconsciously tend to interpret and apply their moral values in ways that won’t threaten their interests*” (Sen: 1999).

The following areas can be initially identified as being within the scope of the moral responsibility of external actors *towards their own interests and self*.

- *Security considerations:* The narrative on security threats that failed/fragile states present to the Western world is a component part of statebuilding debates, heightened especially after the September 11 attacks. Statebuilding promises to provide sustainable answers to the (mostly asymmetrical) threats negatively affecting the security interests of people belonging to countries that engage in statebuilding from other countries than the failed/ failing state; often identified as terrorism, organized crime, illegal immigration and human smuggling, religious extremism, refugee flows and mass migration, weapons of mass destruction, piracy and regional conflicts (RAND: 2007, OECD-DAC: 2008, ESS: 2003). The European Security Strategy (2003) exemplifies this connection well; stating, "With the new threats, the first line of defense will often be abroad; and (...) the best protection to our security is a world of well-governed, democratic states". From a moral responsibility perspective, if external statebuilding is discursively legitimized with the promise of more security, the citizens of those countries could indeed legitimately expect more security. The possible negative (unintended) impact of engaging in statebuilding on their security could also establish moral responsibility.
  
- *Economic interests:* Statebuilding helps expand markets and may provide entry-points to previously virgin markets. In terms of those markets that the agent (the EU) already operates in, since state failure and conflicts reduce trade and put investments at risk, helping to build resilient states free of conflict aims to sustain economic activity in areas of conflict. In addition, keeping in mind the heavy burden of post-conflict assistance and reconstruction, conflicts are costly; preventing state failure relieves taxpayers from extra burdens that might arise from conflict. Conflicts or rogue states might also threaten energy disruption or access to natural resources; necessitating the framing of energy supply guarantees (Ceccorulli: 2009). Moreover, threats to stability such as refugee flows are also linked to the rise in unemployment (in the EU). These are elements that can also be factored in when contemplating the responsibility gap; by looking into issues such as whether economic considerations have been included in narratives to legitimize statebuilding, what kind of promises do these narratives include, whether prolonged conflict has had its toll on the taxpayers and whether statebuilding had a negative or positive impact on economic interests.

### 2.3.3 *Normative responsibilities and identity promotion:*

When defining normative interests, Wolfers' (1962) distinction between possession goals (aimed at defending and increasing possessions) and milieu goals (aimed at changing the international environment the actor operates in) could be kept in mind. From this angle, engagement in conflict response does not stem solely from immediate security and economic interests. Actions are also reflections of common identity, values, norms; which, according to Navari (2003), persist even if the economic and security interests of the members change, or the capacities to fulfill mandates diminish.

Statebuilding includes a strong normative element, especially when viewed as a choice of liberal internationalism. Murithi (2009) argues that the moral dimension of peacebuilding has been increasingly pronounced since the end of the Cold War, as it "took the dimension of a moral activity with moral presuppositions and implications", which affect the strategies and efforts on the ground.

The normative dimension of Western statebuilding efforts is sometimes criticized for actually advocating Western norms and interests, in the disguise of universal values (Chandler: 2000, Chandler: 2006, Chomsky: 2007). Brown (2006), for example, argues "there are good reasons to be worried about the idea of a coalition of liberal-democratic states engaging in a crusade to spread humanitarian values, claiming to be agents of a new moral consensus". However, whether external actors (the EU) are promoting universal norms or European/ Western values is a subject of another study. From the perspective of this study, the normative element of statebuilding enables attribution of responsibility to international agents, based on their promise to propagate a certain (their own) world vision, their capacity to make this possible and the impact their engagement in statebuilding has on the promotion of the neoliberal state. The direction of this responsibility is also towards the Self – when the EU engages in statebuilding, this entails a responsibility towards its own norms, values and identity.

Among a list of many possible normative aims, the following ones seem to be occurring often in international narratives as the milieu goals of statebuilding.

- *Affirming its identity*: Tocci (2007) states that an international actor can display different foreign policy goals at the same time; the choices it makes to further certain goals more than others help define what kind of actor it actually is. The degree to which an international actor declares an intention to pursue certain norms and values, and the extent that it operationalizes this intention on the ground also serves as an affirmation of its own identity (Manners: 2008, Erskine: 2003). Mayer (2008b) argues that in addition to consenting to become a

normative actor, an agent must be able to follow and propagate its norms and values in its own behavior and apply them in the contexts it operates. As such, the intention of an agent (the EU) to engage in statebuilding to foster and affirm its own foreign policy identity, as well as the consistency in the way it promotes its norms and values on its image and identity of the EU can create moral responsibilities – towards the EU.

- *Winning hearts and minds*: Aggestam (2008) remarks that “the EU can be considered ethical as long as it doesn’t follow its interests at any cost to others, but tries to win their hearts and minds too”. This point can be made for the international community’s efforts in conflict resolution and statebuilding in general. One of the promises of statebuilding is that, adopting a moral/ normative touch and promoting “universal” values such as human rights, democracy and the rule of law are factors that will connect the local populations deeper with the statebuilding project. In a related way, the successful implementation of normative policies in the field, will impact the universal acceptance of these norms.
- *Shaping the environment it operates*: The comprehensive nature of statebuilding promoting a liberal internationalist framework of security, development and neoliberal values has been explained in the previous chapter. Human rights, democracy, good governance, the fight against crime, regional cooperation, conflict prevention, sustainable development and prosperity are all interrelated, the promotion of one complements the success of the other (Smith: 2008). From this angle, promoting the vision of the liberal internationalist state is a normative promise – a promise that this vision is the basis of international peace and security. This promise can also be utilized to establish responsibility.

#### **2.3.4 Dilemmas in the moral responsibility framework:**

The moral responsibility framework defined above is constructed with a practical purpose in mind; to look at international responsibilities from a different angle than the one somewhat vaguely constructed by the statebuilding discourse. Towards this end, some basic and relevant concepts of moral responsibility have been coupled with propositions regarding statebuilding, in order to create a simple framework for attributing responsibility.



However, constructing even a simple framework has been an arduous task, bringing forward many questions on how just and appropriate it manages to attribute responsibility. It has been stated many times that the goal has not been to establish a completely inclusive and comprehensive framework that addresses every kind of moral responsibility question related to international actors in statebuilding, or draw up an exhaustive list of the responsibilities of international actors. Thus, many questions that come to mind here will have to be the subject of another debate. The framework drawn above merely attempts to exhibit that a different kind of framing moral responsibility for external actors in statebuilding is possible beyond the temporary, limited and narrow definitions of the international relations literature.

On the other hand, the following two dilemmas must be kept in this exercise; both to try to be as fair and balanced as possible in the attribution of responsibility and to keep in mind that this might not be completely possible.

#### *2.3.4.1 Conflicting Responsibilities:*

One of the most important advantages of using a moral responsibility framework to attribute responsibility to international actors in peacebuilding is the ability to define the *direction* of responsibilities. Although moral responsibility frameworks are very content-specific, and thus responsibilities can be defined based on specific contexts, time and actors, the literature survey conducted in the first chapter to analyze peacebuilding literature already allows defining three directions of responsibility: towards local populations (the Other), towards the security and economic interests of the intervenors (Self), and the normative values and image of intervening states (Self).

One interesting question that could arise at this point of the research is, whether an agent could be held responsible in all these directions in an equal manner. The initial literature survey on peacebuilding and statebuilding suggests that through discourse, international actors prioritize two sets of responsibilities: the protection and well-being of local populations and the protection of international peace and security. The frame analysis in the next chapter will dig deeper into the intentions of agents in statebuilding, as well as the impact of their actions for attribution, enabling the discovery of other directions of responsibility. At this stage, however, one could make the assertion that the responsibilities that international actors choose to prioritize – such as self image, norm promotion, protection of civilians, prevention of conflict, protection of economic or security interests – would have the potential to help define the type of actors engaged in statebuilding, their identities, interests and intentions, as well as the type of intervention. This

would help distinguish between statebuilding projects that prioritize the protection of local populations and promotion of norms such as Bosnia and Herzegovina, or those that mostly prioritize the security interests of intervening countries, such as Afghanistan and Iraq.

The conundrum of clashing responsibilities explained from a moral responsibility perspective also helps pointing out divergences between different theoretical approaches in peacebuilding. From a liberal internationalist angle, which to this day continues to loosely define the framework of statebuilding and peacebuilding, it would be difficult to point out a clash between responsibilities, as the responsibilities of democratic actors to local communities, their own well-being and their norms and values would not run contrary to each other (Wenar and Milanovic: 2009, (Richmond: 2013). However, a “clashing responsibilities” debate would also allow looking at statebuilding from a realist perspective, which would suggest that the immediate security interests of actors would undoubtedly take priority over others. Constructivist studies, on the other hand, could emphasize the importance of norm promotion in interventions, claiming that normative interests could topple immediate interests in certain scenarios, such as EU missions whose primary purpose is perhaps “flag-raising” (Pirozzi: 2011, Wolff and Whitman: 2011).

In short, approaching the issue of attributing responsibilities to international actors in statebuilding through a moral responsibility angle carries potential for the purposes of this study. It helps challenge the predominantly liberal-internationalist framework of statebuilding, by suggesting that international actors might have different priorities, interests and thus responsibilities in statebuilding in different contexts, beyond generic definitions of responsibility through narratives. Through this broader interpretation of responsibilities, it enables integrating the element of *choice* into the attribution of responsibilities. In other words, as moral responsibility argues for the attribution of responsibility through declared or undeclared intentions or intended or unintended impact of actions, the *choice* of international actors to prioritize certain directions of responsibilities over others in their interventions should be taken into regard. For instance, field-level debates can extend criticism to international actors for backtracking on their moral values, disregarding the interests of local populations or not reaping enough economic or security benefits from the statebuilding project. The moral responsibility framework allows making sense out of these arguments.

This conundrum of clashing responsibilities particularly makes sense when one is working on the EU. Vogt (2006) states that the powers and interests of the EU can be grouped into four categories: civilian/ economic, military/

political, normative/ discursive, model/ structural. These different forms of power can and often do enforce each other, but can also clash. Normative goals can sometimes contradict practical interests, as in the case of the human rights dimensions of the EU's trade relations with China (Mayer: 2006). Sometimes the EU, despite initially intending to be a neutral arbitrator in conflicts, may be forced to take sides, as was the situation in the Yugoslav wars (Bose: 2002).

Has the EU managed to be more of an honest broker, or does it take sides in conflicts to further its own well-being and normative goals? When its security interests have clashed with the universal norms it proposes to advocate, which direction has it taken? In designing and contributing to elements of statebuilding, has it focused more on the well-being of the local populations or not? And has it taken responsibility for times it has failed to one side? Analyzing when and under which circumstances international actors or the EU prioritize which responsibilities when a clash occurs is a question whose answer will be sought through the next chapters of this study, based on the opportunities provided by the moral responsibility framework.

#### *2.3.4.2 Responsibilities of other actors:*

Statebuilding is an exercise that often consists of many different actors. Conflict resolution and statebuilding usually involves responsibilities of a multitude of different actors, including the conflicting parties. This makes it difficult to define responsibilities of individual actors that contribute to different elements of statebuilding.

When the subject of analysis is a particular actor within the statebuilding framework, such as the EU, the question of how to fairly distribute responsibility between different actors and attribute responsibility fairly to the EU arises. Barry (2005) notes that it is not always easy to determine how much one agent contributes to the deprivation of another actor, and how much of the overall responsibility belongs to which agent. Jurado (2006) argues that "little has been done to assign duties among relevant international actors – be these governments, international institutions or NGO's – in any systematic way". Yet, the difficulty of knowing who the most appropriate actor is should not lead to a situation where the issue of responsibility is not tackled at all (Vogt: 2006).

The general trend to hold local parties to conflicts responsible in terms of conflict resolution has been noted above. Despite the noteworthy expansion of the EU's role, structures and capabilities in terms of peacekeeping and crisis management, security, defence and foreign policy are traditionally

known to be in the exclusive competence of EU member states and the transformation of the EU as a security and defence agent is incomplete (Ojanen: 2006). In terms of other actors, there is a general understanding in the Middle East and to a lesser degree in the Balkans that the US clearly leads in the field of global security, not least because of the lack of a fully developed strategic vision and coordination on the European side (Mayer: 2008a). The US is also a leading actor on the normative terrain of statebuilding (Mayer: 2008a). On the other hand, the UN is recognized as an organization that is responsible for peace and security, in addition to promoting global norms in the world (Ojanen: 2006). The EU uses military capabilities, operational planning and assets of NATO; non-EU states usually take part in ESDP missions. Regional partnerships and hostilities contribute to conflicts as well. This is an incomplete list, compiled to point out the difficulty of the problem of attribution/ distribution of responsibilities.

It has been noted in the previous section that it is not possible for an agent to equally live up to each and every one of its responsibilities at all times. A similar approach can be followed in terms of distribution of responsibilities among different actors. When defining the responsibilities of the Union in a specific context, it is necessary to keep in mind that the EU is not an actor with the sole responsibility of conflict resolution. It is not the sole one which contributes to conflicts, mediates between conflicting parties and drives the process leading to solution. It is not the only one that formulates intentions and commitments, and acts accordingly on the ground. It is not the sole agent with capacities to solve global conflicts (Ojanen: 2006). Thus, without extending the research beyond its limits, it is nevertheless essential to note other actors who may also carry responsibilities in terms of statebuilding, and what these responsibilities may entail.

## **2.4 Summing Up**

Pointing out the divergence between the rhetoric and self-image of the EU with its concrete actions and capabilities, Mayer (2008a) calls for a more mature and responsible narrative by and for the EU on its future global role. The solution he puts forward is that the EU should accept “its increasingly peripheral phase within a global order while explaining the substance and meaning of its ethical norms much better and following them in its own behavior”, and reduce expectations through a realistic assessment of capabilities (Mayer: 2008a). On the other hand, critics of liberal internationalist statebuilding, such as Noam Chomsky and David Chandler, debate the morality of intervention per se. Chandler (2006, 2010) agrees with the more neutral, humanitarian form of intervention followed by the

International Committee of the Red Cross (ICRC), while opposing the external social engineering of statebuilding efforts.

This research would claim that neither point grasps the essence of the issue regarding responsibility. Although Mayer's point (2008a) that there is need for a more mature and responsible narrative by and for the EU in terms of statebuilding is noteworthy, this does not mean that the EU should take a more peripheral role in global affairs or scale down its statebuilding efforts. First of all, the increased involvement of the EU in conflict resolution efforts around the globe, and its building of capacities in that direction is an indicator that the Union is not ready or willing to take the back seat in foreign policy. Moreover, despite repeated failures and new challenges, the elements of statebuilding – security sector reform, institution building, the promotion of good governance and human rights - still carry considerable weight in conflict response. The notion of viewing failed or rogue states as security threats and advocating institution building in the security, legal, administrative and financial sectors are still prevalent<sup>39</sup>.

What might be needed is a rethinking on the way international responsibilities are framed. Matching the promises and actions of international actors to their responsibilities in a more accurate way might help foster the trust of local populations in statebuilding projects. It can tell both conflict countries and the taxpayers of statebuilders what to expect from civilian interventions. In addition, when the global debate on intervention seems stuck trying to find ways to surmount the backlash of the dominance of state sovereignty, rethinking responsibility might show that international actors can and should be legitimately involved in certain conflict countries. It can boost the image of the intervenors, by making interventions more credible.

DeWinter (2001) refers to the sweatshop movement, which challenged old notions of corporate collective responsibility to “press its view that the corporation has duties towards a broad range of stakeholders. The collective is coming to be understood as a collective moral agent (...) bearing the larger responsibility of contributing to social justice within the communities which it produces” (DeWinter: 2001). Perhaps a similar sort of rethinking is needed in terms of states and international organizations, which take part in statebuilding. Barry (2003), commenting on efforts to reduce world poverty, argues that in the absence of formal mechanisms, new informal norms can be constructed to address deprivation, while the search of enhanced formal

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<sup>39</sup> See, for example, Foreign Policy's latest Fragile States Index at <http://www.foreignpolicy.com/fragile-states-2014>.

mechanisms continues. Similarly, in the absence of clear-defined, formal methods to address the responsibilities of international actors engaged in statebuilding, trying to define the informal/ moral responsibilities of actors could lead to better practices. The framework to define moral responsibility, proposed by this chapter, has been the first step in this direction. By establishing an alternative framework through which responsibilities can be defined, combining the fields of international relations, law and philosophy, it has been made more clear that a wider range of responsibilities could be attributed to the international community for its engagement in building states.

This framework rests on the following elements:

- The subject of international discourse on responsibility seems to be moral, rather than legal responsibility. Thus, the literature on moral responsibility can be used to define moral agency, operationalize and attribute responsibility and show its direction.
- *Moral Agency*: The capacity of deliberation and forming intentions, agent control, the element of choice and independence and free will are identified as elements to define moral agency. Building on arguments that defend the attribution of moral responsibility to collectives, the possession of the EU of a separate identity, continuity and organizational memories, formal decision-making powers, internal unity and self-command, agent control and the capacity to act, as well as the ability to act independently shows that *the EU can be the subject of moral agency*.
- *Operationalization of responsibility*: A broader formulation of the moral responsibilities of international actors in statebuilding can be possible, by looking into the intentions of agents, the impacts of their actions and their attempts to develop capacity. Discourse analysis, framing and literature surveys have been identified as useful methods to discover patterns that might establish such responsibility.
- *Attribution of responsibility*: Three directions have been suggested as a response to the question “to whom responsibilities are to”: Responsibilities to the local population, responsibilities to protect/ advance self-interests, normative responsibilities/ identity promotion. However, these responsibilities do not form an exhaustive list of moral responsibilities of external actors; a better list would have to factor in specific situations and actors.

Approaching moral responsibilities of external actors through this framework might help the attribution of responsibility beyond the more narrow, limited and temporary definitions of international relations literature, although a thorough analysis on the responsibilities of international agents will be possible only through looking at concrete cases.

Thus, at this stage, two questions related to this research have been dealt with: a) Can moral responsibilities be attributed to international actors beyond the dominant narratives of statebuilding? b) How can this attribution be operationalized in a practical manner? The results can be explained more simply through the chart below:

	<b>Establishing Moral Agency</b>	<b>Operationalizing Moral Responsibility</b>	<b>Attributing Responsibility</b>
<b>Elements:</b>	<ul style="list-style-type: none"> <li>- The capacity of deliberation and forming intentions.</li> <li>- Agent control</li> <li>- The element of choice.</li> <li>- Independence and free will.</li> </ul>	<ul style="list-style-type: none"> <li>- Legitimate expectations principle: Establishing responsibility based on intentions.</li> <li>- Contribution principle: Responsibility arising from the impact of actions.</li> <li>- Capacity principle: The development of capacities might indicate responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>- Responsibilities towards local populations.</li> <li>- The responsibility to protect and promote interests.</li> <li>- Normative responsibilities and identity construction/promotion.</li> </ul>
<b>Questions:</b>	<ul style="list-style-type: none"> <li>- Does the agent possess a separate identity, continuity and organizational memories?</li> <li>- Does it have formal decision-making powers, internal unity and self-command?</li> <li>- Does it have the capacity to act?</li> <li>- Can it act independently and based on free will?</li> </ul>	<ul style="list-style-type: none"> <li>- What are the declared (and undeclared) intentions of external agents in statebuilding? Are these intentions formulated in a structured way, enough to establish responsibility?</li> <li>- What has been the impact of involvement in statebuilding? Have the possible negative impacts of involvement been mitigated?</li> <li>- Did the agents have sufficient capability to fulfill their intentions and promises at the outset? Have the agents developed their capacities to better fulfill their intentions and eradicate negative impacts of their involvement?</li> </ul>	<ul style="list-style-type: none"> <li>- What have been the promises to local populations and the intentions regarding promoting interests and identity of statebuilders? Which of these three has been prioritized more?</li> <li>- What has been the impact of action on the three groups? Has there been negative impacts of statebuilding in either three directions?</li> <li>- Have international capacities been built in a way that would correspond to fulfilling promises and mitigating negative consequences of impact?</li> </ul>

With help from the literature survey identifying specific elements of statebuilding in the first chapter, this framework has already proven useful to test the first proposition of this research; *statebuilding might imply widespread responsibilities for international actors due to its comprehensive, intrusive and normative nature*. The next step will be testing the proposition on the responsibility gap: Comparing the comprehensive moral responsibilities that can be derived from the framework above to the dominant framing of external responsibilities in statebuilding would point out whether the statebuilding attributes responsibilities to "statebuilders" in a narrow and limited manner.



### 3.The Framing of Statebuilding: Main Concepts, Practices and Shifts

#### 3.1 Frame Analysis as a Methodology

##### *3.1.1 Setting the goals - Statebuilding, responsibility gaps and discursive safeguards:*

The main questions in this research are based on the relationship and interplay between three concepts: statebuilding, responsibility and discourse. The main propositions have been structured around these three concepts; arguing that a) statebuilding implies comprehensive responsibilities for involved international actors, b) the way the responsibilities of international actors is defined is not commensurate with these comprehensive responsibilities (responsibility gap), c) Discursive safeguards embedded in the frame helps sustain this “responsibility gap”; so that the practice of statebuilding as the “most successful method” to resolve conflicts can proceed without international actors having to bear the burden of its seemingly grander and deeper responsibilities.

The previous chapter has dwelled upon the concept of moral responsibility, as a useful framework to identify a responsible agent, holding them responsible and determining the direction of responsibilities. This framework has indicated that statebuilding’s narratives, as touched upon in the first chapter, might too narrowly construct responsibilities of external agents.

This chapter will elaborate more on statebuilding and its narratives, to define and understand the frame through which it is constructed, legitimized and operationalized, both from a theoretical and practical angle. Frame analysis will be the main methodology, to analyze the normative and practical framing of external responsibilities within statebuilding, as well as the changes it has undergone. This practice will serve towards testing the propositions mentioned above, particularly the goal of pointing out a responsibility gap.

In short, this part will further exhibit that statebuilding includes comprehensive activities ranging from humanitarian relief to shaping the contents of and implementing peace agreements, establishing democratic institutions and promoting norms; which implies that the responsibilities of the relevant external actors should go beyond those defined in discourse and practice identified in the first chapter (Annan and Mousavizadeh: 2012, Hameiri: 2002, Paris: 2002). Second, identifying the way statebuilding and external responsibilities are framed and comparing it with moral

responsibility will help test the proposition on the responsibility gap between the comprehensive responsibilities of external agents and the way statebuilding attributes responsibility to them. Finally, the concept of “discursive safeguards that allow external agents to avoid their comprehensive responsibilities” will be introduced. Three different discursive safeguards, already identified in the first chapter will be developed: a) *change* (how statebuilding adjusts itself to changing realities, contexts, new ways of thinking), b) *universality* (how statebuilding is defined as a universal, technical exercise), c) *local ownership* (how statebuilding gains legitimacy through emphasizing local ownership as the end goal). Once more, a comparative study will be undertaken; aiming to compare the international discursive approach to these concepts to how the moral responsibility framework defined above would approach them. A thorough elaboration on discursive safeguards would require a concrete agent and context; thus this chapter will suffice with merely introducing the concept and leave further elaboration to the next chapters.

### 3.1.2 *Frame analysis:*

Before engaging into a deeper analysis on responsibility and statebuilding, it will be useful to elaborate once more on what frame analysis is and how it can be operationalized in line with the goals of this research.

It has been mentioned previously that frame analysis emerges as a useful methodology to define how certain events or occurrences are located, perceived, identified and labeled (Goffman: 1986). Frames emphasize some elements of the picture, and doing so, they serve to filter perceptions about the world so that some aspects of the reality become more noticeable (Kuypers: 2009). Once in place, frames encourage journalists, scholars, practitioners to perceive, process and report all further information to support the basic evidence in the schema, while obscuring the contrary information that might be presented (Kuypers: 2009). Shaping the dominant frame which includes some “facts” while excluding others is a necessary first step in accomplishing the framers’ ends (Loizides: 2015). From this perspective, identifying a statebuilding frame will help better define *how and why* responsibility is defined in a narrow and limited manner.

Secondly, the use of frames is not a passive exercise, and includes an element of appropriation, challenging, negotiating shared meanings. Framing is a conscious strategic effort that shapes shared understandings about a group, its environment, its moral entitlements and a range of possible actions (Kuypers: 2009, Loizides: 2015, Hansen: 2006). Loizides (2015) builds upon the definition of Goffman (1986) to define framing as interpreting, defining and

redefining state of affairs. Thus, framing is an occurrence that requires agency, as a central organizing idea for making sense of relevant events and suggesting what is at issue (Kuypers: 2009). In other words, framing is the result of the efforts of social agents, and requires agency, deliberation and manipulation in the construction of new realities (Loizides: 2014, Payne: 2001). As such, the frame analysis will show that the framing of external responsibilities in statebuilding the way they are is a *choice* of external agents.

Frames shape the view of actors on what constitutes a problem, which events should be noticed and prioritized, and which practices and policies will be authorized, enabled and justified; these actions, in turn, reproduce and reinforce the dominant meanings and practices (Auteserre: 2012). Frames define problems, diagnose causes, make moral judgements and suggest remedies (Kuypers: 2009). Identifying these components of frames in occurrences and/or narratives related to statebuilding emerges as a useful methodology, to help define the dominant and overarching frame that interprets, defines and proposes remedies to conflicts. Towards this end, the following components of a frame will be kept in mind, when looking at the development of statebuilding and the narratives and practices it includes.

- Frames define what constitutes a problem and diagnose causes. In this sense, frames include a *diagnostic* component, which defines a problem, its source, and the associated grievances and motives (Loizides: 2015, Kuypers: 2009). Social frameworks provide background information for events that incorporate the will, aim and controlling effect of the agent and allow the agent to locate, perceive, identify and label a number of concrete occurrences (Goffman: 1986). In other words, the type of framework we employ provides a way of describing the event to which it is applied (Kuypers: 2009, Goffman: 1986).
- Frames include a normative aspect; a *moral judgement* about the need to react and the role of the agent (Kuypers: 2009). Participants must believe that there is an opportunity to bring about social change; they must also see themselves, as "much needed agents of their own history" (Gamson and Meyer: 1996, Loizides: 2014). In fact, Kuypers (2009) claims that most of the spoken moments are spent in providing evidence for the fairness and unfairness of the current situation and other grounds for sympathy, approval and understanding.
- The diagnostic element of frames, combined with moral judgements about the situation allows them to propose remedies to the occurrence (Kuypers: 2009). Loizides (2015) defines this as the *prognostic* component of frames, which includes identification of the appropriate

opportunities and strategies for solving the problem and the legitimization of certain courses of action. Dombos et al (2009) similarly introduce the concept of "issue frames", which provide reasoning in which issue specific prognostic elements respond to issue specific diagnostic elements. In other words, frames first define the empirical phenomena, fact and occurrences as an issue; then label the phenomenon as a problem that the (political) system should deal with (Gerhards: 1995).

- Although frames reflect and define public perceptions, they *restrict* some elements of the facts from public attention; through defining what is relevant and what is not (Goffman: 1986, Loizides: 2015, Auteserre: 2009). In this way, framing directly affects the kind of responses given on the ground.
- *Agency* is an important element of frames, as the practice of framing is not a passive exercise but conscious strategic efforts. They are not always a reflection of objective conditions but include an element of manipulation. They are crafted towards an end, an interest. As such, frames can be embedded in the definition of the identities and the interests of the agents (Loizides: 2015). Thus, one element of defining frames lies in defining the Self/the agent, the way it establishes its interests and identity and the way this reflects on the construction of the frame.
- When one defines the Self (the object), it is also necessary to look into the way the *Other* (the subject) is defined. Frames, in fact, are crafted to draw distinctions between the Self and the Other (Loizides: 2015).
- Finally, once the negotiation on the aspects of the occurrence is finalized and a frame is formed, the tendency is to continue on mechanically as though the matter had always been settled (Kuypers: 2009).

### **3.1.3 *The way forward:***

As mentioned previously in this chapter, the first goal here is to look into how statebuilding is currently framed and how it could be alternatively framed (from the perspective of moral responsibility). In other words, the goal is; a) to isolate some of the basic frameworks of understanding available for making sense out of occurrences; and b) to analyze the vulnerabilities to which these frames are subject to (Goffman: 1986, Loizides: 2015). A comparative analysis as such, with the view to looking into alternative

frameworks that oppose the dominant narratives, is a method proposed to be useful in the identification of frames (Hansen: 2006, Auteserre: 2012). In other words, while looking at how the official/mainstream/dominant discourse and narratives frames statebuilding, there is also the need to look into alternative discourses that contests and challenges statebuilding from different angles (Auteserre: 2012). This is one of the goals of this part.

Here, it is essential to mention the relationship between framing and discourse (Fairclough and Wodak: 1997, Hansen: 2006, Howarth: 2000). Frames constantly appear in narratives. Thus, looking for recurring keywords, concepts, symbols and images is a useful method in the identification of frames (Kuypers: 2009, Goffman: 1986, Hansen: 2006). Hansen (2006) claims that approaching discourse analysis through different intertextual models (of official, media and marginal discourse) provides a structured view for different locations, actors and genres of the debate. Since the aim is to discover recurring themes in dominant discourse over a certain time period, it might be a wise idea to select (official) discourses that provide a certain element of continuity and stability. Towards this end, throughout the next chapters, UN Security Council meeting records that include full texts of statements made since the end of the Cold War, European Council Conclusions, statements made by the highest level EU and US officials will be utilized, together with supporting sources such as academic journals and media articles.

On the other hand, identifying discourse that contests and challenges the mainstream/ official discourse will both help define and understand the frame better and also help compare the definition of external responsibility made by the dominant frame of statebuilding and the alternative conceptualizations of the moral responsibility framework. For this study, these alternative discourses will be utilized to further strengthen the idea of the “responsibility gap”. In addition, the mutually reinforcing nature of discourse and practice is a recurring theme in frame analysis (Hansen: 2008). In other words, practice also helps define frames. In this context, both the development of statebuilding since the end of the Cold War and the way it is generally operationalized will also be in focus.

To summarize, statebuilding will be analyzed in this chapter from three different perspectives, with a view to conducting a frame analysis:

- a) Relooking into the elements provided in the first chapter, relating to the development of external statebuilding;

- b) Selecting three basic concepts of international relations which neoliberal statebuilding literature is centered on – sovereignty, (humanitarian) intervention and capacity–building, and the way neoliberal statebuilding relates to these concepts in its narratives (Fukuyama: 2004, Chesterman: 2004, Paris: 2002, Zaum: 2009, OECD-DAC: 2008, RAND: 2007, Wheeler: 2003, Chandler: 2010, Ghani and Lockhart: 2008, Weiss: 2014, Ignatieff: 2004; Chesterman, Ignatieff and Thakur: 2004, Ghani, Lockhart and Callahan: 2005, Paris: 2002, Sorensen: 2006),
- c) Looking into the application of statebuilding across different contexts and situations in order to identify a practical pattern in its implementation.

All three perspectives aim to respond to the questions below; to identify the components of the frames:

- Diagnostic components: How the empirical phenomena, facts and occurrences are defined and how causes are diagnosed,
- Normative components: How the role of agents is morally defined, how the situation is normatively framed,
- Prognostic components: Which opportunities and strategies are identified for solving the problem and how certain courses of action are legitimized,
- Agency: How the identities and the interests of actors (the Self) are structured, how the Other is defined *vis-a vis* the Self.

These questions will not only help to define the frame of neoliberal statebuilding, but together with the questions defined previously to establish moral responsibilities, constitute two parts of a comparative analysis that aims to exhibit the *responsibility gap* between the statebuilding frame and the moral responsibility framework.

As mentioned previously, the last step in this chapter is to introduce the concept of *discursive safeguards*. Discursive safeguards aim to reinforce the elements of the frame when met with opposition from alternative discourses (Hansen: 2008). From this perspective, it is now safe to define discursive safeguards as methods to reinforce the dominant discourse against the challenges and criticisms faced. The concept will be deliberated in more detail in the last part of this chapter.

## 3.2 The Frame of Statebuilding

After having identified the basic elements of frame analysis to move forward, it will now be possible to identify the diagnostic, prognostic, normative components of the statebuilding frame, as well as the way agency is constructed. Statebuilding will be approached from three angles to successfully locate the frame: a) main concepts that define statebuilding, b) the way statebuilding is implemented, c) the development of statebuilding over time.

### 3.2.1 *Conceptualizing Statebuilding*

The traditional normative framework of international relations stands upon the principles of self-determination of peoples, sovereign equality, and non-interference (by the UN) in the domestic affairs of member states<sup>40</sup>. Although these principles are still at the core of the global system today, the international community has assumed ambitious and substantial roles in third countries especially in the past two decades, by shaping the future structures, mechanisms and structures of conflict-prone countries (Mallaby: 2002, Chesterman et al: 2004, Etzioni: 2004, Barnett and Zuercher 2006).

The idea of the “responsibility gap”, in many ways, points out to the confusion of having an international system that state sovereignty has been deeply challenged in the past decades; yet the basis of the system still emphasizes sovereignty and non-interference. The temporary, narrow, technical facilitation/support functions attributed to the international community in interventions, and the emphasis on the primary responsibility of the nation state in protection, reconstruction and building effective states is a formulation of a system that prioritizes sovereignty. The comprehensive, prescriptive and intrusive nature of statebuilding does not (Chesterman: 2004, Carothers: 2007). In other words, in a way, the parameters of the frame of statebuilding are different than the frame of external responsibilities in statebuilding.

This part aims to understand how these two different frames coexist together; allowing a comprehensive and intrusive role for external actors while managing to define their responsibilities in a limited way, in line with the basic principles of international relations. In other words, the purpose is to understand the narrative that morally justifies international intervention and post-conflict involvement against the traditional notion of state sovereignty, without directly challenging it – and how this narrative reflects on the

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<sup>40</sup> See Article 2 of the Charter of the United Nations.

responsibilities of external agents. This will be done through analyzing three interrelated concepts, and their relationship with statebuilding: “sovereignty”, “responsibility to protect and humanitarian intervention” and “capacity building”.

#### 3.2.1.1 *Redefining Sovereignty:*

Statebuilding is an evolving concept, whose meaning, purpose, goals and methods are constantly being redefined and revisited. For the sake of simplicity, statebuilding can be defined as the efforts of external actors to construct stable, capable and sustainable states as a response to conflict and state fragility, to protect human populations and global security (Fukuyama: 2004, Chesterman: 2004, Paris: 2002, Zaum: 2009, OECD-DAC: 2008, RAND: 2007). This understanding that external actors can step in to construct other states has been described as a normative shift in the post-Cold-War years, in contrast with the norms of state sovereignty, non-interference (by the UN) and the prohibition of the use of force, which have for long been defined as the essential component for the maintenance of international peace and security and a defense of weak states against the strong (Newman: 2009, Warner: 2003).

Despite the agreement that sovereignty could not be seen as a *carte blanche* to carry out massive abuses; in its first 45 years, the UN Charter prioritized state sovereignty over human rights or protection (Wheeler: 2003, Weiss: 2012). Besides Article 51 of the UN Charter legitimizing self-defense, the only way intervention is deemed “legal” is when a situation is classified as a threat to international peace and security by a Security Council resolution under Article 41 (non-military measures) or Article 42 (military intervention).

The UN Charter is obviously still valid. Yet, there has been an evolution in the way the notions of sovereignty, self-governance and legitimate political institutions are perceived (Zaum: 2009). Since the end of the Cold War, the Security Council has been more active in the realm of intervention, entering areas that had previously belonged to the domestic jurisdiction of states (Wheeler: 2003).

One dimension of this transformation has been the broadening of the scope of the threats to international peace and security. The traditional interpretation of Article 42 has shifted to include humanitarian disasters, grave human rights abuses and (later) terrorism as a threat to international peace and security. One recent example is the Security Council resolution 2100 (2013) on Mali, which identifies terrorism, attacks against civilians and abuses of international humanitarian and human rights law as threats (to international



peace and security) and calls upon the international community for assistance. The Council's resolution 1973 (2011) on Libya, mentions protection of civilians, international humanitarian law and human rights before announcing a series of international measures to be undertaken to address these concerns.

Another element of transformation is the introduction of the argument on "too much sovereignty", leading to discussions on balancing the right to sovereignty with intervention (Collier: 2010). Ghani and Lockhart (2008) claim international system should not allow each state with the authority to act with unaccountable power and give governments a *carte blanche* as to what happens within their territories. The Report on the Implementation of the European Security Strategy (ESS Report: 2008) is a practical example; stressing that while the *respect* for the sovereignty, independence and territorial integrity of states aren't negotiable, "*sovereign governments must take responsibility for the consequences of their actions*". What should happen to sovereign governments that *do not* or *cannot* fulfill these responsibilities is less obvious, but the implication is that the solution lies within the domain traditionally preserved for sovereignty. After all, what is not negotiable, according to the ESS (2008), is *respect for sovereignty*, rather than sovereignty itself. Chandler (2010) claims these new interpretations transform sovereignty into the "institutional mechanism through which the dangers of autonomy can be ameliorated". These shifts indicate a transformation from "sovereignty as a right" to "sovereignty as a responsibility" (for performing certain functions in the economic, social and political domains) (Ghani and Lockhart: 2008). The UN website on the prevention of genocide, for example, states that "sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people"<sup>41</sup>.

The introduction of the concept of "capacity" in international relations has also helped transform sovereignty debates. While the previous two elements (broadening the scope of threats to international peace and security and introducing "sovereignty as responsibility") are more closely connected to external military intervention, the shifts in the way "state capacity" was perceived connected the sovereignty debate to statebuilding. By identifying a "sovereignty gap" between the "de facto capabilities" of states and the "de jure sovereignty" ascribed to them as a right, a direct link between state sovereignty and capacity was drawn (Chandler: 2010, Ghani and Lockhart: 2008). These debates problematized the sovereignty of states that were

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<sup>41</sup> See <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> for full text. (Accessed on 8 February 2016).

*incapable* of protecting their populations or countering threats to international peace and security. This shift helped legitimize civilian interventions in the format of capacity building.

The shift regarding perceptions on sovereignty relates more to the way powerful states and international organizations (choose to) understand sovereignty and act upon it – bringing forward a change in discourse and policy (McCormack: 2010). Looking at debates on several different issues at the UN today on security, development, human rights and budgetary issues, it can be seen that the problematization of sovereignty is not necessarily accepted by the general UN membership. One indicator is the debate at the Financial and Budgetary Committee of the UN General Assembly every year, on the resources of the UN Office on the Prevention of Genocide. For the last couple of years, the delegation of Cuba has been proposing to cut the resources of the said Office, opposing the way it interprets the responsibility to protect and problematizes sovereignty<sup>42</sup>. These examples can be multiplied. Yet, these objections usually pertain to the issue of external military intervention; involvement in third states in the form of capacity building is less challenged (McCormack: 2010). The capacity debate will be analyzed in further detail below.

### *3.2.1.2 The Responsibility to Protect and Humanitarian Intervention:*

Although they do not directly relate to the area of statebuilding, debates on humanitarian intervention and the responsibility to protect (R2P) give useful insights to understand the connection between statebuilding, sovereignty and responsibility, particularly since their framing of external responsibilities have inspired statebuilding discourse to a great extent.

Both humanitarian intervention and R2P connect to debates on sovereignty. The 1992 ‘UN Agenda for Peace’ claimed “the time of absolute and exclusive sovereignty (...) has passed; its theory was never matched with reality”. The tragedies of Rwanda and Srebrenica are generally accepted as a turning point for the humanitarian intervention debate (Annan and Mousavizadeh: 2012; Weiss: 2012). The failure to intervene in these tragedies, costing hundreds of thousands of lives, launched a debate on the most appropriate forms of response by the international community. Former UN Secretary General Kofi Annan (Annan and Mousavizadeh: 2012), for example, states “the need to go beyond the traditional UN concept of non-intervention, to set a new standard to hold states responsible for the treatment and protection of people within

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<sup>42</sup> For further details, see <http://www.un.org/press/en/2013/gaab4096.doc.htm>.

their own borders". UN officials Deng and Cohen first promoted the idea of "sovereignty as responsibility", mentioning the accountability of states if they failed in their protection duties.<sup>43</sup> The NATO intervention in Kosovo in 1999 carried these debates to a practical level (Aybet: 1999).

The International Commission on Intervention and State Sovereignty (ICISS: 2001) introduced the concept of R2P in 2001, proposing that states had to maintain minimal standards with respect to their populations; if not, this duty would fall on the international community (Cunliffe: 2010). R2P doctrine expanded the possibility and scope of intervention against a sovereign state by including alternative options of intervention than UN Security Council (UNSC) approval. The world leaders only partially adopted R2P at the UN World Summit of 2005, limiting its scope to the major atrocities of genocide, war crimes, ethnic cleansing and crimes against humanity. Many countries, perceiving R2P as a form of intervention that might be directed at them, pushed for raising the bar of intervention (Weiss: 2012). For instance, the former Zimbabwe President Mugabe, argued at the Summit that concepts such as R2P required careful scrutiny to test the underlying motivations.<sup>44</sup> The Summit backtracked to prohibition on use of force without UNSC authorization except for self-defense, but held on to the point that "the unauthorized use of force in pursuance of humanitarian goals is legitimate" (O'Connell: 2010). These divisions are ongoing today; possibly even strengthened.

Another observation relates to responsibilities, or to whom the responsibilities are directed. The R2P doctrine focuses on the responsibility of the state to protect its citizens; when the state is either unwilling or unable to fulfill that responsibility, a residual responsibility also lies with the broader community of states (ICISS: 2001). Thus, the main focus of humanitarian intervention, by definition, is "protecting human populations from harm" (Ignatieff: 2004; Chesterman: 2004, Ignatieff and Thakur: 2004). Former US President Clinton, in a 1999 speech argued, "if somebody comes after innocent civilians and tries to kill them en masse (...), and it's within our power to stop it, we will stop it".<sup>45</sup> The EU High Representative Ashton, on Syria, argued that "the future of Syria belonged to the Syrian people" and the EU had to help the people of Syria in every way it could.

The primary focus of R2P is protection separated from response to threats to international peace and security (ICISS: 2001). However, after the September

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<sup>43</sup> For further details, see <http://www.e-ir.info/2013/01/07/evolution-of-the-responsibility-to-protect/>.

<sup>44</sup> Full text available at <http://www.itu.int/wsis/geneva/coverage/statements/zimbabwe/zw.pdf>.

<sup>45</sup> Full text available at <http://clinton2.nara.gov/WH/New/Europe-9906/html/Speeches/990622d.html>.

11 attacks, responding to the protection needs of local populations and combatting terrorist threats have increasingly been connected, at least in narrative. For instance, French President Hollande, on Mali, has said “terrorists should know that France will always be there when it’s a question, not of its fundamental interests, but of the rights of the Malian population to live freely and in democracy”. The Security Council resolution 1674 (2006) states that “the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms, in this regard, its readiness to consider such situations and, where necessary, to adopt appropriate steps”. This trend correspond with the increased rhetoric on global threats coming from “failed” states and terror threats to legitimize interventions; both by the more preventative and unilateral US approach and the more multilateral approach of the EU (Weiss: 2012, Evans: 2008, Bellamy: 2009, Mallaby: 2002). This trend is still ongoing; the US airstrikes in Syria launched in September 2014 supported by a number of Western and Gulf states, claimed legitimacy both due to their purpose of protection of the local (Kurdish) populations in Syria and countering regional terrorist threats, in the wake of the rise of the extremist terrorist organization ISIL in Syria and Iraq.

In order to preclude the discussion from deviating from the domain of statebuilding, two elements will be highlighted. First, humanitarian intervention and R2P emphasize the protection of civilians as their motive for intervention. The implication is military intervention, rather than the civilian crisis response domain which statebuilding belongs to. Second, humanitarian intervention that goes beyond the responsibility of responding to gross human rights violations (genocide, ethnic cleansing, crimes against humanity, war crimes) does not enjoy international consensus – in fact, the example of Syria indicates that it is not always easy to forge an international consensus even when mass atrocities are ongoing.

How do these arguments relate to statebuilding and responsibility? The answer can be found in two of the main propositions of R2P: a) the primary responsibility of nation states in protection and b) the responsibilities of external actors to (re)build state capacity. Gareth Evans, former Australian Foreign Minister and President of the International Crisis Group, claims that building state capacity and ensuring rule of law in the aftermath of large-scale violations is essential<sup>46</sup>. Although the initial implication of R2P and

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<sup>46</sup> See the text of Gareth Evans’ 2007 speech at <http://www.crisisgroup.org/en/publication-type/speeches/2007/evans-the-limits-of-state-sovereignty-the-responsibility-to-protect-in-the-21st-century.aspx>. (Accessed on 8 February 2016).

humanitarian intervention is military, the inclusion of these two concepts serves to diminish the controversies surrounding them and also to shift the attention to civilian crisis management efforts through capacity building. Focusing on capacity building helps alleviate the fears regarding challenges to state sovereignty, as capacity building is presented as a method of preventive (rather than protective) action and a step prior to intervention, and as it implies *state consent*. Capacity building is presented almost as a benign form of external intervention that does not challenge state sovereignty and is theoretically based on the consent of the receiving state. It is further legitimized through the stress on the provision of *sustainable* protection for civilians through the prevention of conflict. Finally, the capacity-building aspect of R2P and humanitarian intervention emphasizes the primary responsibility of the nation state, where the responsibilities of external actors are considered to be temporary and limited to supporting the state. For instance, the website of the UN Office of the Special Adviser on the Prevention of Genocide talks about the responsibility of the international community to encourage and assist States in fulfilling this responsibility<sup>47</sup>. In short, interventions in the form of capacity building are considered more benign than military interventions, while assigning significantly less responsibility to the international community as well.

### 3.2.1.3 Problematization of capacity and the statebuilding frame:

This final part will work further on capacity building; to answer the question how intrusive and extended interventions called statebuilding, which expand into the post-conflict arena through reconstruction, capacity-building and democratization and are sometimes conducted *without state consent*, can be legitimized and sustained. The elements of frame analysis identified previously, namely the diagnosis, prognosis and agency components of the statebuilding frame, will be utilized towards this end (Hansen: 2006, Loizides: 2015). In other words, looking at the way statebuilding identifies problems and their solutions as well as the way it constructs the Self and the Other will hopefully provide valuable insights towards understanding how the role of the external actor in statebuilding is legitimized while its responsibilities are decreased.

In terms of *agency*, the R2P doctrine formulates the “Other” as a state that is unwilling or unable to fulfill its responsibilities derived from being a sovereign state. The *diagnosis* is the identification of such a state, as well as the threat it poses to the protection of civilians and international peace and

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<sup>47</sup> See the website of the UN Office of the Special Adviser on the Prevention on Genocide at <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>. (Accessed on 8 February 2016).

security. The *Self* is the international community, which has a temporary responsibility to step in under defined circumstances pertaining to the protection of civilians or countering threats to international peace and security. The *prognosis* comes either in the form of military intervention or capacity building.

Statebuilding narrows these elements down. First of all, it draws the *Other* as states *incapable* of fulfilling its responsibilities. *The Other* is a fragile or failed state, lacking the resilience and capacity to protect its own population or prevent regional spillovers from its own conflicts. It is additionally devoid of the essential capacities to protect human rights or handle electoral democracy. It is politically unstable, disconnected from its citizens, cannot participate in the global economy (Ghani and Lockhart: 2008). This breeds low standards of living, extreme poverty, corruption, networks of criminality, violence, ethnic divisions, drugs, destruction of cultural heritage, refugee flows and terrorism, and requires preventive action (ESS: 2003). The liberal internationalist element of statebuilding constructs the *Other* as a state that is not capable, but also one lacking of the so-called universal values and structures that define a modern, successful, functioning state at peace with itself.

This affects the definition of the *Self* as well. The *Self*, even if it is dubbed so, is not the international community, but external actors that advocate neoliberal frameworks as a sustainable solution to conflicts. The *Self* has a temporary responsibility to step in without problematizing the *sovereignty* of a state and with its consent (ICISS: 2001).

The way *the Other* is defined constitutes the *diagnosis* of the problem - the capacity gap that threatens populations under conflict and international peace and security (Ghani and Lockhart: 2008, Fukuyama: 2004). To give examples, the US National Security Strategy of 2010 argues that *failing states breed conflict and endanger regional and global security*.<sup>48</sup> OECD – DAC (2008) makes a clearer connection between failed states and R2P; stating that “Recent years have seen increasing concern among policy-makers about weak, fragile and failing states. This concern has been driven by three primary factors: the recognition that the state has an important role in development, new attention to human security coupled with changing definitions on domestic responsibilities of states to protect their populations, and third, a post 9/11 concern about weak states as vectors of transmission for terrorism, organized crime and other threats”.

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<sup>48</sup> Full text available at [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf). (Accessed on 8 February 2016).

As the problem is defined in a more comprehensive manner than grave humanitarian challenges or immediate threats to international peace and security, the *prognosis* is also more comprehensive. Compared to the more positive results reported in ending violence, imposing basic law and order and promoting immediate economic growth, establishing sustainable, efficient states has been the greater challenge (Ghani and Lockhart: 2008, RAND: 2007, OECD/DAC: 2008). Statebuilding is presented to deal with this problem, by addressing the *root causes of conflict* and add sustainability to military interventions (King and Murray: 2002). Statebuilding proposes building structures that will prevent recurrence of conflict (Lotz: 2010). It stretches the prerequisite of sovereignty beyond the ability/ willingness to protect, its main target becoming finding formulas to combat state failure/ fragility.

The Agenda for Peace, already in 1992, argued “identifying and supporting structures that would tend to strengthen and solidify peace in order to prevent a relapse into conflict”, including “rebuilding the institutions and infrastructures of nations torn by civil war and strife”, through practices such as building effective state institutions, (re)creating a social fabric and fostering healthy civil society (Call and Cook: 2003). The US Security Strategy of 2010 states that “in countries like Iraq or Afghanistan, building the capacity necessary for security, economic growth and good governance is the only path to long term peace and security”<sup>49</sup>. Similarly, the European Security Strategy (ESS: 2003) puts forward that “we must step up our work with countries most at risk by strengthening their capacity to cope”. All these actions were traditionally considered within the realm of state sovereignty. The solution it suggests is, in essence, building capacities in different directions – development, security, good governance, human rights. In this way, statebuilding is constructed as a more *comprehensive* exercise, compared to humanitarian intervention or other exercises that challenge the traditional framework of sovereignty. The lack of capacity creates a gap – one that the international community can legitimately fill (Ghani and Lockhart: 2008, Chandler: 2010). The reason is that statebuilding perceives sovereignty as the administrative task of managing the administrative and technical responsibilities of a state (Chandler: 2010). Hence, despite its comprehensive nature, statebuilding is framed as a *technical* exercise.

R2P emphasizes the sovereignty of states and implies their consent in external capacity-building exercises (ICISS: 2001). Statebuilding connects the problematization of capacity to the problematization of sovereignty

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<sup>49</sup> Ibid.

(Chandler: 2010). Consequently, statebuilding is carried out in countries where sovereignty has been problematized. The former EU High Representative Ashton and former US Secretary of State Clinton stated “it is very important to look into the future of Afghanistan, that we are building together”, during a joint press conference in January 2010.<sup>50</sup> Building the future of a country *together*, in a country whose sovereignty is problematized, implies a major task for external parties, one much beyond temporarily stepping in to support capacity building efforts. It implies favoring the international will over the local, or at least equating them to each other. From this perspective, statebuilding is also an *intrusive* exercise, despite the *temporary support* responsibility attributed to external actors.

Finally, statebuilding allows for the introduction of (the tenets of) the neoliberal state in conflict countries, based on the theory that peace between states can be secured by liberal democracies, interdependency and Western civic identity (Paris: 2002, Sorenson: 2006). Both the US National Security Strategy (2010) and the European Security Strategy (2003) emphasize the importance of the promotion of democracy, human rights and the rule of law in conflict countries. Thus, statebuilding exports the idea and the norms of the liberal democratic state from the core to the periphery of the international system, with the expectation of enhancing peace and security (Paris: 2002, Fukuyama: 2004, Paris: 1997, Berger: 2006). As such, statebuilding has a strong *normative* touch, propagating a certain worldview and state system over others, despite a more technical framing.

As such, despite many similarities, statebuilding constructs its diagnoses and prognoses as well as agency different both from the traditional framework of international relations and humanitarian intervention and R2P. The Other does not only lack the will or the capacity to deal with protection challenges or threats to peace and stability. It also lacks the tenets of a neoliberal state based on democratic institutions. The Self, in return, is the democratic state, possessing a free market economy, functioning institutions, the rule of law and respect for individual rights. The problem is defined as the lack of state capacity as well as a lack of liberal democratic institutions. The solution goes beyond building state capacity to better counter protection and/or security challenges into the more comprehensive, intrusive and normative exercise of statebuilding. The end goal is not merely the sustainable prevention of conflict; it is the emergence of a liberal democratic state.

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<sup>50</sup> Full text available at <http://www.state.gov/secretary/20092013clinton/rm/2010/01/135530.htm>. (Accessed on 8 February 2016).



Yet, while redefining the Self and the Other through the prism of “state capacity” while problematizing sovereignty allow the roles and responsibilities of the nation state and external actors to be reinterpreted with a more dominant role for the statebuilder, external responsibility is still defined through the humanitarian intervention/ responsibility. Although the underlying dynamics of R2P and the basic premises of statebuilding are different, they define state responsibility and the responsibility of international actors in the same way – a temporary and limited support function.

### *3.2.2 The Application of Statebuilding: Addressing the “capacity” gap:*

The emphasis on capacity-building as a solution to state failure or fragility led to efforts to establish comprehensive frameworks guiding international involvement to mould “failed states” into modern entities (De Guevara: 2010). Policy organizations such as OECD-DAC, DFID and UNDP concentrated on formulating general guidelines to “build capable states”, which propose a collective approach bringing “liberal internationalist” buzzwords such as security, humanitarian action, rule of law, human rights and development under one framework (De Coning: 2010, Brahimi: 1999). Despite the acceptance that it is essential to tailor statebuilding to specific social, historical, economic and regional circumstances, similar frameworks have been used to address different problems; from Bosnia to Palestine and Afghanistan. This approach is exemplified by Ghani and Lockhart (2008), who emphasize the importance of developing a framework that can clearly and broadly describe core state functions and claim that this framework has “relevance to many countries struggling with crafting a pathway forward and finding the right balance between state, market and civil society”.

The RAND Foundation (2007) argues that the costs and relevant actors should be determined, risk and conflict factors, required resources, anticipated resistance, scale of commitment and institutional arrangements must be thoroughly calculated and weighed. Despite the implication of the R2P doctrine that the responsibilities of the international community are temporary, discourse on technocratic statebuilding stresses on extended commitments. As the underlying idea is that no actor has the capacity or legitimacy to undertake a wholesale intervention on its own, coordination among and between major powers, major financial donors and neighboring states (Dobbins: 2006) is deemed as necessary. These frameworks are based on sequencing of international efforts; most policy reports suggest similar guidelines, as explained in the first chapter.

For simplicity, statebuilding efforts relying on technical guidelines based on neoliberal parameters will be defined as “technocratic statebuilding”. Although the application of statebuilding changes from context to context, statebuilding frameworks will be analyzed under four categories for better clarity: a) security, b) aid and development, c) good governance and institution-building d) human rights and democratization.

This exercise will serve three purposes. First and foremost, seeing how statebuilding is implemented will be useful to define the statebuilding frame more thoroughly. Secondly, despite its normative touch explained above, this part will highlight attempts to frame statebuilding as a technical exercise. The third purpose is for future use. With reference to the moral responsibility framework explained in the second chapter, looking into the implementation of statebuilding provides an opportunity to understand better its impact on the ground; which will be put to use later when analyzing statebuilding from the perspective of the moral responsibility framework.

#### *3.2.2.1 The Security Dimension:*

Security sector reform (SSR) is defined as the task of transforming institutions and organizations that deal with security threats to the state and citizens, with the objectives of protection of the state (and individuals) from state and non-state threats (Brzoska: 2006, USIP: 2008). It is a holistic concept that aims to create a secure environment for the consolidation of peace and stability, poverty reduction, good governance and democratization. Statebuilding guidelines argue that security is the prerequisite of development and democratization; thus SSR is the most essential and primary part of statebuilding. For instance, an OECD-DAC (2007) Report titled “Security Sector Reform and Governance: Policy and Good Practice” states that “SSR serves to enhance the capacity of states to meet a range of security needs consistent with liberal democratic norms”. The European Union adopted an SSR strategy in 2006. OECD-DAC published its own guidelines on SSR; titled “OECD-DAC Handbook on SSR: Supporting Security and Justice”. The UN views SSR as part of its preventative approach; the Security Council adopted a decision on this issue in 2007.

According to these decisions and guidelines, SSR starts with the demobilization, disarmament and reintegration (DDR) of ex-combatants, to immediately improve the security situation on the ground. DDR is followed by the reform of the army, intelligence and the police, which should be subject to civilian oversight. SSR extends to oversight bodies such as the judicial sector and law enforcement institutions, in order to prevent non-state dispute resolution mechanisms, solve conflicts in an impartial manner and

preserve the credibility of the state (RAND: 2007). Finally, civilian oversight mechanisms are essential to ensure that the security sector is conducive to democratic politics.

SSR emphasizes securing efficiency and effectiveness while responding to the democratic needs of societies, by preserving the balance between human rights and security. However, after 9/11, the operative part of security reform, involving combatting crime, terrorism, organized crime and other key threats that flourish in weak states and threaten international peace and security were more pronounced (Debiel et al: 2006). As a result, rule of law efforts usually lag behind the other parts of SSR, leading to accountability, credibility and legitimacy deficit.

SSR involves challenges to statebuilders: the difficulty to deal with corruption, politicization and insufficient resources of local security forces, the inconsistency and unevenness in implementation due to the wide range of activities SSR involves, the expertise and personnel deficit (OECD-DAC: 2008, RAND: 2007). The gravity of these challenges are used by external actors to legitimize shaping, managing and controlling SSR, in contrast with the framing of statebuilding as a technical exercise of supporting local institutions that should be shaped by the will of the people (Chandler: 2010).

Moreover, there is lack of consensus on fundamental definitions, content and even terminology of SSR. The focus changes from securing the democratic rights of people to eliminating threats to “neoliberal peace”. These factors usually lead to an accountability, credibility and legitimacy deficit. International actors not being subject to scrutiny through accountability and electability further exacerbates this problem.

#### *3.2.2.2 The Aid, Assistance and Development Dimension:*

Emergency humanitarian aid deals with providing immediate relief in extreme circumstances, by minimizing displacement, dealing with drought, famine and disease, putting emergency infrastructure in place. Such duties are usually undertaken by actors which specialize in emergency relief; such as ICRC, UNHCR, UNICEF, WHO and military agents. Humanitarian aid does not completely fit into the statebuilding framework (De Coning: 2010). The responsibilities of humanitarian actors usually start before interventions take place and statebuilding efforts begin, and are defined and legitimized through international humanitarian law. Humanitarian aid has a shorter-term focus; and strives to keep impartial and not be part of any normative framework.

Development assistance, aiming the resumption of economic activity is a longer-term process, a capacity-building activity part of the statebuilding guidelines. The focus of liberal internationalist statebuilding is the resumption of normal economic activity and fostering free markets, placing development in the normative framework of external statebuilding. Development activities include financing the government budget to cover the gap between tax revenues and expenditures, providing post-conflict assistance, creating regulatory tax mechanisms conducive to growth, undertaking measures to control inflation and attracting investment, stabilizing the currency, operating utilities and state owned enterprises, and sometimes running the Central Bank. In the immediate aftermath of the conflict, the usual practice is to conduct an initial needs assessment and organize a donor's conference to jump-start basic economic activity (OECD-DAC: 2008). The introduction of "aid conditionality", as an instrument to promote liberal-democratic norms like human rights and democracy, has fostered the normative nature of development.

The impact of development projects on post-conflict societies is unclear. Sustained aid flows undermine the development of state structures, hamper macro-economic competitiveness and institutional maturation, reinforce corrupt structures and the executive over the already weak legislature, and create dependency (Moss and de Walle: 2006). As a result, permanent intervention is needed to control the market economy. An aid-based economy leads to the executive bodies focusing on the priorities of donors rather than taxpayers. All run contrary to concepts of self-sufficiency, democracy and local ownership (Moore: 2004, Rubin: 2006).

Making the transition from humanitarian relief to longer-term development is defined as a key statebuilding objective by policy reports such as RAND (2007) and OECD-DAC (2008). However, the problems cited above, in addition to the recurrence of conflict sometimes lead to a fallback on the more neutral framework of humanitarian relief. This may lead to increased disillusionment in statebuilding.

### *3.2.2.3 The Institutional Dimension:*

Statebuilding suggests that sustainable peace is possible by establishing effective, accountable and legitimate systems of authority (Samuels: 2005, Rubin: 2006). Yet, institutional reform advocates top-bottom approaches, especially at the earlier stages of statebuilding, claiming that existing local capabilities are often delegitimized/ criminalized and reformed central state capacities must be generated with external help (OECD-DAC: 2007, RAND: 2004). External actors guide, manage and sometimes conduct public services,

ranging from education to health. Some scholars argue that this comprehensive role foreseen for international actors erodes the capacity and legitimacy of the state, contrary to the proposition of institution-building to strengthen local capacity (De Guevara: 2010).

Different auditing, reporting and monitoring requirements from donors create additional burdens on weak governments. In addition, external actors usually focus on strengthening the central government structures instead of local governance as an easier choice, especially when secessionism and conflict prevails in the periphery. On some occasions, central government authorities are dominated by or close to a party in conflict; making the international community inevitably a side to the conflict (Murithi: 2009).

There are varying definitions and understandings on what a strong and functional state actually is. Despite the focus on democratic governance, institution building is conducted as a response to state fragility, which prioritizes strong and functional states over democratic ones (Fukuyama: 2004). This focus on strong states leads to prioritization of the executive branch, instead of establishing appropriate checks and balances, which again raises question marks on democratic governance (De Coning: 2010).

#### *3.2.2.4 The Normative Dimension:*

Statebuilding has a normative component, borrowing from liberal internationalism (Paris: 2002, Goldsmith: 2008). Democracy and human rights perspectives are deemed necessary to redirect the competition for wealth and power to peaceful means through building representative institutions, civil society, independent media and political parties, organizing elections, advocating minority rights, bringing aid conditionality and even designing constitutions (OECD: 2007, RAND:2008).

However there isn't consensus on what these concepts mean and how they should be operationalized (Diamond: 2002). Suspensions already dominate debates on norm-promotion and its connection to (humanitarian) intervention and sovereignty at the UN, as previously explained. The promotion of democracy and human rights is often seen as a neoliberal Western practice rather than a universal practice. The selective application of trade and aid conditionality contributes to these sentiments (Tocci: 2008). As a result, while the goals of statebuilding include promotion of democratic norms, the failure, misconception or mismanagement of the normative agenda of statebuilding risks the erosion of these norms on the global scene (R3). Such erosion will inevitably make it difficult to institutionalize these values and norms in a post-conflict country. In these cases, the contribution of statebuilders to

democracy, which discursively rely on the theoretical framework of “democratic peace” for legitimacy, is questionable.

The strong focus on institution-building also delayed democratization in post-conflict countries, based on the claims that rapid democratization can lead to more conflict, semi-democratic rule might threaten peace more than authoritarian rule and the promotion of liberal democratic norms can be downgraded in fragile states because of the difficulties of enforcement (Fukuyama: 2004, Carothers: 2007, Goldsmith: 2008). Especially with the “securitization” of the statebuilding debate, democratization and human rights have been pushed to the bottom of the list of priorities of statebuilding in the recent years (Paris: 2002). These practices seem to be contrary to the very argument of liberal democracy that democracy breeds stability (Lotz: 2010).

Secondly, the democratic peace theory, which has strongly influenced statebuilding theories and practices, tends to equate legitimacy with Western (LO) style democracy. Sabaratnam (2009) challenges this idea: “By relating legitimacy to adherence to a particular political model and the execution of particular functions, the statebuilding discourse (...) finds it difficult to deal with popular acceptances of systems that do not conform, or appear to conform, to these standards.(...) If we take the need for interpretation of beliefs seriously when understanding legitimacy, political discourses and beliefs of the state and society should become much more important as an object of analysis for studying legitimization, more so than constitutional arrangements, political processes, Freedom House rankings and other such external assessments”.

Thirdly, and based on this point, statebuilders might fall in the trap of taking sides in a conflict by supporting the party which seems to advocate Western style liberal democracy more than the others; when actually, it could be argued that an order based on liberal democratic values must necessarily have room from non-Western elements. This kind of dynamic challenges the argument that statebuilding is a technical exercise.

#### *3.2.2.5 The framing of technocratic statebuilding:*

Looking into the way technocratic statebuilding is constructed and implemented allows us to make three relevant points regarding the statebuilding frame.

The first point relates to the nature of statebuilding. Statebuilding is a *comprehensive* exercise that extends into the humanitarian, development,

security, governance and normative sectors. The problematization of the capacity gap allows external actors' *intrusive* involvement into these fields under the guise of fostering state capacity. The difficulties of conflict states in addressing the difficult challenges they face are also used to legitimize intrusive involvement. Finally, statebuilding is a *normative* exercise, which prioritizes one political and administrative system over others. This can also lead to the favoring of certain actors that seem closer to liberal internationalist values over others as well. In short, looking at technocratic guidelines implies the comprehensive, intrusive and normative nature of statebuilding.

A second conclusion relates to the efforts of policy organizations to define statebuilding as a *technical, temporary and neutral* exercise based on universal guidelines and best practices. The role of external actors is presented as *capacity building*, and the end goal of interventions as full sovereignty and local ownership. The *holistic* nature of statebuilding indicates the importance of balancing security, governance, development and human rights considerations and efforts.

Statebuilding guidelines accept that technical errors, miscalculations and mistakes have been made (RAND: 2007, OECD-DAC: 2008). In fact, these guidelines have often been developed as a response to overcome these "technical" problems. As a remedy, they suggest adjustments within the practice of statebuilding without touching its essence much, such as improving coordination among international actors, making statebuilding more responsive to local needs or respecting local customs and practices. However, these technical solutions do not go deep enough to analyze and address the unintended negative impact caused by international action.

Third, policy guidelines seem to fall short in addressing criticisms directed at the essence of statebuilding, some of which are captured above. What is the end goal of SSR; achieving local ownership or combatting threats to international peace and security? Who is responsible for countering the negative impacts of aid dependency? Is liberal democracy the best way forward for every society? If there is a choice, should security or local will and ownership be prioritized? These are more difficult questions, which challenge the dominant framing of statebuilding as the best model of conflict resolution.

One of these more inherent dilemmas of statebuilding relates to *local ownership*. While prioritizing local ownership in discourse, statebuilding problematizes sovereignty. In this context, international actors often assume extensive responsibilities and intrude in shaping the future structures of a country, based on a liberal internationalist vision they dub as universal. This practice might end up damaging the credibility and sovereignty of a state,

contrary to the original purpose of statebuilding. The intrusive way statebuilding is conducted also runs contrary to its framing as a capacity building exercise. Another dilemma can be cited as the strong normative dimension of statebuilding, while constructing it as a purely *technical* exercise – made possible by defining liberal internationalist values as universal norms. In addition, the definitions, priorities and focus of statebuilding efforts are often subject to *change and reinterpretation*, based on international developments, new threat perceptions, and improved capacities of international actors. Yet, the attempt to present statebuilding as a universal and technical exercise disallows factoring in the element of change and the fundamental effect it might have on statebuilding practices. Finally, despite the presentation of statebuilding as a holistic concept that stresses preserving the balance between security, human rights and development, this balance is sometimes broken with the prioritization of security efforts in line with the security interests of external actors. In this way, the practice of statebuilding contradicts its principles and theories, sometimes creating a credibility gap regarding the actual goals and purposes of statebuilding.

### ***3.2.3 The Development of Statebuilding:***

The final step in locating the statebuilding frame is to examine the development of statebuilding.

To start with the way facts and occurrences are defined and problematized; we have seen in the first chapter that statebuilding tends to approach the world from the perspective of liberal internationalism and “democratic peace”, suggesting that peace between states as well as the protection of civilians can be secured by the mutually reinforcing concepts of liberal democracy, interdependence, free market economy, democratic institutions and Western civic identity (Sorenson: 2006, Baum: 2008, Paris: 1997). The emphasis on state fragility and the lack of institutions increased over time, especially after 9/11 (Hameiri: 2007a). Reasons for conflict are diagnosed in two ways. The first one relates to the will of states: liberal democratic states do not seek war. The second one was about capacity – the lack of components of liberal democracies, especially institutional capacity, is the problem and the cause of conflict. In short, liberal democratic states have the capacity for conflict prevention.

The second step is looking into which opportunities and strategies are identified for solving the problem and how certain courses of action are legitimized. After the initial naïve prognosis that democracy would easily take root globally with the fall of the Soviet Union failed, capable, autonomous and legitimate government institutions became increasingly seen



as the key to stability. As such, establishing institutions able to peacefully resolve (internal) disputes became increasingly emphasized as the key to sustainability (RAND: 2007, OECD-DAC: 2008). Through the “development-security nexus” and the introduction of holistic and “whole of government” approaches, statebuilding is also presented as a comprehensive exercise that must go into various sectors of state formation for viability and efficiency (Lake: 2010, Jahn: 2007, Newman: 2010). The “development-security nexus” also led to a shift in the priority of statebuilding from establishing democratic states to strong states. Despite the growing concerns over the sustainability of resources, the availability of civilian personnel and an increasing fatigue to become involved in conflict countries, capacity development and comprehensive institution building is still perceived as a recipe for sustainable conflict resolution.

In order to determine the legitimization of certain courses of action in the statebuilding frame, one can turn to the way responsibility is defined. As humanitarian intervention and R2P gained prevalence, external involvement including capacity building was legitimized based on development and humanitarian considerations (Cunliffe: 2010). The focus on capacity and institution building prevailed after September 11; however, the element bringing legitimacy to intervention evolved into security considerations (Lake: 2010, Berger and Weber: 2006, Mallaby: 2002, Barnett: 2006, RAND: 2007). Both the humanitarian intervention discourse and the later securitized frame of interventions emphasized the liberal democratic state. They celebrated institutional capacity building as an appropriate and legitimate course of action to boost the response capacities of states that could not fulfill their responsibilities due to capacity gaps in development, security and democratic institutions (Warner: 2003). With the development – security nexus, poverty and underdevelopment were also identified as threats to international peace and stability, further “legitimizing” intrusive and comprehensive statebuilding.

The development of statebuilding also offers valuable insights as to how agency is constructed and how the Other is defined *vis-a-vis* the Self. Despite attempts to present statebuilding as a universal exercise and the neoliberal state as a universal best practice, as previously defined, since the end of the Cold War, the international arena has seen an increase in the number of non-UN actors in civilian crisis management, most of them being Western states, NGO's and organizations. Although the *Self* has been discursively defined as the “international community”, a Western neoliberal framework is implied in the definition of the *Self* partly due to the underlying idea that peace can be best secured by liberal democracies and Western civic identity. The *Other* is constructed as a state that does not have the capacity to fulfill its

responsibilities to protect its people or counter threats to international peace and security. As the *Self* is defined within a Western neoliberal framework, the implied definition of the *Other* becomes a state which is *not* found upon liberal democratic principles and/or does not possess a democratic institutional framework. In fact, this formulation problematizes identity as well as capacity.

In terms of the normative aspects of the statebuilding frame, especially before 9/11, intervention has been legitimized through a protection angle: the *moral* duty of the “international community” to protect civilians and prevent humanitarian disasters. Combatting threats to international peace and security came into focus later. In addition to *moral duties*, the offered solutions and adopted methods also have a normative touch, as statebuilding became about exporting the idea and the norms of the Western state from the core to the periphery of the international system (Paris: 2002, Fukuyama: 2004a, Paris: 1997, Berger: 2006). In fact, for a long while after the fall of the Berlin wall, Western norms were pronounced as the standard of modern civilization (Sorensen: 2006). Full local ownership and sovereignty was also conditioned to liberal democracy – to societies enjoying the elements of a liberal democratic state with strong institutions and enforcement capacity (OECD-DAC: 2008). In other words, democratic peace and neoliberal internationalism have helped statebuilding justify the choices made or in the making.

### **3.3 Introducing the Responsibility Gap**

The previous part of this chapter has attempted to identify different elements of the statebuilding frame; with a particular focus on the way responsibilities in statebuilding have been constructed through discourse. Looking into this frame has provided valuable inputs towards answering the propositions related to the “responsibility gap”; namely that the way the responsibilities of international actors are defined is not commensurate with these comprehensive responsibilities. This part aims to solidify this point beyond a mere suggestion; to show clearly that there is a gap between the way present day statebuilding frames responsibility and the way it would be framed by the moral responsibility framework.

This part will take an initial step towards defining the concepts of responsibility gap and discursive safeguards. This will be done by comparing elements of the statebuilding frame above, to those of the moral responsibility framework explained in the previous chapter. The potential mismatch between these two discourses will point out to a responsibility gap.

A full identification of the responsibility gap will not be possible at this stage. This is mostly because the moral responsibility framework requires the identification of responsible agents, specific contexts and places. It works on establishing agency, before moving on to defining the *Self* and the *Other*, by looking at whether the agent possesses qualities such as a separate identity, continuity and organizational memories and formal decision making powers. It requires looking at the concrete impact of actions. It analyzes how the capacity-building efforts of international actors affect their responsibilities. These will be done in the next chapters, first through the identification of the EU as the agent, and later by looking at its involvement in Bosnia and Herzegovina. This part, as mentioned, will merely identify elements of a responsibility gap.

### ***3.3.1 International responsibilities and the statebuilding frame:***

In this chapter, the way statebuilding is constructed, legitimized and operationalized since the end of the Cold War has been analyzed, from conceptual, theoretical and practical angles, using elements of frame analysis. These elements have allowed a thorough definition of the statebuilding frame and the way it constructs responsibility.

The first element regarding the frame is that *statebuilding is a comprehensive, normative and intrusive exercise* based on a vision that peace between states and the protection against mass atrocities can be secured by liberal democracies, free market economies, democratic institutions and Western civic identity (RAND: 2007, OECD-DAC: 2007, Sorenson: 2006, Paris: 1997). Especially with the "development-security nexus", it claims that the areas of development, security, human rights and democracy are mutually reinforcing and thus proposes solutions in all these areas. It problematizes state capacity and connects it to sovereignty and responsibility; thus legitimizing civilian interventions in the form of institutional capacity building in a multitude of sectors. These theoretical elements are translated in practice, through the attempts to construct a universal best practice of statebuilding based on security, humanitarian, development, and institutional and normative components. In this way, statebuilding allows external actors to make choices for states and implement them, based on a normative angle presented as a universal best practice.

The second point relates to the way responsibilities are constructed by international actors. At the beginning of this chapter, four elements were identified to determine a frame: diagnostic, prognostic, normative components and agency.

The *diagnostic* components of a frame concern the way empirical phenomena, facts and occurrences are defined and how causes are diagnosed. External statebuilding benefits from the theories of democratic peace and liberal internationalism when constructing its theory and world vision. It utilizes the principle that liberal democratic states do not seek conflict and have the capacity to prevent conflict. Statebuilding borrows from the capacity side of this argument. The diagnosis problematizes the capacity gap and suggests that the capacity gap can be best overcome by well-functioning liberal democracies, where the principles of development, security, democracy, human rights and good governance are mutually reinforcing. Capacity is connected to state sovereignty and state responsibility, by suggesting that building state capacities (rather than military intervention) by external actors can foster sovereignty and thus state responsibility.

The *prognostic* components of a frame aim to identify which opportunities and strategies are identified for solving the problem and how certain courses of action are legitimized. As the liberal democratic state based on functioning institutions is seen as the ultimate key to peace and protection, the strategies in principle rest on establishing such a state. It stretches the prerequisite of sovereignty beyond the ability/ willingness to protect; the target becoming finding best practices to combat state failure/ fragility. The solution it suggests is, in essence, building capacities in different directions – development, security, good governance, human rights. Statebuilding perceives sovereignty as the administrative task of managing the administrative and technical responsibilities of a state (Chandler: 2010). Hence, despite its comprehensive nature, statebuilding is framed as a technical exercise. Today, capacity development and (democratic) institution building is still seen as a recipe for sustainability for conflict countries. The capacity-building focus also allows presenting statebuilding as a “benign” form of external intervention theoretically based on state consent. This conceptualization allows attribution of temporary and limited responsibilities for the international community until a capable state has been built. As such, a space is created for the international community to legitimately be involved in the construction of every aspect of society and governance, ranging from the security sector to democracy promotion and economic development. Yet, the end goal of interventions is reaching full sovereignty and local ownership for conflict-affected countries.

In terms of *agency*, even when the *Self* is framed as the “international community”, the identity, interests and values of Western or donor countries seem to be prioritized in this definition. The *Self* has a temporary responsibility to step in without problematizing the sovereignty of a state and with its consent (ICISS: 2001). The humanitarian intervention discourse

assigns two characteristics to the *Other*: the lack of will and the lack of capacity to fulfill its responsibilities. Statebuilding problematizes the lack of resilience and capacity, and connects these to the lack of liberal democratic institutions (Richmond: 2013). It is politically unstable, disconnected from its citizens, cannot participate in the global economy, which breeds low standards of living, extreme poverty, corruption, networks of criminality, violence, ethnic divisions, drugs, destruction of cultural heritage, refugee flows and terrorism, and requires preventive action (Ghani and Lockhart: 2008). The ultimate goal is building the Other in the form of the Self – a liberal democratic state with functional and capable institutions. In the meantime, fostering its capacities to prevent it from becoming a threat to masses of civilians and international peace and security is prioritized.

Finally, the offered solution and adopted methods also have a strong *normative* touch. The framing of statebuilding as an exercise of turning the incapable Other into the image of the liberal democratic Self is in itself a normative exercise, aiming to export the idea and the norms of the Western state from the core to the periphery of the international system (Paris: 2002, Berger: 2006). This exercise also reflects on the identity of the Self – as the statebuilding project is also a test case for the liberal democratic state based on functioning institutions as a universal best practice. The moral duty of the Self is constructed accordingly - boosting the capacities of the Other in order to protect civilians and prevent conflict is presented as a moral responsibility for the liberal democratic actors who possess the know-how and correct vision on how to bring about peace.

These elements can be summarized in the chart below:

<b>THE FRAME: STATEBUILDING AND RESPONSIBILITY</b>
<p><b>Diagnostic Arguments:</b></p> <ul style="list-style-type: none"> <li>- Responsible states do not seek conflict and are capable of conflict prevention.</li> <li>- Well-functioning, liberal democratic states are not a threat to their populations or international peace and security.</li> </ul> <p style="text-align: center;">Building state capacities can foster state sovereignty and responsibility.</p>
<p><b>Prognostic Arguments:</b></p> <ul style="list-style-type: none"> <li>- Changing strategies:               <ul style="list-style-type: none"> <li>Phase 1: The belief that liberal democracy would take root easily.</li> <li>Phase 2: Comprehensive and long-term civilian interventions.</li> <li>Phase 3: Increased focus on security, functionality and capacity.</li> <li>Phase 4: Scaling down</li> </ul> </li> <li>- Sustainable solutions require comprehensive responses; that take into regard the connectedness of development, democracy, security, good governance and human rights.</li> </ul>

<ul style="list-style-type: none"> <li>- Addressing the lack of state capacity, through the construction of functional democratic institutions, will foster liberal democracy and address the problem of the lack of will to respond.</li> </ul>	
<b>Legitimization of Statebuilding:</b>	
<ul style="list-style-type: none"> <li>- Statebuilding is a benign form of intervention that implies state consent. And does not directly challenge state sovereignty.</li> <li>- When conflict affected states suffer from a lack of capacity, the international community can step in to boost state capacity, until effective prevention and response capabilities have been built.</li> <li>- A lack of capacity means lack of sovereignty; statebuilding aims to foster sovereignty and local ownership through capacity building.</li> <li>- Under capacity has been fully built, the international community might have to temporarily assume more direct responsibilities. These responsibilities are technical, aimed at promoting “universal best practices”.</li> <li>- Sustainable solutions require comprehensive approaches, which connect democracy to security, governance and development.</li> </ul>	
<p style="text-align: center;"><b>Normative Arguments:</b></p> <ul style="list-style-type: none"> <li>- Liberal democratic norms are presented as universal norms.</li> <li>- Democratic and functional institutions are the guarantee to peace and stability.</li> <li>- Turning the incapable Other to the peaceful Self is the way to combat conflict.</li> <li>- It is a moral responsibility of liberal democratic countries to prevent conflict and protect civilians through engaging in statebuilding.</li> </ul>	<p style="text-align: center;"><b>Agency:</b></p> <ul style="list-style-type: none"> <li>- The Self is framed as the international community, or the community of states that adopt universal best practices of governance. Yet, in practice, the Self has a predominantly Western and neoliberal touch.</li> <li>- The Other is a state with a lack of will or capacity to fulfill its sovereign responsibilities. It implies a) an undemocratic state, b) an incapable state.</li> </ul>

### 3.3.2 *The Moral Responsibility Framework and Statebuilding:*

Compared to the more static and simple way the statebuilding frame attributes responsibilities to international actors, the moral responsibility framework asks different questions on agency, the operationalization of responsibility and where the responsibilities are directed. As such, it presents a different perspective on statebuilding and responsibility, as an alternative to the dominant discourse.

#### 3.3.2.1 *Moral responsibility and agency:*

Although moral responsibility can be best attributed through the identification of a specific agent, it is still possible to reach conclusions

regarding the different approaches of statebuilding and moral responsibility to agency.

First, the statebuilding frame attributes responsibility to an entity dubbed as the “international community”. This is not possible from a moral responsibility point of view. The international community has no organizational structure, separate identity, single goal, decision-making powers and self-command.

Second, the liberal internationalist approach of statebuilding suggests that agency is connected to a narrower group of actors than the “international community”. The dominant narrative of statebuilding has been challenged on numerous occasions by arguments implying that interventions have served Western security interests above all, with insufficient consideration given to practical implications of failed statehood or to local needs (De Guevera: 2010, Chandler: 2006, Chomsky: 2007, Cunliffe: 2009, King and Murray: 2002, Debiel, Klingebiel, Mehler, Schneckener: 2006). The preference of external actors to support or cooperate with actors closer to its world vision, working mentality and interests, or the choice to prioritize the construction of central state institutions in conflict resolution above other possible activities implies that statebuilding is a political exercise; conducted by actors with an identity and specific interests (Murithi: 2009, Hameiri: 2008). Yet, from a moral responsibility perspective, it is also difficult to attribute agency to a group called “Western actors” or “donor countries”. The problem remains the same.

The difficulty of attributing responsibility to the international community already raises question marks about arguments such as “the responsibility of the international community to assist conflict states<sup>51</sup>”. Moreover, the liberal internationalist element to agency challenges the claim that statebuilding is a *technical exercise* based on universal best practices. These will be some elements of the responsibility gap.

### 3.3.2.2 Operationalizing moral responsibility: Intentions, impact and capabilities:

The framing of responsibilities in statebuilding has been identified through looking at diagnostic, prognostic and normative components emphasized in discourse. Establishing a moral responsibility framework requires a more structured approach. It necessitates looking at the declared (and undeclared) intentions of external actors in statebuilding, the impact of external

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<sup>51</sup> See , for example, the UN Special Adviser’s Office on the Prevention of Genocide, at <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>. (Accessed on 9 February 2016)

involvement in statebuilding and the way the agents have developed their capabilities to develop better responses to situations they feel responsible for.

The diagnostic element of the statebuilding frame presupposes that conflict sustainable prevention of conflict is best possible through establishing well-functioning, liberal democratic states. The prognostic element suggests developing the capacities of conflict countries in the security, development, governance and human rights fields, in order to boost their protection and prevention capabilities, with the end goal of making them more responsible and sovereign states. From a moral responsibility perspective, these diagnostic and prognostic elements point out to a discursive framing, which reflect the *intentions and promises* of the “international community”.

Statebuilding carries the *intention* to boost the capacities, responsibilities and sovereignty of conflict countries in different directions (Ghani and Lockhart: 2008). The ultimate promise is sustainable peace, security, local ownership and sovereignty. Yet, the technical framing of statebuilding can overshadow these intentions. The implementation of statebuilding through technical guidelines is criticized for transforming conflict resolution into a technocratic exercise based on a hierarchy of priorities (Hameiri: 2009). Technocratic guidelines transform the ultimate goal of statebuilding into achieving results on the technical front. This leads to question marks from a moral responsibility perspective. First, moral responsibility is established through connecting intentions to responsibilities. From this perspective, presenting two different sets of intentions defining the same exercise is confusing; and leads to a mismatch between the responsibilities and the actions of external agents. For example, defining statebuilding as a comprehensive exercise allows intrusive involvement of international actors in a country. Defining the same exercise as a technical practice allows defining responsibilities in a limited and narrow fashion.

Another point relates to the changing intentions and practices in statebuilding. Statebuilding has been an evolving experiment, changing with different threat perceptions, new ways of thought and “lessons learned” (Paris and Sisk: 2009). For instance, deviating from its original *intention*, statebuilding has sometimes concentrated on immediate priorities such as ensuring security and functionality. The international community has often taken intrusive roles, sometimes to the detriment of establishing local ownership and sovereignty (De Guevara: 2010). These shifts in intention have sometimes negatively *impacted* the promotion of local ownership and sovereignty. From a moral responsibility framework, every time there is a change in intentions and impact, this should lead to a redefinition of responsibilities. Yet, the statebuilding frame attributes responsibility in a



static way, without paying attention to how changing dynamics might affect the attribution of responsibilities.

One other element, which connects intentions with impact, is presenting statebuilding as the best methodology for sustainable conflict resolution. According to the moral responsibility framework, the *intention* of resolving conflicts through statebuilding reflects a *choice*, which establishes responsibility. In this line, if the positive *impact* of statebuilding is unclear, the moral responsibility for harmful impact could be established as well. For instance, the *impact* of increased aid dependency or corruption could be connected to the responsibilities of external agents, from a moral responsibility perspective (De Guevara: 2010, Zartman: 1995, Held: 2009). Statebuilding frames international responsibilities in a different way. Dominant narratives define statebuilding as a universal best practice rather than a subjective judgment. As a result, it becomes difficult to attribute responsibility to the international actors for *choosing* statebuilding as a method, as following a universal best practice is not a choice. From this perspective, responsibility for harmful impact is attributed in a limited way. Statebuilders are not responsible for choosing statebuilding that has led to negative results in a conflict country. International responsibility is established only when external agents do not implement the frame properly, by not cooperating well enough with each other or looking for quick-fixes or early exits. In other words, the only responsibility it attributes to international actors is to fine-tune statebuilding guidelines, without questioning the responsibility for the choice of statebuilding as an appropriate methodology.

The moral responsibility framework uses the way international actors *develop their capacities* as another tool to establish responsibility. In fact, this is one of the areas where the dominant narratives of statebuilding and the moral responsibility framework come closer to each other. Both support building capabilities of international actors to foster better response. From the perspective of the statebuilding frame, capacity building is celebrated, as it makes international actors implement the statebuilding frame better. Capacity building allows adjustments within the dominant statebuilding frame, without significantly challenging it. From a moral responsibility perspective, fostering capacities allows international actors better fulfill their intentions, making them more responsible actors. The difference is the moral responsibility framework would also analyze capacity building activities with a view to finding out *who* these activities have favored the most. Are international capacities boosted to better fulfill self-interests, or does this exercise have the interests of local populations in mind? This can only be found out through looking at the direction of responsibilities.

### 3.3.2.3 *The direction of responsibilities:*

A moral responsibility perspective would also necessitate taking into account the directions of responsibilities to establish attributability. As choices, intentions and impacts of action can be used to attribute responsibility, the answer to the question 'responsibility towards whom' could be sought by identifying to whom promises have been made and whom the activities have impacted the most.

The way statebuilding frames responsibility is much narrower. It identifies two directions of responsibilities for external agents: towards the local populations and towards international peace and security. The first responsibility is based on the normative framework of humanitarianism and the protection of the security and welfare of populations. The second one related to the protection of international peace and security, which sometimes translates as the security of the peacebuilders. This framing is in fact in line with the UN Charter and the core principles of the international system; and thus helps legitimize interventions from a discursive angle. A moral responsibility perspective would suggest additional directions of responsibilities: towards local populations, towards the interests of the Self, and those related to the identity and image of the Self. The directions of responsibilities are not established through international principles or discourse, but by looking at intentions, impact and capacity building efforts.

*Responsibilities towards the Other:* The protection of local populations from harm, as well as the promise of sustainable security to them has been prioritized by statebuilding as well. However, dominant narratives attribute the primary responsibility of protection to nation states, while giving a support role to the international community. The moral responsibility perspective would first take into regard the intention or the promise to utilize statebuilding to foster sustainable peace and security - a wider promise that argues establishing functional democratic states by external intervention is possible and this practice will lead to sustainable peace. In terms of the impact of intervention, the contribution principle would argue that external actors would bear responsibility for the negative impact of their involvement such as the credibility and democracy deficit experienced in the security sector, aid dependency and the flaws in election processes, among others – particularly in an environment where sovereignty is problematized and the state capacity remains low. Thus, external responsibilities would extend beyond protection and enter directly into the sphere of economic development, the establishment of the rule of law and the promotion of human rights

*The interests of the Self:* From a moral responsibility angle, statebuilding involves many promises in the form of boosted security and economic stability. The success of statebuilding also impacts statebuilders. Thus, it is expected that statebuilding would establish responsibilities towards the security, strength and survival of the Self, so far as it exhibits interests and impact in that direction. Statebuilding discourse does not elaborate on this aspect; although the emphasis on the protection of international peace and security is undoubtedly expected to reflect upon the security and economic interests of the Self. Thus, while the statebuilding frame narrowly defines the responsibilities towards the Self, the moral responsibility framework would widen these responsibilities to look into the full impact of statebuilding on the security, economic and social structures of the intervening countries.

*Fostering the identity, image and values of the Self:* The moral responsibility framework adds a third direction to external responsibilities beyond protection and prevention, by focusing on the responsibilities to protect and promote the identity, image and values of the Self. Affirming the liberal democratic state model as a universal best practice as well as promoting its own norms and values, in addition to winning hearts and minds and shaping the environment it operates can be identified as intentions, which translate into responsibilities towards the Self. From an impact perspective, the shift from promoting liberal democratic states to supporting strong states, the increased emphasis on direct Western security interests, the inability to focus on developmental projects to help hearts and minds when faced with limited resources, the inability to promote the human rights agenda as a universal norm, combined with the mistakes and failures in bringing forward democracy through elections implies additional responsibilities for external actors engaged in statebuilding could also create responsibility.

A last question is related to capacity building efforts; i.e. whether the efforts to boost the response capacities of external actors prioritize the needs of local populations, work towards fulfilling self interests or serve to boost the identity and image of external actors. The results are mixed. Looking into the development of statebuilding, the immediate focus of capacity building efforts have shifted between better serving the locals and better protecting international (Western) security and economic interests. Especially from a European perspective, capacity building has aimed to promote the EU's foreign policy identity and boost its image as well. While responding better to the interests of local populations has been prioritized at certain points in capacity development, such as after the human tragedies of Srebrenica and Rwanda in the mid-90's, there have been times where the security interests of Western actors or the need to boost the image of Western foreign policy actors have taken priority as well.

### 3.3.3 *The Responsibility Gap:*

The framework of attribution of moral responsibility, explained through the past sections, helps pointing out the possibility of alternative attributions of responsibility to international actors for their engagement in statebuilding. The next part will aim to point out concrete areas where a gap between the discursive framing of responsibilities and those from a moral responsibility perspective could be identified. This argument will feed into the claim that the narrow, temporary, technical and limited definition of responsibilities of international actors engaging in statebuilding is not commensurate with those that should be associated with the comprehensive and intrusive nature of external statebuilding.

The results of the frame analysis undertaken previously had demonstrated an official framing of the responsibilities of international actors, as *a technical assistance function, by implementing universally acceptable best peacebuilding practices, in support of national authorities, with the aspiration of full local ownership and sovereignty*. Challenging this framing would require concentrating on its key parts: a) statebuilding as a universal best practice, b) statebuilding as a technical exercise, c) statebuilding in support of local ownership and sovereignty. In other words, approaching these three points from a moral responsibility angle and discovering alternative possibilities to attribute responsibility in a broader fashion than the official frame, would help highlight three essential gaps in attributing responsibility.

In fact, a literature survey of some academic studies that aspire to attribute moral responsibility to international actors for their engagement in statebuilding indicates that both academic and policy literature on peacebuilding has constantly attempted to attribute moral responsibility to agents for both the intended and unintended outcomes of their actions, and the inadequacy of international response (Visoka and Doyle: 2014).

For one, Visoka and Doyle (2014) argue that studies connecting peacebuilding and moral responsibility mostly focus on the need for a differentiation of moral responsibility in proportion to the agents' intentions, capabilities, actions and situation circumstances. From this angle, the definition of statebuilding as a universal best practice and the corresponding responsibilities of international actors in narrow, static and unchanging terms should be challenged, as proper attribution of moral responsibility would necessitate different responsibilities for agents for each change or shift in intentions, practices and capacities. From a survey of the literature on peacebuilding, another common criticism to international actors seems to have been the framing of statebuilding and peacebuilding as a technical

exercise, while obscuring the political nature of peacebuilding and the political intentions, motives and influences of external peacebuilding actors (Chandler: 2010, Milovich and Ossewaarde: 2013, De Guevara: 2010, Call and Cousens 2007, Fukuyama 2004, Fritz and Menocal 2007, Paris: 2002, Samuels: 2009). Finally, the debates on local ownership seem to connect well with discussions on moral responsibility, insofar that statebuilding aspires to gain its legitimacy through its discourse on fostering state sovereignty and local ownership, while the very practice of statebuilding itself sometimes hampers these two areas it promises to foster (Richmond: 2013, Billenbeck: 2015, Chandler: 2010).

These three main criticisms on statebuilding discourse seem to correspond to the three elements of responsibility that have emerged from the frame analysis on statebuilding. As such, they provide us with a good base to move forward towards defining the responsibility gap in particular situations and for particular agents – the European Union and Bosnia and Herzegovina.

To repeat, the following three points will constitute the basis of future discussions on the moral responsibility gap:

- a) The need to define moral responsibilities in accordance with evolving intentions, practices and capacities,
- b) The need to accept the political nature of peacebuilding as well as the political roles of external agents,
- c) The need for enlightened discussions on local ownership beyond mere aspirations.

To start with the first element, *the attribution of responsibility while considering change* is one of the inherent problems of statebuilding. Even if it is possible to establish moral responsibility in a thorough manner at the early stages of interventions without any significant gaps, as the theory and practice of statebuilding evolves, there will be need for a constant redefinition of responsibilities in accordance with changing intentions, impact and capabilities. Each new change brings forward new responsibilities without necessarily cancelling out previous ones. Yet, the effect of the changing dynamics as well as how they affect previous responsibilities is often left unaddressed. There is little talk on what new responsibilities are, whether the previously assumed responsibilities have been fulfilled and who will be held responsible in the case of failure. Despite the constantly evolving content, scope and practice of statebuilding, the way responsibility is attributed to the international community by the dominant narrative has remained quite static over the years. In other words, responsibilities are often defined in a prospective way, without a proper analysis of the retrospective responsibilities from previous phases, creating a “responsibility gap”.

The *framing of statebuilding as a technical exercise despite its political nature* is another feature of the responsibility gap. One difference of the moral responsibility framework from the statebuilding narratives' framing of responsibility is the possibility to attribute responsibility for normative choices. From a moral responsibility angle, liberal/ neoliberal perspectives that guide most statebuilding projects indicate that statebuilding is a choice, rather than a universally agreed and accepted mode of intervention. This choice highlights that the political priorities are not always identified or led by local actors, but are also influenced by external actors. In fact, conflict countries often become the playground of competing and inconsistent visions on the country's sovereignty at the local, national and international levels (Milovich and Ossewaarde: 2013). However, instead of presenting the application of the statebuilding frame as a choice, discursively defining the liberal-democratic state as a best practice has allowed the external (Western) actors to frame their efforts as a technical or even scientific exercise. Framing responsibilities of international actors in such a narrow, limited and technical manner leads to the situation where a country does not have the full sovereignty to act or decide but is attributed the full political responsibility for shortcomings in the statebuilding plan nevertheless. External actors are at most attributed technical failures within the statebuilding framework, which can be corrected by fine-tuning efforts and increasing the capacities of the international community to respond. In short, although statebuilding involves political choices and leads to impacts beyond those foreseen by narrow technical mandates, there is not much possibility to attribute responsibility to external actors. This element deepens the responsibility gap further.

The *dilemmas of local ownership and sovereignty* are the third element that helps indicate a responsibility gap. The statebuilding frame partially derives its legitimacy from its purpose to restore full sovereignty to conflict countries. Local ownership has always been prioritized both as a principle and as an end goal in the post-conflict intervention process. However, the effects of statebuilding are different than the one-dimensional results of the intended frameworks of international actors (De Guevara: 2010). Any intentional deployment only takes effect through a convoluted route involving unacknowledged structures and unpredictable outcomes (Ferguson: 2006). In short, technocratic statebuilding fails to reflect the dynamism of the statebuilding process (Call and Cousens 2007, Fukuyama 2004, Fritz and Menocal 2007). The application of technocratic guidelines creates a *modus vivendi* based on external influence, rather than a sustainable arrangement reached through inclusion and participation. In this way, statebuilding runs contrary to its own discourse and propositions. When crucial decisions regarding the future of the country are taken by international project

managers, when public and state power are replaced in private/ international hands, when the political leadership is expected to support and coordinate the structure imposed by internationals rather than represent domestic interests, the statebuilding efforts and the “built” state starts losing legitimacy in the eyes of its public, hampering efforts to solidify the state-society contract, and leading to “local resentment of the presence of the external actors” (Etzioni: 2004). In the absence of local ownership, external statebuilding becomes a program to externally reform developing countries.

All these three points point out to one key message: Intervenors play a critical role in the creation of new rules in post-conflict environments, choosing the appropriate mode of intervention, shaping the content of peace agreements, providing advice in the implementation of these agreements, defining peacebuilding priorities, imposing conditionalities on aid and sometimes performing quasi-government functions, particularly in situations where the sovereignty and capacities of a conflict country is problematized (Paris: 2002, Samuels: 2009, Ghani and Lockhart: 2008). All this is legitimized by the aspiration of fostering ownership and sovereignty, as an end goal. However, the responsibility frame constructed by official discourse is not structured to appropriately attribute responsibility to international actors for the choices they make, the impacts of their actions, or their failure in successfully fulfilling their aspired vision. Most of the responsibility for this falls on conflict countries. This is the essence of the responsibility gap that will be explained through further examples in the following paras.

### **3.4 Introducing Discursive Safeguards:**

This part will take the first step towards introducing the third proposition of this research; that the dominant international narrative on statebuilding includes protective measures to cover up the responsibility gap - dubbed as “discursive safeguards” for the sake of simplicity.

The previous parts of this thesis has shown how the “problem-solving ethos” of neoliberalism, combined with the feeling that statebuilding is based on universal norms, allows external actors to fall back on the discourse that change should come from within, and what the international community does is to encourage it (Samuels: 2005, Chandler: 2010). It has exhibited the reliance on problem-solving serve to obscure the political goals of international actors that are not in line with the declared goals of statebuilding (Heathershaw: 2008). In other words, it has shown that discourse can be a tool to avoid responsibility.

This phenomenon fits well into the theories of discourse analysis presented in the first chapter that aim to show how facts are dependent upon a particular discursive framing of the issue in question. Building on this premise, it offers an empirical method to operationalize these methods through the prism of conflict and interventions (Hansen: 2006, Laclau: 1993, Fairclough: 1995). These approaches also help show how dominant narratives seek to construct stability and how they deal with challenges (Laclau: 1993, Mouffe: 2006, Torfing: 1999, Torfing: 2005, Jorgenson and Phillips: 2002, Fairclough: 1995).

“Discursive safeguards” can be defined as tools that aim to reinforce the elements of the frame when met with opposition from alternative discourses that do not follow the elements of the statebuilding frame (Hansen: 2006). Although the study of discursive safeguards will be conducted in detail in the following chapters, when the idea can be connected to a specific agent, this chapter will use the elements of research until this point to initially introduce the concept of discursive safeguards.

#### *3.4.1 Challenging Technocratic Statebuilding: Competing Discourses:*

Discursive safeguards very much relate to how the dominant/official discourses deal with criticism. In her work on discourse analysis in conflict settings, Hansen (2006) puts forward three ways official discourse deals with criticism. One way is to accept and internalize criticism (and change its policies). Another is to leave the criticism unaddressed and pass the presented facts in silence. The third method is to explain them with the facts already in place.

Many critiques to statebuilding do not challenge the essence of its dominant narrative. They tend to define the deficiencies of the international community from the lens of capacity (Paris: 2002, RAND: 2008). The statebuilding frame reacts somewhat positively in its narrative to criticisms that do not directly challenge the main parameters of statebuilding, but seek to improve its practice. Technocratic guidelines accept that technical errors, miscalculations and mistakes have been made in statebuilding (RAND: 2008, OECD-DAC: 2007). In fact, these guidelines have often been developed as a response to overcome these “technical” problems. The response is usually accepting/adopting changes to the practice without major shifts in underlying concepts (RAND: 2008, OECD-DAC: 2007, Ghani and Lockhart: 2008, Annan and Mousavizadeh: 2012, Paris: 2007). As a remedy, they suggest adjustments within the practice of statebuilding without touching its essence much, such as improving coordination among international actors, making statebuilding more responsive to local needs or respecting local customs and practices. In fact, the foreign policy of the EU – especially related to crisis management –



has evolved partially due to self-criticism remaining within the mainstream. Capacity development has been one of the areas that the “international community” has put effort into, by developing better means and methods of response by learning from failures and concentrating on best practices.

However, these technical solutions do not go deep enough to analyze and address the unintended negative impact caused by international action. As such, policy guidelines seem to fall short in addressing criticisms directed at the essence of statebuilding, some of which are captured previously. What is the end goal of SSR; achieving local ownership or combatting threats to international peace and security? Who is responsible for countering the negative impacts of aid dependency? Is liberal democracy the best way forward for every society? If there is a choice, should security or local will and ownership be prioritized? These are examples of more difficult questions, which challenge the dominant framing of statebuilding as the best model of conflict resolution.

As much as addressing criticisms within the statebuilding frame might ensure better practices, the challenges to statebuilding are greater than those that can be corrected by capacity building. Statebuilding has been criticized to lead to the erosion of state sovereignty and local ownership, to reflect the political will and interests of external actors, to foster dependency. The impact of external involvement goes beyond the initial goal of building state capacity. As such, while fine-tuning efforts can be perceived as an appropriate response to challenges emanating from within the statebuilding frame, they cannot address the deeper challenges, inconsistencies and inherent dilemmas in the statebuilding frame.

Narratives that challenge the core principles and concepts of the statebuilding frame can be labeled as competing/ alternative discourses (Hansen: 2006). Approaching statebuilding and responsibility from a moral responsibility angle aims to provide such an alternative narrative. The response of the statebuilding frame to competing discourses, defined here as “discursive safeguards”, is mostly trying to respond to the criticisms using facts already put in place by the statebuilding frame (Hansen: 2006). By using discursive safeguards rather than responding directly to challenges arising from competing discourse, talkers do not want to provide information to a recipient but present dramas to an audience in an act defined as “staging” - predicting one step ahead in speech in order to ensure reduced responsibilities for the agents (Goffman: 1986). Using discursive safeguards allows the practice of statebuilding as the “most successful method” to resolve conflicts to proceed, without international actors having to bear the burden of its seemingly grander and deeper responsibilities.

### 3.4.2 *Examples of discursive safeguards:*

Following the example of responsibility gaps, three discursive safeguards will be identified and operationalized around concepts already used to define the responsibility gap: a) *Change* (how statebuilding discourse adjusts itself to changing realities, contexts, new ways of thinking), b) *universality* (how statebuilding is defined as a technical exercise based on universal best practices), c) *local ownership and sovereignty* (how statebuilding gains legitimacy through emphasizing the principle of state sovereignty, as well as local ownership). Although the arguments on discursive safeguards will need a concrete agent and context, and thus will be dealt with in more detail in the next chapters, this chapter will mainly aim to put forward this concept in relation to the responsibility gap.

#### 3.4.2.1 *The element of change:*

The contrast between the relatively static definition of external responsibilities in the statebuilding frame compared with the ever-changing theory and practice of statebuilding is an element leading to a responsibility gap. Changes in the parameters and application of statebuilding lead to new identity constructions of the Self and the Other, new threat perceptions and shifting prioritizations in the way statebuilding is conducted (Hansen: 2008). Every new intention put forward in a new phase of statebuilding and every impact these practices have on the ground, every change in capacity, policy and practice increases the burden of moral responsibility on the shoulders of the agents. While changes in statebuilding might add new responsibilities for international actors (prospective responsibilities), they do not cancel out responsibilities from previous phases (retrospective responsibilities).

The way statebuilding is framed helps avoiding the massive and continuously piling responsibilities associated with change. Statebuilding avoids setting out external responsibilities in a detailed manner, but rather relies on a generic definition for the responsibilities of international agents, emphasizing a temporary support role (ICISS: 2001). Thus, even when statebuilding is subject to change, there is no pressing need for a redefinition of responsibilities commensurate with new roles and practices. Especially when an "early" exit is desperately needed, a fallback on the temporary nature of statebuilding and strengthened concentration on the responsibilities of the nation-state is emphasized, as is the case in Bosnia and Afghanistan. Concrete examples are provided in detail in the case study.

#### 3.4.2.2 *The emphasis on statebuilding as a technical and universal exercise:*

Defining statebuilding as a technical exercise constructed around universal best practices lead to a responsibility gap, since the responsibility frame does not address the political and normative aspects of statebuilding, the structural and historical causes of the conflict, the socio-economic and cultural structures and identity issues. Rather, the frame is built around the simple idea that failed states should be replaced by responsible states, achieved through interventions based on technocratic guidelines. It is difficult to attribute the responsibility of failure to an actor mainly implementing technical principles.

Once again, the framing of statebuilding also functions as a safeguard for the international community to avoid responsibility for more than the “correct *application* of statebuilding guidelines”. Narratives on statebuilding tend to avoid or downplay issues of history, culture and identity, in favor of a quantitative and technocratic approach based on a liberal democratic framework (Berger and Weber: 2006, Berger: 2006, Held: 2009). The choices and actions of the international community are defined as “technical” and “scientific” - a depiction that does not define statebuilding as a choice but almost a necessity and thus eliminating the responsibility for choosing statebuilding as the best course of action for sustainable peace. The framework for success is defined in a limited and quantitatively measurable way. Diverting responsibility from solving the conflict to successful applying technical guidelines helps avoid the responsibilities which arise from impact – such as the erosion of state capacity and legitimacy resulting from the international community taking over management of institutions and provision of basic services (De Guevara: 2010, Zartman: 1995). It becomes difficult to attribute the responsibility of failure to an actor, which merely follows technical guidelines dubbed as “universal” and scientific”. Moreover, approaching external responsibilities from a temporariness perspective creates the impression that a debate on international responsibilities in the long-term is not necessary. Especially in the times of the economic crisis in donor countries and intervention fatigue among taxpayers, when “early-exits” are needed, discourse finds it easy to fallback on the temporary nature of statebuilding and strengthened concentration on the responsibilities of the nation state, through the mutual responsibilities argument which define the external actors mainly as donors.

#### *3.4.2.3 Local ownership and state sovereignty:*

The sovereignty-intervention debate defined earlier in this chapter dominates debates at the UN and other official fora, raising question marks on issues such as responsibility, capacity, coherence, local ownership, legitimacy, dependency, accountability and exit strategies (Paris and Sisk: 2009). This

sovereignty/ intervention dilemma is sometimes conveniently used to avoid deeper discussions on the responsibilities of the international community during interventions. The increasing focus on state sovereignty leads to emphasizing the primary responsibility of the nation state in many different fields of international politics, including intervention and capacity-building. In other words, the international narrative which stresses on the primary responsibility of the state and the secondary and temporary responsibilities of external actors seem to be strengthened by sovereignty debates – even if the sovereignty of the state in question has been problematized or there is practically no state to talk about. For instance, UN Security Council Resolution 2164 (2014) on Mali reaffirms the sovereignty and unity of Mali several times. Despite the acknowledgement that terrorist challenges weakens the capability of the state of Mali to provide security, it still emphasized that *“the Malian authorities have primary responsibility for the provision of stability and security throughout the territory of Mali (...) and stresses the importance of the Malian Defence and Security Forces assuming full responsibility for providing security”*.

In terms of local ownership, in many conflict societies such as Mali, Libya, Afghanistan and Somalia, the understanding of citizenship as a contract between state and society does not even exist. This makes ensuring the legitimacy of the statebuilding project in the eyes of local citizens difficult. In fact, as sovereignty is associated with capacity rather than political and legal rights of equality, local legitimacy is not prioritized (Chandler: 2010). In other words, while prioritizing local ownership in discourse, statebuilding problematizes sovereignty. In addition, statebuilding is often perceived as exogenous and top-down, driven by dynamics, personnel and ideologies that originate from outside the local society, especially in its practice (Dodge: 2006). Neutralizing complicated historical, political and ethnical relations by focusing on enhancing state-capacity makes it difficult to produce sustainable outcomes (Berger and Weber: 2006). This disconnects people from the statebuilding project, in contrast to the end goal of local ownership (Ghani and Lockhart: 2008, Chandler: 2010). Yet, just as state sovereignty, local ownership is not only presented as an end goal, but is even used to claim that the nation state is the primary driver of the statebuilding project. As an example, Catherine Ashton, the EU’s foreign policy chief has Catherine Ashton, has called on Bosnian politicians to “show leadership” and take steps to “resolve not only the economic issues of concern, but also the political situation” in February 2014; implying that the Bosnians have full ownership of and control over their issues<sup>52</sup>.

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<sup>52</sup> Fejic, G. (2014), “Bosnia and vanishing European leadership”, <https://www.opendemocracy.net/can-europe-make-it/goran-fejic/bosnia-and-vanishing-european-leadership>

In short, the proposition is that the mostly static definition of external responsibilities in contrast to the changing nature of statebuilding, the definition of statebuilding as a universal and technical exercise and the increased emphasis on state sovereignty and local ownership provide the basis for employing discursive safeguards to avoid being assigned responsibility beyond the narrow definition of the statebuilding frame. Looking at the discourse of the European Union as well as looking at cases from the field in the next chapters will test this proposition.

## **4. The EU, Statebuilding and Responsibility**

The previous chapters have looked into how external statebuilding in conflict/post-conflict states is framed and operationalized, as well as the problems and gaps associated with it. These two chapters have demonstrated a "responsibility gap" between the way (moral) responsibilities are constructed within the statebuilding frame and the way responsibilities would have been alternatively constructed from a moral responsibility framework. The concept of "discursive safeguards" has also been introduced, in order to show how the statebuilding frame deals with this gap and protects itself from challenges emanating from outside the frame.

This chapter will connect the European Union (EU) to the statebuilding frame. It will first discover to what extent the EU fits into the statebuilding frame, in order to attribute responsibility in a more fair and precise manner - "to avoid EU-bashing at one extreme and absolving it from any responsibility on the other" (Manners: 2008, Smith: 2008, Wolff and Whitman: 2011). Secondly, the way the EU has reacted and adopted to the developments and changes in statebuilding patterns will be analyzed; keeping in mind that the development of statebuilding coincides with the period which the EU was also building its own external identity, as well as foreign policy tools and capacities. The third goal is to look at the responsibility gap and discursive safeguards paradigm from the EU perspective, in order to close the agency gap presented in the previous chapter. Towards this end, the problems associated with EU statebuilding, as well as the Union's practical and discursive reactions to these problems will be analyzed.

In this part, frame analysis will be used once again as the primary methodology. Identifying the EU as the agent allows using more specific sources; the Treaty of the European Union (TEU) of 1991, the European Security Strategy (ESS) of 2003, the Report on the Implementation of the ESS (2008), the Reform Treaty (2007), alongside relevant Council and Commission documents, official/media statements and interviews and speeches of leading EU officials, as well as academic literature will be used, in order to present the reasons, framework and methods of the EU's involvement in conflict resolution and statebuilding .

### **4.1 Framing the EU as an External Statebuilding Actor:**

The EU's involvement in crisis management, conflict prevention and statebuilding is mostly seen as part of a more general framework of values and policies, centered around democratic peace approaches that link security

to global political stability, economic wealth, human rights and democracy (Mayer: 2008, Keukelaire and Delreux: 2014). On the other hand, the Union is also defined, both in official and academic discourse, as a unique actor. It is deeper than an international organization but not a state, with its own different tools and capacities especially in conflict prevention and crisis management, and its own basket of values such as effective multilateralism, human rights conditionality, respect for international law and economic solidarity (Manners: 2008, Smith: 2008, Toje: 2011). The goals of this part are to understand how much the Union internalizes the statebuilding frame, in order to analyze its moral responsibilities from being part of this frame and to see whether there is a responsibility gap (Wolff and Whitman: 2012).

#### ***4.1.1 The EU and the Statebuilding Frame:***

This study claims that the EU can be fitted into the statebuilding frame, as its narratives are linked to the dominant discourse of statebuilding and its conduct follows the concepts and methodology of this framework. Towards this end, some key concepts connecting statebuilding to responsibility from previous chapters will be compared with the EU's approach, to discover similarities and divergences.

##### *4.1.1.1 Agency: The Self and the Other:*

The portrayal of the "Self" and the "Other" in EU discourse is mostly in line with that of the statebuilding frame; connecting the functional and democratic Self to the incapable Other through capacity-building. The "Other" is a failing/failed state that cannot fulfill its responsibilities to its own population and threatens international peace and security, hence breeding problems such as organized crime, human trafficking, poverty, illegal immigration, ethnic antagonism, piracy and terrorism (Commission: 2001, ESS: 2003, ESS: 2008). It lacks democratic processes, the rule of law, respect for human rights and good governance, as well as strong and functional institutional structures (Commission: 2001).

The "Self" as the EU is a more thorough and well-defined entity than the "Self" as the international community – one plus side of adding full agency to the statebuilding frame. It is a successful peace project and an ongoing exercise and model for peace, prosperity and conflict resolution. The cultural, religious and humanist heritage of the Union, as the basis of universal values such as human rights, freedom and democracy is emphasized (Lisbon: 2007). In addition to this background, the Union has considerable expertise in stabilization, democracy support and institution building and is the largest global donor, therefore well placed and responsible for making an impact on

the international scene (Commission: 2001). Its intentions are framed as safeguarding “universal” values, as well as the interests, independence and integrity of the Union, preserving peace, preventing conflicts and strengthening international security, fostering sustainable development, managing disasters and ensuring the integration of all countries in the world economy (Lisbon: 2007). The EU often refers to its international partners in this exercise as US, Canada, Russia, Japan, Norway, UN, OSCE, and NGO’s, all falling within the statebuilding framework (Commission: 2001).

#### 4.1.1.2 *Commitment to humanitarian intervention and R2P:*

The emphasis on protection (of civilians) as a way to legitimize statebuilding is the second element that connects the EU to the statebuilding frame. The legitimization of (civilian) interventions for protection purposes is a theme commonly used by the EU, despite the increased securitization of its external endeavors (ESS: 2003, ESS Report: 2008). The moral and political imperative to find solutions to human suffering is featured in the Communication from the Commission on Conflict Prevention (2001). More recently, the Foreign Affairs Council on 18 February 2013 made reference to “*the humanitarian commitment to the populations affected by conflict*” in Mali and EU High Representative Ashton argues that “*the EU had to help the people of Syria in every way it could*”. This humanitarianism is also used to (when necessary and possible) engage in statebuilding activities.

In the United Nations, EU member states and the EU often give support to the concrete and efficient implementation of the R2P doctrine, with institutional capacity building and strengthening states often put forward as the key methodology. The Global Center for the Responsibility to Protect’s reports indicate that almost all EU countries have taken the floor at the R2P debates at the UN in 2013, which in the recent years have been focusing more on prevention and capacity-building rather than intervention.<sup>53</sup>

#### 4.1.1.3 *Problematization of Sovereignty and Capacity Building:*

In statebuilding, adequate capacity is an important precondition for successful transformation. Thus, capacity building is a (temporary) exercise of assisting the “Other” to adopt the methods of the “Self” to ensure that the gains of intervention are sustained.

The dilemma between the comprehensive nature of statebuilding and the temporary and limited definition of capacity building is visible in EU

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<sup>53</sup> See <http://www.globalr2p.org/publications/>.



discourse. The European Commission (2001) sets out its goals as influencing or shaping sustainable political, legal, socio-economic, security and mental structures over a longer term (Keukelaire and Delreux: 2014). Yet, while explaining the content of the efforts, the EU falls back on carving a limited support role for itself. The European Security Strategy (2003) declares its intention to *“step up our work with countries most at risk by strengthening their capacity to cope”*. Among the Common Security and Defence Policy (CSDP) missions, EUBAM Libya’s purpose is to *“support the Libyan authorities in improving and developing the security of the country’s borders”*; the military training mission EUTM Mali’s goal is *“to train and advice” the Malian Armed Forces under the control of legitimate civilian authorities*<sup>54</sup>. EULEX in Kosovo EULEX is *“supporting, mentoring, monitoring and advising the local authorities while exercising executive responsibilities in some specific areas of competence”* while EUPOL COPPS in Palestine *“provides support to the Palestinian Authority in establishing sustainable and effective policing arrangement under Palestinian ownership in accordance with the best international standards”*<sup>55</sup>.

In short, the EU follows the neoliberal framing of statebuilding with regard to the sovereignty/capacity debates; by defining a comprehensive role for the international community in areas of limited sovereignty, while confining its responsibility to temporary intervention by emphasizing capacity building, institution-building, comprehensiveness, failed states and sustainability (Keukelarie and Delreux: 2014, Chandler: 2010). It claims that respect for sovereignty, independence and territorial integrity of states are not negotiable, and sovereign governments must take responsibility for their actions (ESS Report: 2008). At the same time, it refers to the need to develop long(er) term policies to bring forward structural changes and fight the symptoms of the conflict – often defined as state incapacity to protect its citizens and threatening international peace and security (Smith: 2008, Manners: 2008). This line of thought is also present in enlargement debates; which aims to induce governments to voluntarily venture into permanent institutional cooperation and to get over national interest driven policies by making sovereignty a scarce commodity (Chandler: 2010, Toje: 2011).

#### 4.1.1.4 Conflict prevention as a comprehensive strategy

The EU’s activities in crisis management are based on a notion of comprehensive security – that security is possible only if provided across all

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<sup>54</sup> See the EEAS website at [http://eeas.europa.eu/csdp/structures-instruments-agencies/cmpd/index\\_en.htm](http://eeas.europa.eu/csdp/structures-instruments-agencies/cmpd/index_en.htm). (Accessed on 16 February 2016)

<sup>55</sup> See [http://consilium.europa.eu/uedocs/cmsUpload/090702%20Civilian%20aspects%20of%20crisis%20management%20-%20version%203\\_EN.pdf](http://consilium.europa.eu/uedocs/cmsUpload/090702%20Civilian%20aspects%20of%20crisis%20management%20-%20version%203_EN.pdf) (Accessed on 16 February 2016)

dimensions (Wolff and Whitman: 2011). The EU's current peacebuilding framework stresses key notions such as sustainable peace, human security, responsibility to protect, effective multilateralism, local ownership, the promotion of human rights and democracy and civil society (Cameron: 2012). This approach connecting conflict prevention with the soft power of liberal democracy, free markets, good governance rule of law and human rights through capacity and institution building, is also featured as a constitutive element of the Union in many EU documents (Smith: 2008, Mayer: 2008). The European External Action Service (EEAS) website, for example, defines crisis response as a comprehensive exercise; stating that *"ensuring a coherent response to crises is part of the EU's wider efforts in its external relations, (...) to turn the 'comprehensive approach' into comprehensive action, i.e. the effective use and sequencing of the entire range of tools and instruments. This applies to the whole crisis cycle, including conflict prevention and crisis response, crisis management, stabilisation and longer-term recovery, reconciliation, reconstruction as well as development, in order to preserve peace and strengthen international security."*<sup>56</sup>

Thus, the Union's approach to conflict prevention can easily be fitted into *"the new orthodoxy that linked democracy, human rights, good governance, development and conflict prevention"* and statebuilding (Smith: 2008, Paris: 2002). In fact, as other members of the international community, including international organizations such as the World Bank, IMF and the World Trade Organization (and even the UN), the EU is often subject to criticisms that it elevates these policies and norms as universal standards, and that comprehensive approaches that define neoliberal statebuilding reflect a *"Western bias"* (Chandler: 2010).

#### 4.1.1.5 Effective multilateralism:

Effective multilateralism is a common concept that appears in several key EU documents, such as the European Security Strategy (2003), the Report on the Implementation of the European Security Strategy (2008), the Joint Declaration on UN-EU Cooperation (2003) and the Reform Treaty (2007). Multilateralism implies cooperation with other neoliberal statebuilding actors, such as the United States, Japan, Norway, the UN, NATO, OSCE and non-governmental organizations, on the issues of crisis management, peacebuilding and humanitarian assistance, all relevant to statebuilding (Koops: 2011). By doing so, in a way, the EU becomes one of the members of the group of liberal actors that define statebuilding and its key components as

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<sup>56</sup> See the European External Action Service website, at [http://eeas.europa.eu/crisis-response/index\\_en.htm](http://eeas.europa.eu/crisis-response/index_en.htm). (Accessed on 16 February 2016)

a long-term approach to building peace (Cameron: 2012, Commission: 2001, ESS: 2003).

#### 4.1.2 *The EU as a Unique Actor:*

Although the Union fits in many ways in the statebuilding frame, the Union's legacy as a successful exercise in conflict prevention qualifies it to present itself as a distinct actor (Manners and Whitman: 2003, Lucarelli, Smith: 2008). It claims to possess a unique identity, value system and toolbox of policy instruments, and has developed appropriate tools and policies, built-up its resources and has conducted operations on the ground (Manners and Whitman: 1998, Keukelaire and Delreux: 2014, Smith: 2008). The previous Commission President Delors summarized these points by saying "*As many conflicts are rooted in political, economic and social instabilities, the Union is better equipped (...) to address relevant problem*".<sup>57</sup>

On the other hand, despite its distinct history, identity and structure, the EU's conflict prevention policies and operations are often based on political solutions developed outside of the EU, later adopted and integrated with its own policies (Keukelaire and Delreux: 2014). Statebuilding is a good example to this. Disagreements among member states on the Union's foreign policy identity and the means of involvement in conflict prevention has been a reason to adopt the concepts and practices associated with the statebuilding frame as an easier way out by following international "best-practices" rather than making hard choices (Smith: 2008). In addition, most civilian and military operations carried out by the EU have been in cooperation with third parties, also due to its belief in multilateralism.

Yet, there are areas where the Union stands out (or claims to stand out) as a unique actor in statebuilding and conflict prevention; some of which are explained below:

##### 4.1.2.1 *The EU as a normative/ civilian power:*

The EU's conflict response policies have reflected a (uneasy) compromise between civilian and military policies from the outset (Manners: 2008). Although the EU has spent much time and resources on developing its military (crisis management) capabilities, its military expenditures and military involvement in peacekeeping missions has been lower than other Western actors and its military role is often dwarfed by the US and NATO. Civilian policies constitute the main focus of the EU, and include both short-

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<sup>57</sup> Full text available at [https://is.muni.cz/el/1423/podzim2006/EVS137/um/Smith\\_145\\_170.txt](https://is.muni.cz/el/1423/podzim2006/EVS137/um/Smith_145_170.txt).

term tools for immediate conflict management, and medium and long-term tools designed to promote structural stability (Cameron: 2012). The security and defence policy of the EU mostly consists of civilian efforts that can be placed within the statebuilding frame; like security sector reform, institutional capacity building and strengthening rule of law and human rights (Toje: 2011). Thus, the civilian role of the EU, which is well connected to the concept of statebuilding in practice, is more strongly pronounced than other international actors.

The emphasis on the civilian role of the EU in international relations makes it a different actor within the statebuilding frame. This civilian emphasis on European foreign policy also includes a dimension that emphasizes responsibility (towards others). Duchene (1972, 1973) defined the European Community as a civilian power that could spread democratic standards of governance based on an ethics of responsibility. Manners (2006, 2008) suggested that the normative dimension of the EU extends into the international relations area as well, since the EU strives to influence the economic and social choices of its partners through civilian means. As such, the framing of a “normative and civilian EU” portrays the picture of a Union that can be a unique actor in statebuilding; in fact, this is even portrayed as a moral responsibility.

#### *4.1.2.2 A different value system:*

The Union’s discourse and practice emphasizes liberal norms such as human rights, democracy, rule of law, and promotion of free markets. The EU additionally emphasizes and promotes additional norms based on social solidarity in its foreign policy, such as social liberty, the supranational rule of law, effective multilateralism, inclusive equality and sustainable development (TEU: 1991, ESS: 2003, Manners: 2008). The EU champions international law, regional and multilateral cooperation, is opposed to the death penalty, supports the rights of the child and climate change. These values allow the EU to bring a social justice angle to conflict resolution, contributing to its uniqueness (at least in discourse) (Keukelaire and Delreux: 2014).

This unique value basket also has an important identity dimension for the Union. The EU claims to be an efficient, universal (almost scientific) model of economic and political integration, a stabilizing force derived from European history, experience, values and principles that combines democracy, human rights, free trade, social justice and good governance (TEU: 1991, ESS. 2003, Manners: 2008). This thinking fits into the statebuilding frameworks, implying that there are universal best practices to build functional states. The difference is that, the EU openly and clearly places its own model at the core

of its statebuilding and conflict prevention efforts; in fact, the success of these efforts becomes an affirmation of its own identity and model of integration (Commission: 2001a, ESS: 2003, Lisbon: 2007). This identity dimension is one factor that sets the EU apart from other neoliberal statebuilding actors.

#### *4.1.2.3 A unique toolbox for conflict resolution:*

Although the EU is a relatively new foreign policy actor with its policies and tools still in the making, it is also a powerful global player with 28 member states, hundreds of millions of inhabitants, a quarter of the world's gross national product and a comprehensive array of economic, legal, diplomatic and military instruments at its disposal (ESS: 2003). It is capable of comprehensive and functional external action, by combining its different policies on trade, anti-terrorism, institution-building, regional cooperation, humanitarian aid, development assistance and the promotion of human rights, democracy and basic freedoms (Zielonka: 2006). Moreover, the EU has acquired a large toolbox that can be used in post-conflict statebuilding, with the increasing development of its civilian and military crisis management capabilities, its aid efforts and political mediation capabilities (TEU: 1991, Commission: 2001, ESS: 2003).

A more detailed analysis on the effectiveness of these policies and tools will be conducted later on in this chapter. At this point, it must be noted that the EU tries to achieve a structural change at the global scale by using its comprehensive array of tools, especially its crisis management capabilities (Keukelaire and Delreux: 2014, Smith: 2008). The strongest leverage of the Union, enlargement is a unique tool for translating structural discourse into action and has been used in the post-conflict setup of the Balkans (Keukelaire and Delreux: 2014).

## **4.2 The EU in Conflict Resolution: Policies, Tools and Capacities**

After discussing conceptually how the EU fits into the statebuilding frame, the second step is to look into the development and the implementation of the EU's foreign policies and its approach to statebuilding. This exercise will help further explain the Union's place in the neoliberal statebuilding frame. It will also provide the elements to construct the EU within the moral responsibility framework, by understanding its intentions and its impact on the ground and looking into how its capabilities and actorness capacity matches its intentions and objectives. These findings will be used to explore the "responsibility gap".

### *4.2.1 The development of the EU as a foreign policy actor:*

The constantly changing nature of statebuilding has previously been explained. Most changes that affected the key understandings and practices regarding statebuilding took place at a time when the Union was constructing its foreign policy identity. From this perspective, the development of statebuilding as a response to violent conflict has influenced the EU, especially as a civilian crisis management actor. As in the previous part, these elements will contribute at later stages to the propositions on the responsibility gap and discursive safeguards from a European angle.

#### *4.2.1.1 Naivety and Failure: The Breakup of Yugoslavia:*

The first phase of statebuilding was one of both naivety and overconfidence; all shattered by the human tragedies in the former Yugoslavia and Rwanda. The EU's newly emerging foreign policy was also one of naivety and optimism, often exemplified by the former Foreign Minister of Luxembourg Juncker's definition of the Yugoslav crisis as the "*Hour of Europe*".<sup>58</sup> The eye-opening experience for the Union is often cited as its failure to bring an end to the crisis in former Yugoslavia. Europe's failure to mediate or force a solution to the crisis made it clear that it could not provide sufficient security and stability in its immediate neighborhood, lacked sufficient tools for conflict prevention and couldn't move beyond providing funds. It faced difficulties in forging common policies, and was guided by the demands and visions of external actors (Smith: 2008, Keukelaire and Delreux: 2014). These shortcomings did not bid well with the Union's aspirations to develop its own voice and stand out as a unique actor (Keukelaire and Delreux: 2014).

The "*lowest point in Europe's post-war history, exposing the gaps between [the] pretensions as Europeans and [the] ability to act decisively together*" also became the "*birthplace of European foreign policy*" and the most important catalyst for the development of the European Common Security and Defense Policy (CSDP) (Toje: 2011). This stage exhibits two intentions related to statebuilding; one related to advancing immediate European economic and security interests in the near neighborhood and the second to enhancing Europe, as an entity, a value system and a distinct identity. The development of European capabilities was presented as a way forward to achieve these goals, in order to bridge the gap between declared foreign policy aspirations and actual EU capacities. Thus, as the "capacity gap" in failed states was emerging as one of the underlying elements of statebuilding, the "capacity gap" in Europe's foreign tools and policies became an essential concern of the

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<sup>58</sup> See <http://www.nytimes.com/1991/06/29/world/conflict-in-yugoslavia-europeans-send-high-level-team.html>. (Accessed on 16 February 2016)

European foreign policy identity. The cure to fixing failed states and the EU's foreign policy merged – building capacity.

*4.2.1.2 Identifying Problems, Formulating Policies: Humanitarian Interventions and the Birth of ESDP:*

The EU's realization of the need to develop crisis management capabilities more or less coincides with the emergence of the concept of statebuilding as a comprehensive act. From the Union's perspective, being able to perform credibly and effectively was defined as a goal both for the Self and the Other. New capacities were produced, developed and refocused, as reflected in the Treaties of Maastricht (1991), Amsterdam (1997) and Nice (2001), and the European Security Strategy (2003). For the Self/the EU, the aim was improved coherence as a foreign policy actor, enhanced strategies, tools, policies and institutions for preventing conflicts, better decision-making and the elevation of European foreign policy from being a declaratory mechanism to an operational tool (Gardner and Eizenstat: 2010, Smith: 2008, Toje: 2011, Keukelaire and Delreux: 2014). The development of the permanent institutional structures of CSDP and the appointment of a High Representative for CFSP were among the results.

The initial focus was on military capabilities, through the definition of the Petersberg Tasks, the formal adoption of the ESDP at the 1999 Cologne Summit, the decision to operationalize ESDP's capacities to fulfill the Petersberg Tasks through the Helsinki Headline Goals (HHG), the agreement on a "European Capabilities Action Plan" in 2001 (Smith: 2008, Toje: 2011, Wolff and Whitman: 2012, Keukelaire and Delreux: 2014, Simms: 2012). Despite grandiose plans of a single army or even a "United States of Europe", the focus remained on "conflict prevention as a civilian and comprehensive exercise"; mentioning the need to address root causes of conflict and developing long-term structural measures towards that end. As such, the EU increasingly fit in the statebuilding frame. As Europe increasingly showed that it had little desire to project military power due to institutional shortcomings and a lack of political will, the civilian dimension of crisis management became more pronounced, with emphasis on development aid, technical assistance, institution-building, bolstering civil society and democratization (Simms: 2012, RAND: 2008).

The EU discourse on this period includes a stronger "responsibility towards others", just as the statebuilding frame. The need to better protect European interests and promote the European identity is also factored in (Commission: 2001, ESS: 2003, Lisbon: 2007). As the Union developed capabilities and started taking action on the ground, the attribution of moral responsibility

through the impact of action became possible as well. “Interrelational objectives” were also emphasized, as phrases such as “the European model, living by example, normative power Europe” were increasingly pronounced (Cameron: 2012). At the same time, many member states wanted to ensure that the Community institutions did not interfere in their foreign policies – hence the intergovernmental nature of CFSP and ESDP. This intergovernmentalism combined with new foreign policy tools and structures led to overlapping responsibilities and problems in coordination and coherence, which are still cited as problems with European conflict prevention policies.

#### *4.2.1.3 Securitizing Statebuilding: Operationalization of European Foreign Policy*

The securitization of the statebuilding agenda after September 11, and the subsequent war on Afghanistan and Iraq coincided with a period when Europe’s external action capabilities were being operationalized. This security context found its way into European discourse of the time: The Other evolved into the “failed state” that exacerbated [new/ unconventional] threats to international and European security such as terrorism, migration, criminal networks and proliferation of weapons of mass destruction. Military and civilian engagement in places such as Afghanistan became a security necessity, rather than a moral obligation (Simms: 2012, ESS Report: 2008, Headline Goal 2010: 2004).

However, the EU retained its strong normative/civilian touch, as human rights and humanitarian values were directly related to European integration and foreign policy identity. As a result, while the concentration of the US shifted drastically to its immediate security needs – exemplified in the “light footprint approach” of its early days of intervention in Afghanistan, the EU continued to emphasize the root causes of conflict and focus on capacity-building. Feeling more capable to react especially in its near neighborhood and emboldened by the success of the statebuilding project in Bosnia and Herzegovina until 2006, the Union became a great proponent of hands-on statebuilding (Ashdown: 2007, ICG: 2006). The focus on civilian crisis management, in line with statebuilding, also presented a chance for the EU to fill in a niche in regional and global security (Toje: 2011).

European foreign, security and defense policies were increasingly operationalized during this period (Keukelaire and Delraux: 2014, Smith: 2008, Wolff and Whitman: 2012). Efforts were made to increase civilian and military capabilities including at the Headquarters level, combining civilian and military assets in crisis management, increasing coordination and information-sharing between different pillars, EU institutions and member



states, improving budgetary and financial resources (Toje: 2011). Many military and civilian crisis management operations were launched, making use of both first and second pillar instruments (Keukelaire and Delreux: 2014). The Civilian Headline Goals 2008 were agreed, to boost civilian crisis management capabilities. The EU Special Representatives (EUSR), an instrument aimed to bolster the ability to act and coordinate, improved the political voice of EU involvement and became a test case for double hatting (Adebahr: 2011). The development of more permanent institutions and structures significantly upgraded the Union's capacity to develop, implement and sustain foreign policy initiatives.

The Union documents from this period continue to mention responsibilities of the Union in conflict prevention and the protection of civilians (ESS: 2003). The European discourse focused on priorities in different directions; mentioning local populations in need, the security and economic interests of the Union, as well as identity and integration objectives.

#### *4.2.1.4 Stepping back? The Euro Crisis and Intervention Fatigue:*

In the midst of the process of operationalization of European civilian and military crisis management capacities, the Treaty for the Constitution of Europe (2004) was rejected. The Lisbon Treaty (2007) presented a middle ground, by aiming to address problems of coordination and increase Europe's weight in global affairs but dropping ambitious references to statehood and amending rather than replacing former EU treaties (Gardner and Eizenstat: 2010). Problems in coordination and coherence remained. "Model" statebuilding projects like Bosnia started to falter, exhibiting that key issues such as sovereignty and territorial integrity were unresolved after more than a decade of intervention (ICG: 2007). Kosovo's declaration of independence raised questions on the stability of borders in the Balkans and showed the disunity among EU member states on strategic issues in its near neighborhood.

The global economic crisis of 2008 led many European countries into recession and highlighted these problems. The Euro debt crisis made budgetary constraints an obstacle for further involvement in statebuilding; internal problems arose with talks of a potential Greek or British exit from the EU (Simms: 2012). The "Arab Spring" and the NATO intervention in Libya highlighted differences among EU member states on matters of international and European peace and security. Coherent strategies to deal with the humanitarian and security challenges in the Middle East are increasingly elusive. At the same time, the enormous military, financial and psychological burden of fighting the wars in Iraq and Afghanistan led to hesitations on

whether the cost of intervention outweighed its benefits (Drozdiak: 2010). These factors made the future of statebuilding, especially in terms of undertaking new interventions in conflict areas, increasingly bleak.

However, statebuilding still remains an important methodology as a response to conflict. The latest report of the UN Secretary-General on R2P focuses on national capacity building as the best method to combat atrocity crimes.<sup>59</sup> The Reliefweb and UNDP websites continue to advertise jobs in the framework of statebuilding – crisis prevention, recovery and capacity building.<sup>60</sup> The EU, having developed its foreign policy capabilities around this area, still has much to contribute. The economic crisis and internal considerations have increased the US's need for burden sharing (Gardner and Eizenstat: 2010, Toje: 2011). Also, the EU has come to a stage where it has acquired necessary institutions, experience and personnel in (civilian) crisis management. In the Foreign Affairs Council held in Brussels on July 22, 2014;<sup>61</sup> elements of statebuilding – strong institutions, structural reforms, government control, human rights, security sector reform, the rule of law - were emphasized in relation to Palestine, Ukraine, Central African Republic (CAR), as well as the responsibility of the international community to *help* these countries survive their crises. On CAR, for example, the EU declared its readiness to “*play its part in the international community's coordinated and determined support for the CAR authorities in this area when the time comes*”<sup>62</sup>.

Although it is difficult to conclude that statebuilding is withering away, the increasing gaps in financial and personnel resources, the growing number of crises erupting around the globe and the intervention fatigue of major actors indicate that there will be the need for more change in the way statebuilding is currently conducted. Whether this change, unlike past shifts, will reflect a new framing of responsibility for the international community and the EU is yet to be seen.

#### ***4.2.2 The operationalization of EU Foreign Policy:***

The statebuilding frame is based on the formulation of a Self, assisting the Other to resolve its conflicts and gain resilience through adopting the

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<sup>59</sup> The reports of the Secretary-General on R2P can be accessed at <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>

<sup>60</sup> See [www.reliefweb.org](http://www.reliefweb.org) and [www.undp.org](http://www.undp.org) (Accessed on 16 February 2016)

<sup>61</sup> See the press release on the meeting at [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/144098.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/144098.pdf) (Accessed on 16 February 2016)

<sup>62</sup> See the EU Foreign Affairs Council Conclusions at Brussels on 22 July 2014, at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/144098.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/144098.pdf) (Accessed on 16 February 2016)

methods of the Self. EU documents claim that the Union, as a successful example of conflict prevention, can serve as an example to other regions in encouraging states to reduce political tensions, increase economic interdependence and create greater trust (Commission: 2001, EU Programme for the Prevention of Violent Conflicts: 2001). The implementation of peace agreements have to go hand in hand with structural stability efforts; the goal is to achieve long-term stabilization in conflict countries, to treat the root causes of conflict by consolidating structural stability through holistic and comprehensive approaches combining sustainable development, democratization, establishing viable political structures and resilience (Commission: 2001, Whitman and Wolff: 2011, Gebhard: 2010).

These lines connect the EU's narratives to the statebuilding frame. In order to facilitate increased understanding on how the EU fits into the statebuilding frame and also how its moral responsibilities can be constructed based on this engagement, this part will look into how the foreign policy tools and capabilities have been operationalized on the ground.

#### *4.2.2.1 Intergovernmental (Second Pillar) Instruments:*

The foreign and security policy of the Union is mostly formulated through intergovernmental processes (second pillar). The European Security and Defence Policy (ESDP) include a relevant and visible toolbox for (civilian) crisis management. It prioritizes capacity building in conflict prevention, in operations that often combine the areas of security, institution building, development and aid, human rights and democracy<sup>63</sup> (Gardner and Eizenstat: 2010, RAND: 2007). On the civilian side, EU Special Representatives (EUSR's) have also increased the Union's visibility. They are the face and voice of Europe on the ground and have added a political touch to its conflict prevention efforts, by engaging in political guidance, mediation and supervision of crisis management operations. They have also acted as bridge-builders across cross-pillar, national, institutional and political silos and served important coordination roles (Adebahr: 2011). On the other hand, despite the EU's conducting of several military missions<sup>64</sup> and efforts to step-up military capabilities, the EU's higher ambitions in are confined to the civilian crisis management area - an important entry point for the Union into statebuilding (Gardner and Eizenstat: 2010).

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<sup>63</sup> See the "Action Plan for Civilian Aspects of ESDP" adopted by the European Council (17-18 June 2004)" at <http://consilium.europa.eu/uedocs/cmsUpload/Action%20Plan%20for%20Civilian%20Aspects%20of%20ESDP.pdf>, (Accessed on 16 February 2016).

<sup>64</sup> In Macedonia and Bosnia and Herzegovina, the Berlin Plus arrangements guaranteeing EU access to NATO assets and capabilities for EU-led operations were used.

The Brussels institutions have been reformed to boost the EU's capacities as an international actor, address questions of coherence and coordination and increase expertise, information-sharing, civilian – military coordination and overall cooperation between Brussels and the field, the Commission and the Council and between different EU bodies. The introduction of the High Representative and the Vice-President of the Commission by the Lisbon Treaty (2007), as well as the European External Action Service (EEAS) increased the coherence of European foreign policy and helped ensure better coordination between the first and second pillars, as well as between the civilian and military aspects of crisis management. Despite these developments and improvements, shortfalls in mission capacity including planning, financing and personnel deployment problems, as well as coordination issues and overlapping of responsibilities between the Headquarters, EUSR's, ESDP missions, the EEAS and the Commission have been among the difficulties faced (Commission: 2001a). Many missions seem ad hoc and reactive, coherent cross pillar strategies are often lacking. The difficulty to reach consensus among member states problematize decision-making, while the consensus reached is sometimes too weak in content (dubbed as the Lowest Common Denominator problem). These elements can be cited as corrections proposed *within* the statebuilding frame.

#### 4.2.2.2 *Community (First Pillar Instruments):*

According to the Lisbon Treaty (2007), the Commission ensures the Union's external representation, with the exception of CSDP. Foreign policy is in the domain of the first pillar. Yet, Community policies, tools and instruments such as development cooperation, trade, external assistance and humanitarian aid also promote structural change in conflict and post-conflict societies, and thus form part of the EU's efforts in conflict prevention and statebuilding. The Commission also states its intention to contribute to security sector reform, human rights training, regional integration as well as combatting drugs, small arms, human trafficking and environmental degradation (Commission: 2001).

Tools such as the Instrument for Stability (IfS) aim to enable rapid disbursement of funds in situations of conflict to reestablish conditions where normal instruments can be used again.<sup>65</sup> The Instrument includes dimensions relevant to statebuilding, such as institution building, democratization, rule of law and promotion of human rights. The European Instrument for Democracy and Human Rights (EIDHR) supports democratization and

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<sup>65</sup> Further information on the IfS is available at [http://eeas.europa.eu/ifs/index\\_en.htm](http://eeas.europa.eu/ifs/index_en.htm). (Accessed on 16 February 2016).

human rights in third countries at risk, especially through civil society initiatives. Bilateral programs undertaken by the Commission, such as PHARE, TACIS, EDF, can also be seen in this realm. These tools provide room for direct involvement of the Community in conflict management. Trade policy provides instruments such as sanctions, embargoes and financial support, and helps promote long-term stabilization, economic growth and poverty reduction as well as human rights norms (Commission: 2001, Smith: 2008, Keukelarie and Delreux: 2014). Development policy and economic cooperation programs promote structural change, in scope of the development-security nexus (Commission: 2001, ESS: 2003).

Political and economic conditionality, in particular the carrot of EU accession in enlargement countries and to a lesser extent trade agreements and aid, are presented as a successful way to promote structural change and combat instability (Commission: 2001, Zielonka: 2006). The Stabilization and Association Process (SAP) in the Western Balkans, combining conflict prevention and enlargement tools is an example.

The Community, which possesses necessary budgets, procedures, expertise and contractual relations with third countries, sometimes, emerges as a more efficient and focused foreign policy pillar compared to the second. Yet, there have been (technical) criticisms regarding first pillar instruments as well. They have limited political and operational flexibility and have difficulties adapting to situations of conflict (Keukelaire and Delreux: 2014). Community instruments often overlap rather than reinforce first pillar instruments, leading to problems of coordination. Using first pillar tools to bring forward structural change is also criticized for breaking the tradition of neutrality in development and humanitarian aid.

#### *4.2.2.3 Traditional diplomatic instruments:*

Traditional bilateral instruments are also commonly used in European foreign policy, in the form of political dialogue, demarches, dispatches of fact-finding missions, economic and other sanctions and mediation (Commission: 2001). For instance, the European Security Strategy (2003) and the Report on the Implementation of the European Security Strategy (2008) talk about mediation, facilitation and dialogue, closely related and complementary tools to deal with conflicts and crises.

#### **4.2.3 The EU and Statebuilding Guidelines:**

The EU, in its foreign policy, engages in many different sectors such as humanitarian aid, security provision, development and institution building.

Sometimes, when a statebuilding projects is underway in a country, this engagement can serve to guide, support or complement statebuilding efforts, as is the case in Afghanistan and Bosnia and Herzegovina. This part mainly aims to explore the EU's involvement in different areas that form statebuilding as a whole, to see if it has the intentions or capacity to engage in involvement of this sort as part of a holistic and comprehensive response to conflict resolution.

On the *security side*, the EU supports peacebuilding and conflict management activities in discourse and implements them through its civilian and military crisis management capabilities (Vines: 2010, Adebahr: 2011). It prioritizes capacity building in policing, justice and rule of law (Whitman and Wolff: 2011). Difficulties in coordination within EU institutions and with other donors, limited financial and personnel capacities to fulfill ambitious mandates can be cited as technical problems. The European Parliament, in an 2013 study on security sector reform (SSR) summarizes the EU's approach to SSR well; stating that "*SSR activities are key for stabilizing fragile and post-conflict states through their emphasis on training, institutional reform and governance. (...) The creation of the EEAS has given the EU the right tools, but a continued emphasis on policy coordination is necessary to address old and new, institutional and operational challenges so as to attain a comprehensive approach to SSR*"<sup>66</sup>. From a responsibility perspective, most SSR missions are criticized for having short-term, limited and technical mandates and defining success in narrow terms; while the overall security benefits for the local populations and for European security is often left unexplored (Vines: 2010). Despite their holistic framing, SSR missions, especially after 2001, have been criticizing for prioritizing the immediate security side of involvement, with less attention given to the rule of law and justice reform components.

On the *institutional side*, the link between weak or poor governance and conflict is acknowledged in several EU documents<sup>67</sup>. The EU has a "*high belief in the goodness of institutions*" and promotes its own institutional model of economic and political integration, as well as European norms of free trade, sustainable development, labor standards, human rights and democracy (Toje: 2011, Manners: 2008). It emphasizes good governance and institutional capacity building to bring long-term durable solutions to address root causes

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<sup>66</sup> See the European Parliament Directorate-General for External Policies' 2013 report on SSR; "Assessing the EU's Approach to Security Sector Reform (SSR)", at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/433837/EXPO-SEDE\\_ET\(2013\)433837\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/433837/EXPO-SEDE_ET(2013)433837_EN.pdf) (Accessed on 16 February 2016).

<sup>67</sup> Numerous examples include the EU Programme for the Prevention of Violent Conflicts (2001), the European Security Strategy (2003), the European Commission's Handbook on Promoting Good Governance (2004), the Council of the EU's Conclusions (2012) on "Increasing the Impact of EU Development Policy: An Agenda for Change", and can be further varied.

of conflicts. Yet, institution-building and good governance, as SSR, is often defined in narrow and technical terms, focusing on issues such as combatting corruption and better management of resources, while avoiding more difficult debates on democratization and how well the proposed institutions fit local contexts and how locals perceive their legitimacy.

On the *humanitarian and development side*, the EU is an important global actor. The Lisbon Treaty (2007) connects the CSDP to humanitarian tasks (Article 28B). In line with the “development-security nexus”, the EU places development policy within the realm of the promotion of world peace, the consolidation of democracy, human rights and the constitutional state through economic and political conditionality (European Security Strategy: 2003, Revised Cotonou Agreement: 2010, EU Report on Policy Coherence for Development: 2009). Although coordination, complementarity, coherence and consistency are cited as the four pillars of the European development policy (Maastricht: 1991), it is often criticized for its fragmented nature, lack of vision, problems of coordination and coherence, and inability to establish clear priorities (EU Report on Policy Coherence for Development: 2009).

On the *normative side*, the values of human rights, democracy, fundamental freedoms and the rule of law are featured widely in European documents (ESS: 2003, Lisbon: 2007, ESS Report: 2008). Their promotion is seen vital for its policies, identity, model and unique role in the world (Maastricht: 1991, Commission: 2001, Balfour: 2007, Manners: 2008). As such, these values are mainstreamed into European foreign policy and incorporated into the Union’s policies and programs, often promoted by the use of conditionality (Smith: 2001, Balfour). Criticisms are directed at the EU for applying its normative policies in a selective, inconsistent and ineffective fashion, trumped by security and economic interests, which undermines the credibility of its norm promotion efforts (Balfour: 2007, Smith: 2008, Wolff and Whitman: 2011).

#### **4.2.4 The EU and the Statebuilding Frame:**

This chapter, up until this point, has strived to understand how much the EU could be considered as part of the statebuilding frame, given that it chooses to engage in statebuilding projects. The main findings are summarized below:

<b>THE EU AND THE STATEBUILDING FRAME</b>	
<b>Diagnostic Arguments:</b>	
-	Violent conflict endangers local populations and threatens international peace and security.

<ul style="list-style-type: none"> <li>- The lack of capacity is a key issue that leads to conflict, organized crime, human trafficking, poverty, illegal immigration, ethnic antagonism, piracy and terrorism (Commission: 2001, ESS: 2003, ESS: 2008).</li> </ul>	
<b>Prognostic Arguments:</b>	
<ul style="list-style-type: none"> <li>- Changing strategies:</li> </ul> <p>Phase 1: The belief that liberal democracy and EU as a foreign/security policy actor would take root easily.</p> <p>Phase 2: An emphasis on comprehensive, holistic and long-term civilian interventions, connected with boosting the response capacities of the EU.</p> <p>Phase 3: Increased (civilian) response capacities of the EU, coupled with an increasing global focus on security, functionality and capacity. Civilian role of EU more emphasized.</p> <p>Phase 4: Scaling down; with the Euro crisis, internal issues and intervention fatigue. Yet, statebuilding frame still an important (and maybe only) method to sustainably deal with conflicts.</p> <ul style="list-style-type: none"> <li>- Comprehensive and holistic responses needed, that factor in democratic processes, the rule of law, respect for human rights, strong institutions and good governance (Commission: 2001, EEAS Website).</li> <li>- Sustainable and sovereign states will emerge as a result of capacity building (Chandler: 2010). Influencing or shaping sustainable political, legal, socio-economic, security and mental structures over a longer term will help bring sustainable solutions (Commission: 2001, ESS: 2003).</li> </ul>	
<b>Legitimization of Statebuilding:</b>	
<ul style="list-style-type: none"> <li>- Protection of civilians is predominant in legitimization efforts (Commission: 2001, Foreign Affairs Council Conclusions: 2013). The securitization of statebuilding led to a concentration on challenges to international peace and security too (ESS: 2003, ESS Report: 2003).</li> <li>- Respect for sovereignty, independence and territorial integrity is not negotiable, and sovereign governments must take responsibility for their actions (ESS Report: 2008).</li> <li>- The international community can step in to temporarily boost state capacity.</li> <li>- The EU defines a limited support role for itself, with technical goals aimed at promoting "universal best practices" (ESS: 2003).</li> </ul>	
<b>Normative Arguments:</b> <ul style="list-style-type: none"> <li>- European values are presented as universal norms, and democratic and functional institutions based on these values are the guarantee to sustainable peace.</li> <li>- The EU, as a successful example of conflict prevention, can serve as an example to other regions (EU Programme for the</li> </ul>	<b>Agency:</b> <ul style="list-style-type: none"> <li>- The Self is framed as the functional and democratic EU. It is a successful peace project, a model for peace, prosperity and conflict resolution, has internalized universal values, has considerable expertise in stabilization, crisis management and institution-building (Lisbon: 2007, Commission: 2001).</li> <li>- The Other is a failing/ failed state that cannot fulfill its responsibilities to its own population and international</li> </ul>



<p>Prevention of Violent Conflicts: 2001).</p> <ul style="list-style-type: none"> <li>- The unique identity, model and tools of the EU make the moral imperative for engaging in conflict resolution higher.</li> </ul>	<p>peace and security (Commission: 2001, ESS: 2003, ESS Report: 2008).</p> <ul style="list-style-type: none"> <li>- The EU often refers to its partners in this exercise as US, Canada, Russia, Japan, Norway, UN, OSCE, and NGO's, all falling within the statebuilding framework (Commission: 2001).</li> </ul>
<p style="text-align: center;"><b>Differences in the EU's Approach:</b></p> <ul style="list-style-type: none"> <li>- A stronger emphasis on multilateralism.</li> <li>- A stronger and more particular definition of the Self, with a unique identity, value system and toolbox combining different pillars. Openly placing its own model at the core of statebuilding and the transition from the Self to the Other. Engagement in statebuilding supports conflict resolution efforts, and helps boost the identity and image of the EU.</li> <li>- An emphasis on the civilian aspects of crisis management, the carving of a unique role for the EU in this area. A particular toolbox for civilian crisis management.</li> <li>- A deeper emphasis on the normative aspects of statebuilding also due to the connection of the EU's identity goals to statebuilding. Different values including social justice and inclusive equality.</li> <li>- A constant effort for self-reform, leading to a constant change in approaches, structures and responses.</li> </ul>	

### 4.3 EU and Statebuilding – Responsibilities, Problems and Discursive Safeguards

In the Foreign Affairs Council (FAC) of June 24 2013, the EU declared its willingness to “remain committed to supporting state-building and long-term development in Afghanistan”, implying that the main responsible party for statebuilding was the local authorities. Similarly, on Mali, the FAC on February 18, 2013 “voiced support [by the EU] to the development of a statebuilding contract”, as well as “support to medium and long-term stability, development and good governance”. The reference to mutual responsibilities can also be seen in the FAC Conclusions in reference to Somalia, on January 31, 2013, where the need for a compact between the international community and Somalia was mentioned.

This definition of responsibility seems to be in line with the statebuilding frame, which stresses that national responsibility is primary to international and humanitarian responsibility. Despite this understanding, the EU does not believe that “*imposing exogenous standards is irrelevant and misleading*” (Jackson: 2000). The narratives imply the possibility of defining a “responsibility gap” in the EU's approach to statebuilding. Approaching the EU's involvement in

statebuilding from a moral responsibility perspective and comparing it to the narratives on responsibility in the statebuilding frame will help point out the responsibility gap.

### ***4.3.1 The EU in the moral responsibility framework:***

#### *4.3.1.1 Moral responsibility and agency:*

In the previous part, it was established that in order to be considered a moral agent, every actor needed to meet certain criteria (Szigeti: 2006). These included:

- The capacity of deliberation and forming intentions,
- The capacity of acting purposefully in line with formed intentions,
- Having the possibility to choose from alternative courses of action,
- The ability to act independently based on free will.

It was also discussed the way debates on moral agency approached the possibility of attributing responsibility to collectives, such as the European Union (French: 1979, Runciman: 2003, Harbour: 2003). Attaching responsibility to collectives also was possible based on certain criteria, which included:

- Possessing identities, continuity and organizational memories,
- Possessing formal decision making powers,
- Having the capacity to act as moral agents,
- The ability to be assigned responsibility in ways not reducible to their individual members.

To address these issues one by one, first of all, Article 47 of the Treaty on European Union (TEU) explicitly recognizes the legal personality of the Union, making it an independent entity in its own right. According to the TEU, this means the EU can conclude and negotiate international agreements, become a member of international organizations, and join international conventions. As such, it can be derived from the TEU that the EU has formal decision-making powers, in addition to the capacity of deliberation and forming intentions. In fact, EU decision-making is a complex process of deliberation; and once a decision is taken, it is difficult for its components to challenge it. Beyond these formal decision-making powers, it must be noted the intention and ability of the Union to speak with one voice, including during negotiations such as United Nations intergovernmental consultations. The ability of the Union to engage in complex multilateral negotiations, where rapid and decisive choices have to be constantly made, is a clear exhibition of its ability to choose between alternative courses of action. All these points support Erskine's (2003) point that a collective with a corporate or legal

identity, or an identity greater than the sum of identities of its constitutive parts, and a decision-making structure might be considered as a moral agent.

Beyond these abilities, collectives that can be considered as moral agents should also possess executive functions that allow it to act on decisions (Erskine: 2003). The EU has increasingly gained the capacities, since the signature of the TEU, to act purposefully in line with its intentions. One exhibition of this is the large toolbox it has acquired in the field of peacebuilding and statebuilding, with the increasing development of its civilian and military crisis management capabilities, its aid efforts and political mediation capabilities (TEU: 1991, Commission: 2001, ESS: 2003). From this angle, as an external actor, the possibility of establishing the EU's moral agency has increased with each gained capability and instrument, consolidating its foreign policy identity ever more.

The EU's ability to act independently from its members is not absolute. Its second pillar instruments, as seen previously, are of an intergovernmental nature. However, this does not mean that ability to be assigned responsibility in ways not reducible to their individual members. First of all, EU foreign policy and statebuilding practices are partially undertaken through the first pillar (community) instruments, which are not dependent on the approval of all member states. Secondly, the existence of a High Representative for Foreign Affairs and Security Policy, created as the High Representative for Common Foreign and Security Policy (CFSP) under the Amsterdam Treaty (1997), gives the Union the possibility to act foreign policy matters, once they are agreed upon by member states. The European External Action Service (EEAS), created in 2010, allows continuity and organizational memories, and the ability to act independently. The EU Special Representatives allow the Union to speak on foreign policy matters on the ground with one voice.

In other words, the EU has increasingly gained the ability to act as a single unit, under a single European flag, through its Common Security and Defence Policy, which is the domain of EU policy covering defence and military aspects, and civilian crisis management (Keukelaire and Delreux: 2014). In fact, the CSDP is the successor of the European Security and Defence Identity under NATO, but differs in that it falls under the jurisdiction of the European Union itself, including countries with no ties to NATO (Smith: 2008, Wolff and Whitman: 2011). The EU is also becoming more and more self-directive, also in the sense of having its own material resources. From this angle, the agency of the EU is not a given, but something constructed over time, in many ways in parallel to the development of statebuilding.

Statebuilding is a complex exercise undertaken with the participation of many external agents. In order to establish agency and attribute responsibility in a fair manner, the way the different agents relate to each other must also be accounted (Wolff and Whitman: 2011). One way to approach the EU is as an actor that has increasingly become a part of the statebuilding frame, as it gained actorness capacity. The Union's general adherence to the discourse on the main concepts related to statebuilding, such as humanitarianism, problematization of sovereignty and capacity building, its comprehensive approaches to conflict prevention, the way it constructs the Self and the Other, the way it places as well as its adherence to multilateralism and complementarity places it in the statebuilding frame. From this angle, the EU is part of a collective group of actors such as the United Nations, the US, major donor states, NATO, the World Bank and the IMF. It cannot be held responsible solely for the construction and the responsibility gaps of the statebuilding frame; especially keeping in mind that it that developed its foreign policy capabilities relatively later in the game.

On the other hand, the EU's clear intention to become a unique actor in foreign policy, the tools and resources it developed towards this end and its reasons for engaging in statebuilding allows the attribution of more specific responsibilities (ESS: 2003). The unique tools it has developed, particularly on the civilian side of ESDP, as well as its emphasis on "civilian power Europe" not only makes statebuilding one of the core areas of EU's foreign policy, but also turns this exercise into an affirmation of its own model, values and identity. Its "different value system" strengthens its emphasis on protection. This different identity and approach affects not only its intentions and the impact of its engagement, but also the direction of its responsibilities. However, as the Union's framing of statebuilding mostly fits with the main concepts of the statebuilding frame, it is possible to suggest that the uniqueness of the EU is more visible in its implementation of statebuilding.

#### *4.3.1.2 Operationalizing Moral Responsibility:*

In the earlier chapters, the contrast between framing statebuilding as a technocratic exercise and attributing temporary, limited and narrow responsibilities to the international community; while operationalizing statebuilding as a comprehensive and intrusive act that sometimes aims to change the core dynamics of societies was pointed out as a "responsibility gap". Although there were (fine-tuning) efforts from the international community to improve statebuilding by improving practices, these efforts did not touch problems related to the inherent nature of the practice. The EU faces the same criticisms as other international actors, such as lacking local legitimacy, imposing external norms, institutions, concepts and practices

(Chandler: 2011). It tries to fine-tune its foreign policy to the challenges it faces, without challenging the core concepts of the statebuilding frame (Toje: 2011, Chandler: 2011). It focuses on elite level projects delivered by EU institutions in collaboration with selected national elites, despite its claim to focus on civil society and local ownership (Keukelaire and Delreux: 2014).

The purpose of this part is to use the attribution framework of moral responsibility once more, this time to look at the responsibility discourse of the EU from an alternative angle. This exercise will help identify mismatches between the statebuilding and moral responsibility frameworks with the EU as an agent, as well as the discursive safeguards used to avoid responsibility.

#### *4.3.1.3 Declared/ undeclared intentions in statebuilding:*

The development of the EU's foreign policy identity has run parallel to the development of statebuilding itself. It took nearly 10 years after the end of the Cold War for the EU to build the necessary capabilities and organizational structure that would upgrade it to an external agent status. The Union was not one of the main actors that developed the initial theory and practice of statebuilding, but rather followed the developments. The way it emphasizes capacity building, prioritizes protection, problematizes sovereignty and defines responsibility shows the influence of the dominant narrative on the identity and policies of the EU. Even if the EU has not been the one constructing the frame, investing in statebuilding still constitutes a judgment and a promise. The EU's emphasis on the implementation of statebuilding rather than its construction might limit its responsibilities, but the responsibility for choosing (the elements of) statebuilding as the best way forward for conflict resolution remains.

The intentions of the EU in statebuilding have shifted considerably since the early 1990's, both following the changes in the statebuilding frame and also due to the changes it went through. These changes have reflected on the EU's discourse. The EU Programme for the Prevention of Violent Conflicts (2001) and the European Security Strategy (ESS: 2003) are much more strongly worded in terms of assuming the responsibility of Europe in terms of conflict resolution. Still, as previously noted, responsibilities have always been attributed to the EU as a limited support function. In contexts such as Afghanistan, where the EU really is more of a secondary actor throughout the intervention following the US lead, the responsibility gap this produces might be lower. However, in cases such as Bosnia and Herzegovina, where the EU aspires to be the sole external actor, defining its role in limited and narrow support terms can deepen the responsibility gap. Moreover, from a moral responsibility perspective, the responsibilities of the EU should be redefined

based on the changes in the identity and capabilities of the EU in addition to the changes in the principles and practice of statebuilding. This kind of a redefinition is not clear in the EU's discourse.

Local ownership and the primary responsibility of the nation states are emphasized in the dominant narrative of the EU as a priority and an end goal. Yet, the EU's discourse also strongly emphasizes long-term comprehensive commitments of international actors to statebuilding and the importance of capacity building in several directions, in line with the statebuilding frame. From a moral responsibility perspective, comprehensive capacity building activities are a *choice* of action rather than a universal best practice. The fact that this choice inherently contrasts the ultimate purpose of establishing local ownership has previously been defined as a factor leading to a responsibility gap. This is also the case for the EU.

#### *4.3.1.4 Responsibility of impact: Do no harm:*

The responsibility for impact is based on the contribution principle, where responsibility is (also) based on causation and the consequences of action can be used to determine responsibility – even if this deterioration is unintended and the events are beyond the agent's control (Mayer and Vogt: 2006, Manners: 2008). According to this definition, responsibilities of the external agent arise as soon as statebuilding is put into practice on the ground.

Efforts towards bringing structural change in the political, social and economic fields can have deep impact on political systems, security and stability, even after the international actors are gone. The success of these structural changes in promoting sustainable peace and stability also affects lives in EU member states, especially in terms of economic and security interests. In the case of the EU, statebuilding efforts also affect the image, foreign policy identity and weight of the Union in international affairs. Moreover, foreign policy actions often have unintended consequences and there is an erratic link between intentions and outcomes (Toje: 2011).

From a moral responsibility perspective, this dynamics brings forward different responsibilities resulting from the contribution principle. In terms of intended results, international actors must keep in mind that the impact of action does not end when they exit the country. They must also keep in mind the potential unintended impact of their actions; for aid dependency, protracted conflicts, increased immigration or the deteriorating image of the EU as a foreign policy actor. Yet, neither responsibility seems to be featured in the discourse of the Union.

It must also be remembered how presenting statebuilding as a technical exercise might obscure the essentially political dimensions of the conflict and international involvement. This way, although the impact of international involvement might go beyond the purely technical realm, responsibilities are attributed as if statebuilding is a purely technical exercise that is successful if it produces statistically good results. The EU, which needs consensus among 28 member states to make political decisions, particularly disguises political or normative action under a technical guise. The initial goals, ambitions and responsibilities of peacebuilding might be obscured through concentrating on narrow measures for success – establishing legitimacy, local ownership and full sovereignty as well as sustainable peace and security. For instance, on the SSR mission EUPOL-COPPS in Palestine; Kristoff<sup>68</sup> argues “any police reform program is fundamentally a political matter. In the context of the Palestinian police, everything is geared towards the peace process. (...) And yet, an official working for EUPOL COPPS stated that the mission is ‘a technical office and we try not to answer political problems, we separate the political from the technical’”.

There are structural, political, economic, social, cultural, regional causes of conflict (Whitman and Wolff: 2011). Post-conflict efforts aim addressing these causes in various combinations, and it is hard to define exactly which agent, at what scale, is responsible and towards whom. As such, moral responsibilities are easier identified through focusing on specific cases. At this stage, it is sufficient to say that moral responsibilities implied by the contribution principle do not seem to match the EU’s responsibilities defined in dominant narratives. Even if the impact of international involvement runs contrary to the purpose, this is not factored in as the responsibility of the external agents.

#### *4.3.1.5 The capacity principle redefined:*

The capacity principle has previously been defined, as the responsibility of ensuring the capacity to fulfill the intentions and handle the possible negative impacts of intervention exists. As such, in order to be a responsible actor, the EU must be realistic about its own capacities and what kind of role it can play in conflict countries. In other words, if the EU claims that it is “a major actor in regional and global peacebuilding”, it should make sure that it is capable of being so (Lisbon: 2007). Yet, it is often the case that the great ambitions of the Union are not matched with its capacities on the ground. However, the willingness to take a leading role is often not matched with the small budget and limited personnel and resources (Vines: 2010). The statebuilding frame’s

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<sup>68</sup> [http://www.cigionline.org/sites/default/files/ssr\\_issue\\_no7.pdf](http://www.cigionline.org/sites/default/files/ssr_issue_no7.pdf). (Accessed on 18 February 2016).

inability to connect the capabilities of external agents to the framing of responsibility in this way leads to a responsibility gap

On the other hand, the capacity principle is also the one responsibility gap that has been addressed more concretely by the Union. The Union's focus on capacity building, improving coordination and coherence and formulating stronger responses to conflict can be perceived as an indicator of the EU's readiness to close the responsibility gap. The EU officially acknowledges the challenges and problems it faces in its foreign policy, and has been developing capacities in order to overcome them and achieve a smooth functioning, efficient and effective involvement (Lisbon: 2007). Even the internal processes of the Union have been evolving to address the "capacity gap", in the format of development of institutions and policies and the preferences of the member states – perhaps also because its capacities are so essentially connected to its image and identity. Yet, in relation to the other principles of moral responsibility, if the new capacities and capabilities the EU acquires leads to a change in its intentions and impact on the ground, responsibilities should be revisited. EU narratives do not address this.

#### *4.3.1.6 The Direction of Responsibilities:*

The statebuilding discourse points out to two intentions of interventions: the protection and welfare of local populations, and the protection of international peace and security through sustainably combatting security threats that risk spilling over borders. Through a liberal democratic lens, this could be interpreted as a) responsibilities towards the Other, and b) responsibilities to protect the security of the Self. However, looking at statebuilding discourse from a moral responsibility angle, particularly taking into consideration the intentions to promote the identity, image and values of the Self allows expanding the 'responsibilities towards the Self' to include normative responsibilities as well. These three dimensions are visible in the EU's discourse and actions.

*Responsibilities towards others:* The EU discourse focuses on an ethics of "responsibility towards others" as a "moral and political imperative" for conflict prevention (Commission: 2001, Smith: 2008, Wolff and Whitman: 2011). Yet, although it emphasizes the importance of the provision of economic prosperity, human rights and democracy, the moral imperative for intervention is often used in the realm of the immediate protection of civilians (ESS Report: 2008). Concepts such as social justice, equality and poverty eradication are featured in EU narratives, but are not directly connected to the responsibilities of the EU in discourse.



The moral responsibility perspective allows diversifying the EU's "responsibilities towards others", by looking at its discourse and actions. The EU does stress that violent conflicts cause lives, lead to human rights abuses, displace people, disrupts livelihood and set back economic development, exacerbate state fragility, weaken governance and undermine national, regional and international security (ESS: 2003, Council of the European Union: 2011, Reform Treaty: 2007). It puts addressing these issues (through capacity building) are at the center of response efforts. This implies a certain promise to the people suffering under conflict (ESS: 2003, Commission: 2001). From this angle, the EU defines its responsibilities to local populations in a general and vague manner, without specifications, in its key documents regarding conflict resolution (Commission: 2001, ESS Report: 2008). This can be pointed out as a responsibility gap.

*The protection and promotion of European interests:* The Lisbon Treaty (2007) claims the EU should offer its citizens an area of freedom, security and justice; contribute to the protection of its citizens, as well as peace, security, sustainable development, free and fair trade and the eradication of poverty. Conflicts, leading to state fragility and weakened governance, destroy infrastructure, encourage criminality, cause migration, disturb energy supplies, deter investments and hamper normal economic activity (Commission: 2001, ESS: 2003, Reform Treaty: 2007, Council of the European Union: 2011, Keukelaire and Delreux: 2014). Terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime are major threats. The ESS (2003) shows the way forward: "Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order". The solution is once again, statebuilding. However, when attributing responsibility, a similar path to the responsibilities towards local populations is followed. The responsibilities are narrowly defined mostly in the conflict prevention and the provision of security sphere, as the European Security Strategy (2003) suggests "The best protection for our security is a world of well-governed, democratic states". The full impact of statebuilding on the security, economic and social structures of European countries is not elaborated.

*Promotion of European identity, image and values:* The moral responsibility framework can be used to suggest that the promotion of the identity, image and values of the Self could be seen as a third direction of responsibility for external actors, as opposed to the statebuilding frame. The statebuilding frame that can be derived from the EU's narratives in fact *does* feature open intentions to foster its foreign policy identity, propagate its regional

integration and cooperation model, and strengthen integration (Commission: 2001, ESS: 2003, Reform Treaty: 2007, ESS Report: 2008). For instance, Romano Prodi's claimed in 2000 "Europe aspires to project its own model of society on the whole world".<sup>69</sup> In other words, the EU's involvement in statebuilding is an essential part of its identity formation as well as its norm promotion (Lucarelli: 2006, Giddens: 1979, Keukelaire and Delreux: 2014). This projection contrasts the EU's carving itself a solely technical role in essentially political peace processes. This is one side of the identity coin.

The EU's involvement in crisis management particularly through CSDP and CSFP is the vanguard of its international presence. When it prioritizes its immediate economic and security interests, focuses more on boosting the security sector than promoting democracy and human rights or exhibits a lack of unity and efficiency in the field, it fails deeply on its responsibilities towards itself (Toje: 2011, Wolff and Whitman: 2011). The domination of these objectives may elevate the declaratory/ discursive nature of European foreign policy over the actual activities undertaken, to a normative and ideal version of the peace it promotes (Keukelaire and Delreux: 2014, Cameron: 2012). In fact, the reason for sustaining some European missions, even when achievements remain modest at best, could be "flag-raising". This might indicate that this third objective in being involved in statebuilding might be prevailing over other motives.

#### **4.3.2 *The responsibility gap:***

Analyzing the Union's discourse and track record, in terms of its involvement in statebuilding, allows identifying a particular framing of responsibility, similar to, yet apart from the more general framework discussed in the previous part. Three most visible elements of this framing can be identified as a) statebuilding as a normative exercise, which supports the promotion of universally accepted norms and values, b) statebuilding as a comprehensive, holistic, but yet technical exercise, that enables the implementation of universal best practices and norms through capacity-building, c) statebuilding in support of local ownership and sovereignty, with an emphasis on sovereignty, independence and territorial integrity of states. Approaching these three elements from a moral responsibility angle and discovering alternative possibilities to attribute responsibility in a broader fashion than the official frame, would help highlight three respective gaps in attributing responsibility. This would also be in line with Visoka and Doyle's (2014) argument on the need for a differentiation of moral responsibility in

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<sup>69</sup> Full text available at [http://europa.eu/rapid/press-release\\_SPEECH-00-41\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-00-41_en.htm). (Accessed on 18 February 2016)

proportion to the agents' intentions, capabilities, actions and situation circumstances.

#### 4.3.2.1 *Responsibility and Change:*

While statebuilding is a constantly changing exercise, the responsibilities of international actors in the statebuilding frame have mostly remained constant. This gap is particularly visible in the case of the EU, since the Union itself has constantly changed as statebuilding evolved.

First of all, change in policy brings forward new threat perceptions and new intentions and consequences (Hansen: 2006). From a moral responsibility perspective, every change in capacity, policy and practice requires a new definition of responsibilities (prospective responsibilities), without cancelling out the old ones (retrospective responsibilities). Secondly, if an agent's capacities are developing while its identity is being rebuilt and redefined, this will also affect the intentions of the agent, as well as its impact on the ground. Thus, in the case of the EU, both the changes in statebuilding in general and developments regarding the EU's foreign policy identity and capabilities would problematize the static definition of the responsibilities of external agents in the statebuilding frame<sup>70</sup>.

The EU's discourse reflects that, as statebuilding changed in parallel to developments in the Union's capacities to respond to conflict, it *has* defined its own responsibilities in stronger terms. For instance, the EU Programme for the Prevention of Violent Conflicts (2001) and the European Security Strategy (ESS: 2003) are more strongly worded than the Maastricht Treaty (1991) in defining the responsibilities of the Union. Despite this change, even in cases when hands-on statebuilding was applied with an increasing role ascribed to the Union, such as in Bosnia and Herzegovina in mid 2000s, the EU was always careful not to define its responsibilities beyond technical terms. (Bose: 2002).

As a result, although the EU's discourse focuses on the increasing responsibilities of the Union, there is not much on what these responsibilities are, how the changes in the theory and practice of statebuilding affects previously assumed responsibilities, when/ how responsibilities end, when is a good time for exit and who will be held responsible if there is failure (ESS

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<sup>70</sup> In fact, the static definition of responsibility makes change possible, without engaging in a time consuming debate on whether past responsibilities have been fulfilled, what new responsibilities are and whether they are realistic. The continuous stream of new initiatives, especially since the CSDP became operational in 2003, would not have been possible otherwise (Adebahr: 2011).

Report: 2008). Change might help close the “capacity gap”, but constantly creates new responsibilities while previous responsibilities are left unfulfilled and the incentive to address them disappears.

#### *4.3.2.2 Technocratic statebuilding vs. political statebuilding:*

The framing of statebuilding as a technical rather than a political exercise, while accepting its essentially political nature at the narrative level is another inherent responsibility gap. This is especially visible in the case of the EU, whose involvement in statebuilding is an essential part of its identity formation and norm promotion (Lucarelli: 2006, Giddens: 1979, Keukelaire and Delreux: 2014). In fact, in discourse, the EU accepts conflict prevention as a political exercise (Commission: 2001). The importance it attaches to early warning analysis, political dialogue, mediation and negotiation, the necessity of political, economic and social analysis across pillars, the use of EUSR’s as well as traditional political tools such as demarches, statements and especially sanctions as mentioned previously indicates an essentially political framing by the EU of conflicts. It talks about its goal to promote its own values, norms and model (ESS: 2003, ESS Report: 2008). In fact, its choice of statebuilding (capacity building) as the best way forward for the sustainable prevention of conflicts in countries whose sovereignty is problematized is in itself a political/normative choice.

On the other hand, the EU also defines itself as a “neutral, credible and ethical actor” that bridges gaps between different sides. Rather than assuming responsibility in the success or failure of peace processes or the successful implementation of peace agreements, it presents itself as a technical and neutral actor with a political touch that can do good. In practice, it mostly follows the technocratic guidelines of the statebuilding frame, which attributes technocratic, almost scientific responsibilities to the international community. The bureaucratic nature of the Union and the difficulties of reaching common ground on highly politicized issues among 28 member states strengthen the necessity of framing statebuilding as a technical exercise. This is the second element of the responsibility gap.

#### *4.3.2.3 The dilemmas of local ownership and sovereignty:*

Following the statebuilding frame, the EU derives its legitimacy from its purpose to restore full sovereignty to conflict countries and prioritizes local ownership as a principle and an end goal. At the same time, the EU discourse also emphasizes the importance of long-term comprehensive commitments to conflict countries in the form of capacity building. In countries where sovereignty is problematized, the international community (the EU) in fact

plays a key role in the creation of new political and institutional rules in post-conflict settings, sometimes even performing quasi –government functions, and creates a *modus vivendi* based on external influence through the application of technocratic guidelines (Paris: 2002, Samuels: 2009).

The EU discourse reflects this dilemma well. For instance, the EU Council Conclusions on Afghanistan adopted at the Foreign Affairs Council in June 2014 states that “The EU has made an exceptional commitment to Afghanistan over the past 12 years to work with Afghans and the wider international community to support the development of a state that could better control its territory, reduce the threat posed by terrorism, address the needs and fulfill the rights of its people. Real progress has been made. But there are still considerable challenges to be overcome to help Afghanistan become a stable and functioning democracy able to offer the sort of future to its people that they want and deserve”<sup>71</sup>. This way, the EU defines its commitment to *supporting* reaching full sovereignty and local ownership in Afghanistan in the first line, problematizes the sovereignty of the state in the second line by making judgment on how much progress has been achieved, and points out to the direction Afghanistan should head if it wants to achieve full sovereignty in the third. While problematizing Afghan sovereignty, it still defines its (and the international community’s role as a support function, but still clearly points out to the steps that should be taken by Afghanistan in the years ahead, despite its emphasis on local ownership.

#### 4.3.3 *Discursive safeguards:*

Before moving on to the discursive safeguards employed by the EU to ward off challenges to the dominant narratives, we will first look into the responses to challenges within the statebuilding frame, dubbed as “fine-tuning efforts”. Afterwards, in the spirit of the previous chapter, we will first look at the discursive safeguards adopted that respond to “responsibility gaps”, and later further elaborate on the concept of entrapment as a risk of applying discursive safeguards.

Improving the practices of conflict response and statebuilding is an important part of the EU’s foreign policy, as well as its identity. There has been a continuous stream of new initiatives attempted to addressing outstanding problems building on past experiences and lessons learned. However, the EU discourse on reform is mostly centered on institutional reform and technical

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<sup>71</sup> EU Foreign Affairs Council Conclusions on Afghanistan, adopted on 23 June 2014 in Luxembourg. See text at [http://www.gr2014.eu/sites/default/files/FAC%20Conclusion%206\\_0.pdf](http://www.gr2014.eu/sites/default/files/FAC%20Conclusion%206_0.pdf).

problems and have not done much to address the numerous responsibility gaps outlined above.

The problems related to coordination among different actors in all stages of conflict have been cited as a barrier hampering functional and effective crisis management. The dominance of intergovernmentalism in the EU's foreign policy – the search for consensus – has paralyzed Europe's ability to act efficiently and rapidly on the international scene; often resulting in foreign policy consensus being sought at a “lowest common denominator” around which the member states can build their own platforms and programs (Gardner and Eizenstat: 2010, Simms: 2012). The Lisbon Treaty (2007) helped address the tension between treaty-based requirements for consistency and policy-based pragmatism, as well as the difficulties in achieving vertical consistency between the EU and its member states as well as horizontal consistency between different policy fields, pillars and institutions to a certain extent (Wolff and Whitman: 2011). Yet, sometimes these efforts have also made European structures more complex. Despite efforts to boost the civilian, military and coordination capabilities of the Union, response capacity issues prevail (Whitman and Wolff: 2011). In terms of ESDP missions, many states are reluctant to send highly qualified personnel, the turnover rate is high, financial constraints and inaccurate planning prevails (Pirozzi: 2011). The civilian component is largely underresourced and the aspects of interoperability; deployability, sustainability and quality are largely neglected (Pirozzi: 2011).

Moreover, fine-tuning efforts have mostly prioritized the need to ensure a presence and visibility on the ground; while the focus on qualitative methods that would boost functionality and effectiveness have been lagged behind. This leads to criticisms that the EU's involvement in conflict prevention aims “flag raising” above others - the concentration has been “looking good on the ground” rather than effective and responsible implementation of statebuilding.

The persistence of technical problems in the EU's conflict response efforts and technical efforts to overcome them is an interesting issue. However, the success or failure of the fine-tuning efforts of the EU is not the immediate concern of this thesis. The goal is rather to look at the responsibility gaps, particularly the ones cited above (irresponsiveness to change, technical framing, prioritization of local ownership in discourse while actions suggest otherwise); and present the concept of “discursive safeguards” as a response to the responsibility gaps. The last part of the thesis will aim to achieve this.

#### *4.3.3.1 The element of change:*

The “responsibility gap” between the changing nature of statebuilding and the way this affects external responsibilities on one hand; and the relatively static definition of responsibilities by the statebuilding frame on the other was previously explained. Three elements of the dominant statebuilding narrative help conceal this gap from challenges emanating from alternative discourses.

First, the statebuilding frame defines responsibilities in a narrow, limited and temporary manner. Secondly, the external responsibilities are not set out in a detailed manner but are kept general and vague, so they do not have to be adapted to the changes in statebuilding. Finally, the responsibility discourse concentrates on the intentions for the future (prospective responsibilities), rather than the (retrospective) impact of intervention. As a result, even when the purposes, methods, goals and results of statebuilding change, a thorough analysis on shifting external responsibilities can be avoided.

Simply looking at different mission mandates indicates the emphasis on the “temporary support” function of the EU in different contexts. On Bosnia, “it is the EU’s aim to support and embed a stable and viable Bosnia and Herzegovina co-operating peacefully with its neighbours and irreversibly on track towards EU membership”. “Helping the Malian authorities consolidate peace and security” is presented as the EU’s purpose in Mali. In Afghanistan, “the EU supports the transition in Afghanistan through a comprehensive approach covering political, security and development support”. The EUPOL COPPS mission in Palestine “supports the reform and development of the police and judicial institutions”<sup>72</sup>. The word “support” is one of the most emphasized words in the EU’s discourse. Many of these mission descriptions do go on to explain different responsibilities of the EU ranging from supporting the development of policing and judicial institutions to governance and economic development; yet, the general responsibility relationship between the EU and the countries in question rests on the generic definition of the statebuilding frame with reliance on the primary responsibility of the state. Moreover, even in theatres where the modalities of international and EU involvement have been subject to great change, like in Bosnia and Herzegovina, responsibilities are always defined in a forward looking manner while the past is mentioned in a vague way that applauds the

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<sup>72</sup> See the mission statement of the Delegation of the European Union to Bosnia and Herzegovia at [www.europa.ba](http://www.europa.ba), the mission description of the EUTM in Mali at [http://eeas.europa.eu/csdp/missions-and-operations/eutm-mali/mission-description/index\\_en.htm](http://eeas.europa.eu/csdp/missions-and-operations/eutm-mali/mission-description/index_en.htm), the European Union Special Representative in Afghanistan and Office of the Delegation of the European Union to Afghanistan’s statement at [http://eeas.europa.eu/delegations/afghanistan/more\\_info/eusr/index\\_en.htm](http://eeas.europa.eu/delegations/afghanistan/more_info/eusr/index_en.htm) and the mission description of EUPOL COPPS at [http://eeas.europa.eu/csdp/missions-and-operations/eupol-copps-palestinian-territories/mission-description/index\\_en.htm](http://eeas.europa.eu/csdp/missions-and-operations/eupol-copps-palestinian-territories/mission-description/index_en.htm). (All websites accessed on 19 February 2016).

EU's past involvement and commitment. For instance, in Bosnia, the European integration process lies at the core of the European narratives, even though the EU was involved in BiH for many years preceding the granting of a EU perspective to the country<sup>73</sup>.

#### *4.3.3.2 Statebuilding as a universal and technical exercise:*

Defining statebuilding as a technical exercise constructed around universal best practices leads to a responsibility gap, since the responsibility frame does not address the political and normative aspects of statebuilding. Three elements can be identified in the EU's discourse to help conceal the responsibility gap.

First, the mission mandates of EU missions that are involved in statebuilding functions tend to frame their activities in a technical manner. Their purposes are defined as supporting the rule of law, training the security forces, helping institution-building, fostering human rights – coinciding with the statebuilding guidelines. Narratives on statebuilding continue to avoid or downplay issues of history, culture and identity, in favor of a quantitative and technocratic approach based on the statebuilding frame (Berger and Weber: 2006, Berger: 2006, Held: 2009). The framing of statebuilding as a technical exercise, by compartmentalizing it and technicalizing its components, allows the framework of success to be defined in a limited way and makes it quantitatively measurable. Actors, which fulfill the narrow set of requirements they set for themselves through technical guidelines, define themselves as responsible. Diverting responsibility from solving the conflict to successful applying technical guidelines helps avoid the responsibilities which arise from impact; such as the erosion of state capacity and legitimacy resulting from the international community taking over management of institutions and provision of basic services (De Guevara: 2010, Zartman: 1995). When the positive impact of implementing individual elements of the statebuilding frame on the overall purpose conflict resolution and establishing full sovereignty of the state as a whole is unclear, defining responsibility in a narrow and technical sense serves as a discursive safeguard making engagement in statebuilding more risk-free.

In addition to shaping mandates in technical terms, the narrow and limited scope of ESDP missions also serves as a safeguard (Menon: 2009, Cornish and Edwards: 2001, Jacobsen: 2006). The track record of the EU in achieving a

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<sup>73</sup> The website of the Delegation of the European Union to Bosnia and Herzegovina and the EU Special Representative to BiH indicates a clear European integration focus; featured at <http://europa.ba/Default.aspx?id=10&lang=EN> (Accessed on 19 February 2016).



lasting and positive impact on conflicts beyond narrow mandates is unclear (Whitman and Wolff: 2011). In fact, less ambitious missions experience fewer difficulties in reaching operability and delivering on their mandates. For example, the operation Artemis in the Democratic Republic in Congo in 2003 had such a limited mandate that it was difficult to even assess its success (Vines: 2010). Limited mandates are also due to a compromise between member states pushing a variety of agendas and logistical limitations (Vines: 2010).

Finally, framing statebuilding as a “universal best practice” helps dilute the responsibility of making a political choice to select and engage in statebuilding as a type of conflict resolution activity. For instance, the EU document entitled “European security and defence policy: the civilian aspects of crisis management”, while explaining the intentions and activities of various EU missions around the globe, makes direct reference to international best practices on various occasions, like on the EU Police Mission in Bosnia and Herzegovina, EUPOL COPPS in Palestine and EUPOL in Kinshasa<sup>74</sup>.

The case of the EU is particularly interesting in the application of technical guidelines. The difficulties in taking the lead in defining policy and the dependence on other actors such as the NATO and the US in this sphere allows the Union defining its role in conflict prevention as technical. The lack of clarity of mandates and future roles beyond technical definitions also helps avoiding responsibility of the entire project (Vines: 2010). The inconsistency between the strong rhetoric and normative principles of the EU and the relative weakness of its policies and practices on the ground are often cited as a problem with the EU’s foreign policy (Wolff and Whitman: 2011). Technical safeguards help conceal this problem, by legitimizing statebuilding as the technical implementation of a normative discourse in practice.

#### *4.3.3.3 Local ownership and state sovereignty:*

The emphasis on local ownership and state sovereignty serves as another discursive safeguard that helps counter alternative discourses. Three safeguards particularly come to the fore; a) the setting of the main intention as the restoration of full sovereignty to the country, b) the emphasis placed on the primary responsibility of the nation state and c) the framing as the intervention “for the sake of the local populations”. These help cover up the responsibility gap between emphasizing responsibilities and ownership of the

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<sup>74</sup> See “European security and defence policy: the civilian aspects of crisis management”, August 2009, available at [http://consilium.europa.eu/uedocs/cmsUpload/090702%20Civilian%20aspects%20of%20crisis%20management%20-%20version%203\\_EN.pdf](http://consilium.europa.eu/uedocs/cmsUpload/090702%20Civilian%20aspects%20of%20crisis%20management%20-%20version%203_EN.pdf) (Accessed on 19 February 2016).

Other when the sovereignty has been problematized and there is not a capable state in question, as well as the gap created when intending local ownership when intrusive acts on the ground produce the opposite result.

Multiple examples can be provided from the EU's discourse. The EU Council's Conclusions of the EU's comprehensive approach from May 2014 connects the key principle of *local ownership* in conflict resolution to the EU's comprehensive approach<sup>75</sup>. The EU Programme for the Prevention of Violent Conflicts (2001) defines one of the main roles of the EU's conflict prevention strategy as "assistance to local and regional capacity building according to principles of local ownership". Most ESDP mission statements make reference to the core intention to the well-being of the local populations<sup>76</sup>, while the emphasis on the primary responsibilities of nation states is common.

#### *4.3.3.4 Difficulty in the attribution of responsibility:*

Moral agency is a core element of the moral responsibility framework. Yet, finding a specific address to define Europe as a single morally responsible entity has traditionally been a problem; the most famous quote in this respect being the one attributed to Henry Kissinger in the 70's on "who he would call if he wanted to call Europe". Indeed, agency in conflict resolution necessitates a coordinated, coherent and consistent foreign policy that reconciles competing objectives and sets priorities through employing the right tools (Toje: 2011).

The EU's construction as a foreign policy actor brought forward many new responsibilities. Reconciling new (first pillar) elements of crisis management with the already existing structural instruments of the Community has been a major challenge of CSDP, negatively affecting decision-making and functionality (Gardner and Eizenstat: 2010, Toje: 2011, Bird: 2007, Cornish and Edwards: 2001). CFSP instruments infringe on the Community competencies, like democratization, human rights and socio-economic reconstruction (Gebhard: 2010). A major problem is overrepresentation. With the Lisbon Treaty (2007), the new High Representative has a central role in foreign policy, but four other commissioners are responsible for foreign policy issues: international trade, enlargement, neighborhood policy, international cooperation and humanitarian aid/ crisis response (Gardner and Eizenstat:

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<sup>75</sup> See the Council Conclusions on the EU's Comprehensive Approach, adopted at the Foreign Affairs Council Meeting at Brussels on 12 May 2014, at [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/142552.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/142552.pdf) (Accessed on 19 February 2016).

<sup>76</sup> See the mission statements of various EU missions at [http://eeas.europa.eu/csdp/missions-and-operations/index\\_en.htm](http://eeas.europa.eu/csdp/missions-and-operations/index_en.htm). (Accessed on 19 February 2016).

2010, Cameron: 2012). There are a wide range of different EU policies and institutions with no single executor – the right and responsibility to coordinate is shared between the two constituent actors (TEU). The intergovernmental nature of CFSP and principles being agreed at the “lowest common denominator” raises the question how much it makes sense to attribute responsibility on substantial issues beyond the member states of the Union (Gardner and Eizenstat: 2010).

The issues stated above are often cited as problems of the EU’s foreign policy, but they also serve as a safeguard. In discourse, there seems to be assumption of responsibility as the European Union (Commission: 2001, ESS: 2003, Lisbon: 2007, ESS Report: 2008). However, due to the complex structure of the Union, the agent responsible for the delivery of these responsibilities as well as the unintended impacts is less clear, despite numerous efforts to “find an address to Europe” to determine who is responsible for statebuilding and conflict prevention (Maastricht: 1992, Lisbon: 2008). This makes it easier to avoid responsibility, especially since success is defined based on more limited and technical mandates where responsibility is attributed to specific actors in the EU system, such as EU police missions while the overall responsibility for taking part in the statebuilding frame is unclear.

#### *4.3.4 Responsibility Gaps and Discursive Safeguards: The EU Example*

Below is a chart that aims to summarize the key findings on the responsibility gap and discursive safeguards with a focus on the EU, built upon the elements put forward previously in this chapter. This chart will be tested in the case study with specific examples of discourse, in order to attribute responsibility in a more fair fashion, attach specific context to the “responsibility gap” and identify discursive safeguards.

	<b>Responsibility Gap:</b>	<b>Discursive Safeguard:</b>
<b>Change</b>	<ul style="list-style-type: none"> <li>- The static nature of the definition of responsibility by the statebuilding frame, compared with the changing nature of statebuilding.</li> <li>- Creation of new responsibilities while previous responsibilities left unfulfilled.</li> <li>- Focus remains on efforts to close the capacity gap.</li> </ul>	<ul style="list-style-type: none"> <li>- Responsibilities are defined in a narrow, limited and temporary manner.</li> <li>- External responsibilities are not clearly defined, by kept general and vague.</li> <li>- The narrative concentrates on responsibilities for the future (prospective responsibilities), rather than responsibilities of past impact (retrospective responsibilities).</li> </ul>
<b>Technocratic vs. Political Statebuilding</b>	<ul style="list-style-type: none"> <li>- Framing of statebuilding as a technical exercise while accepting its political nature in discourse.</li> </ul>	<ul style="list-style-type: none"> <li>- Mission mandates frame their roles and responsibilities in a technical manner.</li> </ul>

	<ul style="list-style-type: none"> <li>- Presentation of the Union as a neutral, credible and ethical actor that is committed to do good.</li> <li>- The bureaucratic nature of the Union, the difficulties of reaching common ground on politicized issues among 28 member states also leads to framing statebuilding as a technical exercise.</li> </ul>	<ul style="list-style-type: none"> <li>- Mission mandates are often limited in size and narrow in scope.</li> <li>- The focus is on following universal best practices.</li> </ul>
<b>Local Ownership and Sovereignty</b>	<ul style="list-style-type: none"> <li>- While deriving legitimacy from restoring full sovereignty to conflict countries, the actual intentions as well as the impact of intervention often produces opposite results.</li> <li>- Problematizing sovereignty and adopting an intrusive role in countries lead to increased responsibilities for intervenors, despite the narrow framing of the statebuilding frame.</li> </ul>	<ul style="list-style-type: none"> <li>- The setting of the main intention as the restoration of full sovereignty to the country,</li> <li>- The emphasis placed on the primary responsibility of the nation state,</li> <li>- The framing as the intervention “for the sake of the local populations”.</li> </ul>
<b>Attribution of Responsibility</b>	<ul style="list-style-type: none"> <li>- Despite institutional improvements, no single address where responsibility can be attributed.</li> <li>- Agent of responsibility is not clear, especially on the ground.</li> <li>- Lowest common denominator as a decision-making system makes attribution of responsibility on substantial issues difficult.</li> </ul>	<ul style="list-style-type: none"> <li>- It is not clear whom to attribute responsibility, to the Union in general, or the more narrow body directly responsible for implementing specific parts of statebuilding guidelines.</li> <li>- “Europe” often manages to avoid responsibility, whereas the smaller missions have narrowly defined mandates, and thus narrow responsibilities.</li> </ul>

## **PART THREE**

## **5. STATEBUILDING IN BOSNIA AND HERZEGOVINA**

In January 2014, riots broke out in more than 20 towns and cities across Bosnia and Herzegovina (Bosnia).<sup>77</sup> People took to the streets, setting fire to government buildings and hurling rocks at the police.<sup>78</sup> The reasons for the protests had to do with a long-simmering discontent in the society. The sluggish economy, political stagnation, bureaucratic mismanagement, corruption, unemployment and the lack of future economic and political prospects had long been frustrating Bosnians.

In statements during and after the riots, the EU Enlargement Commissioner Stefan Füle stated that it was not the EU that had failed, but the Bosnian leaders who had failed to listen to their people<sup>79</sup>. EU High Representative Catherine Ashton stated that “the first and biggest responsibility [lay] with the political leaders of the country”<sup>80</sup>. The British Foreign Minister Hague tweeted that that Bosnia’s falling out of Europe’s radar had contributed to the problems. Meanwhile, Bosnian leaders were blaming other ethnic leaders and groups for the rioting, dubbing the crisis as an ethnic power struggle instead of a cry for desperation (Meyer: 2014). Some weeks later, with the start of the crisis in Ukraine, Bosnia was once again off the global radar.

In the following Security Council meeting on Bosnia in May 2014, High Representative Valentin Inzko portrayed a grim picture of the situation, listing challenges to territorial integrity, the halt in progress towards Euro-Atlantic integration, mounting economic and social problems, corruption, and interethnic tensions among the gravest of the country’s many problems. He argued that “the actions and behavior of some elected officials and political leaders suggested they had learned little from the mistakes of the past, and (...) progress on Euro-Atlantic integration had ground to a halt despite efforts by the EU and NATO, due to the inability of Bosnia and Herzegovina’s political leaders”. European countries and the US called on Bosnian leaders to proceed with the reform processes, while the EU Representative argued that the country’s “continuing challenges largely stemmed from a lack of political

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<sup>77</sup> Bosnia and Herzegovina will be referred to as *Bosnia* for convenience. The name of the country, *Bosna i Hercegovina (BiH)*, is also sometimes used to make clear that the reference is to the country as a whole.

<sup>78</sup> The protests mostly took place in the Bosniak-Croat entity called the Federation of Bosnia and Herzegovina, although there were smaller scale protests in big cities like Banja Luka in the Serb entity Republika Srpska. See The Guardian, “Bosnia-Herzegovina hit by wave of violent protests”, 7 February 2014.

<sup>79</sup> Füle was mainly referring to the inability of the Bosnian leaders to implement the decision of the European Court of Human Rights on the Sejdic – Finci case, which will be analyzed in detail further in this chapter.

<sup>80</sup> Remarks by EU High Representative Catherine Ashton and the end of the visit to Bosnia and Herzegovina, Brussels, 12 March 2014.

will to look beyond narrow ethnic and party interests to seek the compromises required to move the country forward." On the other hand, the Bosnian Ambassador claimed that Bosnia was doing its best to advance towards sustainability and Euro-Atlantic integration, while Jordan stressed that "the international community must look deeper into the reasons behind the persisting tensions and determine what could be done to reverse the gradual deterioration of the political condition".<sup>81</sup>

Even these latest two episodes indicate the lack of consensus on the responsibilities of the relevant actors in Bosnia. When such non-definitions or inconsistencies exist, this "can lead to attributing (...) responsibilities to some institutions beyond their capabilities, while leaving more appropriate actors off the hook" (Erskine: 2003). Agents of responsibility can be left to arbitrarily constructing their responsibility narratives based on their own interests and world visions. To help fill this gap or at least reflect on it, this study aims to look into responsibilities and discursive safeguards of the European Union in Bosnia, since the signature of the Dayton Peace Accords (DPA) ending the 3.5-year war in December 1995.

Bosnia is a good case study on the responsibilities of international and European actors for many reasons. The international community has been strongly influential in ending the war and establishing the framework of post-war Bosnia. They have donated massive financial and personnel resources towards the implementation of this framework. The comprehensive and intrusive manner post-conflict intervention was conducted in Bosnia had often led to its dubbing as an experiment for Western statebuilding efforts; indeed the post-conflict stage of many later interventions such as Kosovo, Afghanistan and Iraq did borrow much from the Bosnian model (Meyer: 2014, Donais: 2005). Bosnia was also the birthplace of the European Security and Defence Policy (ESDP), where different conflict management tools were deployed on the ground since the late 1990's. Bosnia was one of the first places where the viability of European integration as a tool for (violent) conflict resolution was tested. International efforts *have* helped stopped the war. Bosnia has moved from a conflict country to a troop contributing country (TCC) and has served on the Security Council from 2010-2011.

Yet, the international experiment in Bosnia has had its shortcomings. Deep divisions in the society about the future organization and direction of Bosnia as well as mistrust among different ethnic groups prevail. The path to EU membership – seen by many as the only viable way to sustainable peace in

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<sup>81</sup> See the meeting summaries of the UN Security Council, at [www.un.org/News/Press/docs/2014/sc11398.doc.htm](http://www.un.org/News/Press/docs/2014/sc11398.doc.htm). (Accessed on 19 February 2016)

Bosnia – seems stalled (Belloni: 2007, Bose: 2007, Aybet and Bieber: 2011, Tzifakis: 2012, ICG: 2012). And there is no clear recipient for responsibility, the blame is placed by different actors in different directions, such as on the international community, corrupt politicians, ancient hatreds, interventionism, non-interventionism and the EU (Hansen: 2006, Aybet and Bieber: 2011).

The purpose is not to find ways to ascribe blame to the international community or the EU for the recent events, or even the hardship and stagnation faced in Bosnia. It merely aims to use Bosnia as a case study to test the arguments of previous chapters, on responsibility gaps and discursive safeguards. The initial question will be whether the international community and/or EU's involvement in Bosnia fits into the statebuilding frame, both in discourse and in practice, in order "to avoid EU-bashing at one extreme and absolving it from any responsibility on the other" (Manners: 2008, Smith: 2008, Wolff and Whitman: 2012). This will be done in two ways; first by looking into the evolution of statebuilding in Bosnia, and secondly by looking into the post-conflict intervention in Bosnia from the perspective of statebuilding guidelines – in order to see how the EU fits in the statebuilding framework. Both hats of the EU in Bosnia will be scrutinized – a statebuilding actor and the driver of European integration. This exercise will provide the necessary elements for the next chapter – an in depth analysis on the responsibility gaps faced by the EU in BiH and the associated discursive safeguards.

## **5.1 The Evolution of Statebuilding in Bosnia and Herzegovina:**

The changing nature of external statebuilding efforts, together with the constant shift in and development of the EU's foreign policy identity and practices makes the analysis on the Union as an external actor in statebuilding particularly interesting. This part aims to add the BiH context into the equation, to see how this interesting dynamic has played out in practice. The core questions to be answered will be a) whether and to what extent the EU's role in BiH fits into the statebuilding frame and b) how can moral responsibility be attributed to the EU. Rather than conducting an analysis on the entire international intervention in BiH, the goal is limited to looking at it simply as a case to shed light into how responsibility gaps and discursive safeguards look in practice.

### **5.1.1 *The war in Bosnia:***

The brutal war in Bosnia in 1992-1995 left than 100.000 people dead, over 2 million people displaced internally and externally and devastated the



economy, infrastructure and social fabric of the country<sup>82</sup>. Different responses of the Security Council during the conflict, from establishing an international tribunal for war criminals, calling for no-fly zones and establishing and protecting the safe havens<sup>83</sup> did not help stop the war, protect civilians, or prevent tragedies such as the Srebrenica genocide<sup>84</sup>. UN peacekeeping (UNPROFOR) was reduced to an ineffective fire brigade trying to contain eruptions of violence (Bose: 2007). International efforts to mediate peace, suggesting the application of different models of power-sharing agreements, were not conclusive<sup>85</sup>. The Croat-Bosniak war ended in 1994 with the Washington Agreement mediated by the US and signed by the warring parties in March 1994<sup>86</sup>. The Bosnian war was concluded with the help of the NATO intervention, as well as US military aid to the Croats and Bosniaks<sup>87</sup> (Bose: 2007). In September 1995, an agreement of basic principles for a peace accord was reached between Bosnia, Croatia and Yugoslavia. The Dayton Peace Accords (DPA) was signed on 14 December 1995.

The human tragedy in Bosnia and its negative effect on regional/international stability shattered the naïve hopes that a smooth and peaceful transition towards a functioning international order would take place after the Cold War. The unfounded self-confidence of the EU, famously exemplified by the

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<sup>82</sup> A referendum in Bosnia on sovereignty on 1 March 1992, which was boycotted by the Serb population, resulted in 98% of the participants voting in favour. The Bosnian parliament declared independence on 3 March 1992 and received recognition by the United States and the European Union in the course of 3 days (Bose: 2007). The start of the war is often set to 5 April 1992, the day when Serb gunmen fired onto a peace rally in Sarajevo that led to casualties. By the end of 1992, the militarily strong Serb forces aided by paramilitary forces from the rump Yugoslavia had seized more than two thirds of Bosnia, alongside an ethnic cleansing campaign that killed or expelled thousands of non-Serbs. Fighting between Bosniaks and Bosnian Croats broke out in 1993 (Andreatta: 1997, Holbrooke: 1999, Bose: 2002).

<sup>83</sup> UN Security Council Resolution 808(1993) and 827(1993) relate to the international tribunal, Resolution 816 (1993) is about the no-fly zone. Resolution 824 (1993) declared safe havens around Sarajevo, Gorazde, Srebrenica, Tuzla, Zepa, Bihac; and Resolution 836 (1993) authorized the use of force by UNPROFOR in protection of the safe zones and a naval blockade in the Adriatic Sea.

<sup>84</sup> In 2004, in an unanimous ruling on the case "Prosecutor vs Krstic", the Appeals Chamber of the ICTY ruled that the massacre in Srebrenica constituted genocide, confirmed later by the International Court of Justice, in the case on the "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina vs. Serbia and Montenegro)". See [www.icj-cij.org](http://www.icj-cij.org) and [www.icty.org](http://www.icty.org) for further information (Accessed on 19 February 2016).

<sup>85</sup> The Carrington – Cutler Plan (1992) was rejected by the Bosniaks who were against partition on ethnic basis, the Vance-Owen Plan (1993) was rejected by the Republika Srpska National Assembly, the Owen-Stoltenberg Plan (1993) which proposed ethnic-mini states was rejected once again by the Bosniaks. and the Contact Group Plan (1994) was rejected by the Serbs at a referendum in the RS.

<sup>86</sup> The agreement divided the combined territory held by the Croats and the Bosniaks into ten autonomous cantons, thereby establishing the Federation of Bosnia and Herzegovina (FBiH).

<sup>87</sup> As large-scale massacres like Markale (which killed 68 people in a single mortar attack in 1994), NATO started launching air attacks at the request of the UN. The US unilaterally lifted the arms embargo in November 1994. With the help of NATO attacks against Bosnian Serb forces supported by UNPROFOR, the Bosnian-Croat alliance gained initiative in the war in 1995.

line of Luxembourg's then Foreign Minister Poos "*the hour of Europe*"<sup>88</sup>, rapidly faded as the devastation of the 3.5 year war underscored deficiencies of military capacity, diplomatic tools, crisis management mechanisms and lack of cohesion among member states<sup>89</sup> (Andreatta: 1997, Belloni: 2009). The conflict was brought to an end by the US/NATO-led military intervention; exposing Europe's inability to provide security in its own neighborhood (Gardner and Eizenstat: 2010).

A thorough soul-searching was conducted later on. The apparent need for better international conflict response theories and mechanisms eventually led to the emergence of concepts such as humanitarian intervention and statebuilding. Europe's failure to respond catalyzed the development of the European foreign and security policy tools (Toje: 2011). The intentions of the EU to become a global player that could bring peace, stability and prosperity in its neighborhood persisted; yet the development of new tools and capabilities would be necessary towards that end.

### 5.1.2 *The Dayton Peace Accords (DPA):*

The DPA is a forced compromise, not only between the peoples of Bosnia but also among different interests and principles of the international community. Throughout the war in Yugoslavia, the partition of BiH by using force was seen as an unacceptable moral compromise by international actors.<sup>90</sup> Yet, growing economic, social and security risks to Europe, humanitarian concerns and the increasing loss of credibility of the UN, EU and the international community required urgent solutions (Bose: 2002, Belloni: 2007). A compromise necessitated factoring in the new political geography and ethno-territorial divisions of BiH (Belloni: 2007). Consequently, DPA introduced a convoluted system based on strong ethnic protections, a recipe of institutional and multiple power-sharing at several layers of executive and legislative power, ethnoterritorial autonomy and comprehensive international involvement (Lijphart: 2008, Bose: 2007, Belloni: 2007, O'Leary and McCrudden: 2013, Tzifakis: 2012). Multiple levels of bureaucracy and

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<sup>88</sup> See New York Times, on June 29, 1991, "Conflict in Yugoslavia: Europeans send high-level team".

<sup>89</sup> Preceding and during the war, the European Community employed traditional diplomatic tools; hosting conferences, establishing bodies to recommend EU policy during the crisis, sending high-level mediation teams to Belgrade and warning of sanctions.

<sup>90</sup> Many statements in this direction were made at UN Security Council meetings held between 1992-1994. On 13 November 1992, for example, the British Representative stated that "*The international community will not accept the partition of BiH into unilaterally declared so-called republics*". On 29 June 1993, the Pakistani representative argued that "*to subscribe to the so-called plan for the partition of BiH would be a mistake of monumental and historic proportions*". Cyrus Vance, former UN Special Envoy to Bosnia, on 13 November 1992 emphasized that "*from the outset of our work, we had rejected partition*". Meeting records are available at the UN Library and online at <http://www.un.org/en/sc/meetings/>. (Accessed on 19 February 2016)

government existed under a weak Bosnian state. The two entities under the state, both established preceding the DPA, had their own constitutions, executive and legislative structures and self-governing powers (the Republika Srpska - RS and the Bosniak – Croat Federation of BiH - FBiH), as well as the territory of Brcko. Power was further decentralized at the FBiH to its 10 cantons, and both entities have municipal structures underneath.

The international community was instrumental in the structuring of the DPA framework (O’Leary and McCrudden: 2013). US lawyers put together the constitution of Bosnia (the 4<sup>th</sup> Annex of DPA). Its 10<sup>th</sup> Annex introduced a civilian framework aimed at strengthening state institutions and promoting reconciliation. This framework ascribed international organizations many complex tasks such as humanitarian aid, rehabilitation of infrastructure and economic reconstruction, institution building, promotion of human rights, the return of displaced persons and refugees and the holding of free and fair elections<sup>91</sup>. The role of the international community was embedded in other annexes of DPA as well<sup>92</sup>. It calls upon the international community to *assist* the process, and designates an international High Representative to monitor DPA implementation and mobilize and coordinate organizations involved (Sebastian: 2012). DPA framed the international civilian role as supporting capacity building in fragile Bosnia as part of a comprehensive strategy of conflict prevention.

DPA held negative elements associated with consociationism; the lack of integrative elements, insufficient electoral and political incentives for cooperation, confirmation of ethno-territorial boundaries, discouraged cooperation among ethnic groups, decentralization of political authority, empowerment of (the interests of) nationalist elites due to focus on group solidarity, slow and often deadlocked decision-making, discrimination towards national minorities as well as the disparity between the more centralized RS and the more layered FBiH (Bose: 2007, Bieber: 2006, Bose: 2002, Belloni: 2007). Yet, it brought peace to a protracted conflict (O’Leary and McCrudden: 2013). It is “a masterpiece of ambiguity” or a “Pandora’s Box” that included delicate compromises, essential to reach peace but not a sustainable base of stability and prosperity (Donais: 2005). Each signatory, including the international community, held different and often incompatible interpretations on DPA meant. It was often dubbed as a framework to continue war in peacetime (Tzifakis: 2012). To make this framework function,

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<sup>91</sup> See Annex 10 of the General Framework (Dayton) Agreement, at [www.ohr.int/dpa](http://www.ohr.int/dpa).

<sup>92</sup> Such as the role of NATO/IFOR and IPTF in post-conflict stabilization (Annex 1A, 2 and 11), OSCE in confidence-building, human rights and elections (Annex 1A, 3, 6), Council of Europe and UN High Commissioner for Human Rights on human rights (Annex 6), UNHCR, ICRC and UNDP on refugee returns (Annex 7).

international actors were tasked to *assist or oversee* the transformation of Bosnia, to “*lay the foundations of Bosnia*” (Bose: 2007, Tzifakis: 2012).

### ***5.1.3 The early Post-Dayton years: Initial optimism (1995 – 1997):***

The civilian international intervention in BiH is an important milestone in the formation of the theory and practice of statebuilding. DPA was built on the understanding that effective institutions functioning based on democratic principles is the prerequisite of peace, and international actors can temporarily support capacity building efforts until sovereignty and local ownership was restored – similar to the way statebuilding frames international responsibilities. This dynamic of responsibility has prevailed in international discourse since 1995, although the methods of intervention, the international background, capacities of external actors and evaluations of the domestic situation have constantly changed.

Post-DPA international intervention has been a struggle between the vision and interests of different local actors in Bosnia and the efforts of the international community to interpret and implement the main pillars of DPA according to liberal internationalist principles (Donais: 2005). Two different elements of this vision can be identified in the dominant narrative. Preventing further conflict in Bosnia would stop the war that had cost lives and led to gross human rights abuses, displaced people, disrupted service delivery, hampered economic development and regional trade and threatened international peace and stability (Owen: 1995, Ashdown: 2007). It would also restore international, Western and European credibility damaged after the Yugoslav wars (Holbrooke: 1997).

Although DPA laid the stones for a comprehensive international civilian response to Bosnia, the international community was naively optimistic in the early postwar years in its assumption that building peace would not be too difficult of an exercise (Bose: 2002, Belloni: 2007, Bieber). The early goals were diffusing tensions, building viable peace and laying the foundations of a country based on the principles of democracy, human rights, the rule of law and free markets – the conditions that DPA had not yet created (Belloni: 2007). The hope was that the consociational arrangement would wither away as the country moved from war and functioning institutions were established. The elections to be held a year after the peace agreement would reflect this stability, producing moderate and conciliatory political leadership that would assume the leading role in statebuilding, paving the exit of the massive international presence. The Declaration by the European Council on Former Yugoslavia in the 1996 Florence European Council stated that “Successful elections will allow the establishment and development of new political

institutions in the country as specified in the Peace Agreement. This is essential for the consolidation of a united, democratic State of Bosnia and Herzegovina".<sup>93</sup>

To reach this vision, a passive and short-term approach based on optimistic calculations was adopted. A massive NATO-led international peacekeeping force, IFOR, was tasked for 12 months to ensure stability by physically separating the warring parties and monitoring the inter-entity boundary line (IEBL) (Bose: 2007, Bildt: 1998).<sup>94</sup> The Office of the High Representative (OHR), responsible for the implementation of the civilian aspects of Dayton, initially had a limited function of overseeing and coordinating the activities of civilian agencies. To address the physical, economic and social devastation, the initial efforts focused on physical issues and financial aid<sup>95</sup>. However, the absence of an effective Bosnian state had also forced the international community to carry out *essential state functions*. The EU had not yet acquired the confidence and capabilities to overtake ambitious foreign and security policy tasks; it subscribed to the international vision for Bosnia and took a relatively minor role in peace implementation, with the exception of the Mostar mission between 1994-1996<sup>96</sup> (Toje: 2011, Keukelarie and Delreux: 2014, Belloni: 2007). For instance, the Declaration by the European Council on Former Yugoslavia in 1996 stated that the EU "regards reconstruction as a crucial element in fostering reconciliation and promoting a progressive return to normal life (...), [the EU] will continue to support the economic recovery and rehabilitation of the country" (Toje: 2011). There was a vague commitment to BiH's potential EU membership, lacking a firm promise and a road map.

This initial involvement did not provide sustainable stability, foster the credibility of the international community or facilitate its exit. By 1997, the political institutions remained divided, the issues of state capacity and weak institutions persisted and the economy laid prey to parochial and other illegal

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<sup>93</sup> See Presidency Conclusions of the Florence European Council of 1996, [www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/032a0002.htm](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/032a0002.htm) (Accessed on 25 December 2014).

<sup>94</sup> 60.000 NATO troops flooded into Bosnia in 1996, together with a civilian army of UN, OSCE, World Bank, UNHCR and other international personnel (Bose: 2007).

<sup>95</sup> For instance, after DPA was signed, a "Three to Four Year Priority Reconstruction and Recovery Program" was endorsed by international donors, that aimed to reconstruct war-damaged physical assets, jump start economic recovery, promote returns of refugees and displaced, and build a framework for sustainable growth (Commission: 1999).

<sup>96</sup> The EU Administration in Mostar was established based on the Geneva Memorandum of Understanding (MoU) signed between Bosniak and Croat politicians in April 1994, empowering the EU to administer Mostar until a more permanent solution was found. This mission was much criticized, as the EU was found too weak and trusting the good intentions of sides to be able to implement the MoU (ICG: 2000).

interests (Belloni: 2007). The 1996 elections saw the same parties responsible for the war dominating the political scene once again, perhaps due to the rushed way the elections were organized and the moderate parties being given limited time to organize (Bose: 2002). The massive yet ill-conceived nature of the international presence, the limited cooperation and coordination between the military and civilian external actors, the inability of the OHR to enforce Dayton implementation were cited as criticisms (Belloni: 2007). It was now clear that Bosnia would not automatically evolve towards an inclusive state based on individual rights. The international community would have to step up its efforts towards building a viable Bosnian state. As a result, IFOR, instead of leaving the country after a year's presence, was transformed into a NATO Stabilization Force – SFOR. The OHR was reinforced with the introduction of the Bonn powers. A new era for Bosnia in particular and international intervention in general was launched.

#### ***5.1.4 Comprehensive and intrusive statebuilding: 1998 - 2005***

##### *5.1.4.1 The Bonn powers and beyond: 1998 – 2002:*

The international involvement in Bosnia changed dramatically in the late 90's, coinciding with the change in the statebuilding frame towards hands-on, long-term and comprehensive civilian interventions (Ghani and Lockhart: 2008, Chandler: 2010).<sup>97</sup> The carefully crafted consociational balance in the Dayton Accords between keeping central state institutions while emphasizing the rights of constituent peoples and the jurisdiction of entities was now challenged by the international community, setting a new frame of involvement beyond the Dayton parameters (O'Leary and McCrudden: 2013).

First, the international ambitions in Bosnia changed from reconstruction and stabilization to ensuring structural and institutional reforms (Belloni: 2007, Bose: 2002). Efforts that fell more into the statebuilding frame were increasingly emphasized within Dayton implementation, such as the promotion of democratization and human rights, economic development, regional cooperation and good governance (Belloni: 2007, Bieber: 2006). Secondly, the means and methods of international involvement shifted. On the security side, the PIC in Sintra in 1997 set the stage for a more assertive presence, stating that "attention must increasingly focus on long-term security arrangements, both within Bosnia and Herzegovina and in the wider region"<sup>98</sup>. On the civilian side, the groundbreaking development was the introduction of the Bonn powers in December 1997; a comprehensive and

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<sup>97</sup> See the debates in the third and fourth chapters for further information.

<sup>98</sup> See the PIC Sintra Declaration, at [www.ohr.int/pic/default.asp?content\\_id=5180](http://www.ohr.int/pic/default.asp?content_id=5180)

intrusive set of executive and legislative powers given to the High Representative to facilitate the implementation of the civilian aspects of DPA, such as imposing laws and sacking obstructive politicians<sup>99</sup> (Venneri; 2010, Tzifakis: 2012, Belloni: 2007). However, the role of the OHR towards other international actors was still a coordinating, rather than executive role (Dursun – Oztunca: 2010). The Brussels PIC in 2000 committed to concentrating resources to statebuilding. The International Crisis Group (2002) defined the new framework of intervention as “an unrepeatable chance to push the Dayton Peace Accords to their limits and to permit Bosnia to become a functional multinational state”.

The EU involvement in Bosnia was focused on two fronts. On the statebuilding side, the Union declared its adherence to the notion of “conflict prevention as a civilian and comprehensive exercise”, by emphasizing the importance of “focusing on the unfinished items of the institution-building and policy reform agenda in order to ensure that the economic recovery momentum that began by reconstruction can be maintained”<sup>100</sup>. Bosnia was also increasingly providing a context with optimal conditions for the EU to test its operational abilities, its ESDP and enlargement policies, as well as the European model as a regional framework for peace (Toje: 2011, Keukeleire and Delreux: 2014, Smith: 2008, Simms: 2012). The more substantial involvement of the EU began with the promise of the “fullest possible integration” of Western Balkans into Europe<sup>101</sup> (Bose: 2007, Juncos: 2012). As enlargement policies also emphasize the importance of institution building and strengthening state institutions to fulfill the requirements of EU integration, a parallel between enlargement and statebuilding was inevitably drawn. Statebuilding would help Bosnia become a functional and viable state that could integrate into the EU, while the pull factor of Europe as well as the conditionality tool used for European integration would assist statebuilding efforts (Aybet and Bieber: 2011). The EU’s Stabilization and Association Process (SAP) launched in 1999 for the Western Balkan countries<sup>102</sup> captured both elements of stabilization and enlargement as indicated by its name; which emphasized applying the technical modalities of enlargement boosted by crisis management elements.

The period saw many positive developments in Bosnia, with regards to the strengthening of central institutions and internal integration. A minimal

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<sup>99</sup> See the PIC Bonn Conclusions, at [www.ohr.int/pic/default.asp?content\\_id=5182](http://www.ohr.int/pic/default.asp?content_id=5182)

<sup>100</sup> European Commission, 1999.

<sup>101</sup> The exact wording is from the Conclusions of the Feira European Council in 2000, although the promise was reiterated on a number of occasions by European officials and EU documents since 1999.

<sup>102</sup> See the Conclusions of the 1999 Cologne European Council at [http://www.europarl.europa.eu/summits/kol1\\_en.htm](http://www.europarl.europa.eu/summits/kol1_en.htm)

institutional apparatus of the state was established, with bodies such as the Central Bank and the multi-ethnic State Border Service reinforced. A common currency was introduced in 1998, Bosnians started to cross the IEBL in increasing numbers, the security environment improved, and the return process accelerated. The removal of uncooperative politicians led to a forced moderation<sup>103</sup>. The ruling of the Constitutional Court in July 2000 ensured equitable representation and participation for non-Serbs in the RS and Serbs in the FBiH. The rules and regulations of elections were changed, allowing a moderate coalition to assume power in 2000 – although nationalist agendas and politicians continued to prevail (Bose: 2002, Chandler: 2005). On European integration, the European Commission in this period presented Bosnia with a roadmap of 18 priority reforms, and decided in 2002 that they were fulfilled sufficiently enough to recommend a feasibility study, indicating another set of 16 reforms for the start of SAA negotiations. Bosnia started to physically resemble a working state.

The international engagement was criticized on a wide array of issues at the time. On the technical side, the lack of coordination and coherence between international actors, as well as EU institutions, and also duplication of efforts and tasks were cited. Criticisms also included the intrusive involvement, the contradiction this involvement posed with the defined goal of boosting state sovereignty and local ownership, the social-engineering of the state structure and institutions through undemocratic means, engagement mainly with the political elite (ESI: 2004, Gromes: 2009, Youngs: 2009, Aybet and Bieber: 2011). The High Representative, who gained vast control over the country with the introduction of the Bonn powers, was neither created nor accountable to the Bosnian people (Bose: 2007, Chandler: 2010). All this was in contrast with the original goals of statebuilding: local ownership and international exit (Belloni: 2007, Venneri: 2010).

#### *5.1.4.2 Securitized Statebuilding and a Stronger Europe: 2002 – 2006*

The statebuilding agenda became progressively securitized after 2001, affecting the modalities of international involvement in Bosnia. As the Other became increasingly defined as the failed state that exacerbated threats to Western security and military engagement in places like Afghanistan and Iraq was prioritized, Bosnia started losing its prime place in the international intervention radar (ESS Report: 2008, Simms: 2012). PIC meetings were attended at lower levels; Bosnia featured less in international news. Coupled with the feeling that things were going well in the country, these

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<sup>103</sup> For example, when the Croats declared self-rule in 2001, the international community responded strongly by sacking the Croat leader, Jelavic.



developments heightened the need to create conditions for exit. From 2003 onwards, Mission Implementation Plans (MIP) were released to identify core objectives towards the successful completion of missions<sup>104</sup>. The securitization of the agenda, as well as a sense of urgency are visible in the PIC documents, with the focus on intelligence, defence and (after 2005) police reforms, as well as combatting organized crime and corruption<sup>105</sup>.

Even if “many positive developments (...) had to be brought about by impositions of the High Representative”<sup>106</sup>, embedding the technical elements of statebuilding into the Bosnian system such as rule of law, economic liberalization, good governance, democratic state-level institutions would inevitably work towards self-sustainability and allow for the closure of the OHR, as put forward by the then High Representative Ashdown (Ashdown: 2008, Sebastian: 2012). Many reforms undertaken between 1998 and 2005 were imposed or facilitated by the High Representative, such as the creation of a state-level intelligence agency, the unification of three armies, the creation of an integrated tax system, a state-level court, a single and state-wide customs administration, the abolishment of the rotation system for the Head of the Council of Ministers and the establishment of six new state level ministries for human rights, treasury, institutions, justice, security and defense<sup>107</sup> (Sebastian: 2012). Despite the intrusive agenda, local responsibilities were still emphasized; in a meeting on 14 December 2005 in Paris between the PIC Political Directors and Bosnian authorities, it was concluded that “the people of Bosnia and Herzegovina – by their own efforts and with practical and political help from their partners in the international community” had achieved a remarkable recovery since the end of the war.

The role of the EU in Bosnia gradually increased. As the security threats elsewhere were moving the attention of the US and other actors away from Bosnia, the EU found a fertile ground to put its newly operationalized security and defense policy in practice. The EU Police Mission (EUPM) and the EUFOR-ALTHEA peacekeeping force took over from IPTF and SFOR. The

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<sup>104</sup> See, for example, the Communique by the PIC Steering Board at its meeting in Sarajevo on 24 September 2004, focusing on elements of the mission implementation plan emphasizing the completion of security sector reforms, the strengthening of the rule of law, economic reforms and facilitating the self-governing status of Brcko. See [www.ohr.int/pic/default.asp?content\\_is=33252](http://www.ohr.int/pic/default.asp?content_is=33252). (Last accessed on 22 December 2014).

<sup>105</sup> A relatively detailed analysis on police reform is featured in the Communique by the PIC Steering Board at its meeting in Sarajevo on 7 October 2005. A special department on organized crime briefed the Steering Board in its Brussels meeting on 3 February 2005.

<sup>106</sup> See the Communique of the PIC Steering Board Political Directors Meeting in Brussels on 28 March 2003 in Brussels, at [www.ohr.int](http://www.ohr.int) (Accessed on 19 February 2016).

<sup>107</sup> See the Communiqués by the PIC Steering Board for the period 2003 – 2006, at the website of the Office of the High Representative [www.ohr.int/pic/archive.asp?sa=on](http://www.ohr.int/pic/archive.asp?sa=on) (Last accessed on 22 December 2014).

High Representative was double hatted as a European Special Representative (EUSR). An EU Monitoring Mission monitored and reported on political and security developments from 2000-2007, as the Commission worked towards EU integration. More importantly, the Stabilization and Association Process (SAP) agenda created an informal marriage between the statebuilding and enlargement agendas, as both full sovereignty and Euro-Atlantic integration would be achieved through the fulfillment of a similar set of reforms (Venneri: 2010). Although the goal of enlargement was never fully embedded into the Dayton agenda, the PIC statements from 2002-2006 do stress that “the implementation of the reforms underway is essential not least for BiH’s aspirations for European integration” and focus on the progress Bosnia has made in terms of fulfilling the requirements of the EU feasibility study<sup>108</sup>. Similarly, the defense reform agenda was increasingly connected to NATO integration.

The EU’s role was emphasized in two directions. First of all, as the SAP took root on the ground boosted by ESDP elements, the tools of soft power and conditionality were supposed to produce a chain of self-driven reforms and positively influence the domestic political sphere in support of the international agenda<sup>109</sup> (Ashdown: 2008, Venneri: 2010, Belloni: 2009, Aybet and Bieber: 2011). The EU discourse carefully framed the EU’s involvement in the Western Balkans as European integration rather than statebuilding; resting on a vision of Bosnia taking the responsibility of meeting accession requirements rather than the international community being the driver of reforms<sup>110</sup>. However, instead of focusing on activities purely in the sphere of enlargement, the EU presented essential reforms for statebuilding as conditions for progress towards EU integration, such as the police reform (Tzifakis: 2012, Venneri: 2010). It was unclear whether the role of the EU was statebuilding or European integration (Venneri: 2010).

The second and more crucial role attributed to the EU was to eventually replace the international community in Bosnia. The OHR office would be converted into a EUSR office, ESDP missions would continue on the ground and the EU would have a stabilization role, in addition to enlargement elements drawn from the previous enlargement rounds. The future of the Western Balkans was within the European Union; however the speed of

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<sup>108</sup> See the Communique of the PIC Steering Board Political Directors Meeting in Brussels on 28 March 2003 at [www.ohr.int](http://www.ohr.int). (Accessed on 19 February 2016). On connections made to the EU Feasibility Study and the SAP, see for example, the Communique of the PIC Steering Board Political Directors meetings on 11 December 2003, 7 April 2005 and 24 June 2005 on the same website.

<sup>109</sup> This opinion was voiced by several OHR and EUSR officials interviewed in 2008.

<sup>110</sup> This connection is clear in the Presidency Conclusions of the Thessaloniki European Council on 19 and 20 June 2003, as well as other European Council documents.

movement ahead was in the hands of the countries of the region. Until Bosnia was able to become a full-fledged member of the Union, the EU would focus on issues such as reforming the judiciary, security sector and public administration, combatting organized crime and corruption, cooperation with the ICTY<sup>111</sup>. In fact, Bosnia would not have to be rehabilitated towards full sovereignty, but sustainable peace would be possible when Bosnia's sovereignty would be diluted in the EU (Venneri: 2010). From a responsibility perspective, the international message was clear: *the temporary responsibility of the PIC over BiH would end with a transfer of responsibilities to local authorities under the oversight of the EU*. The PIC Steering Board Political Directors Meeting in Sarajevo on 24 June 2005 clearly connected international exit to the transfer of international responsibilities to BiH authorities and the EUSR office.

Interventions had created the impression that the Bosnian system and the international/European strategy was working, despite the persistence of physical divisions and ethnic tensions as well as Bosnian leaders focusing on their own agendas<sup>112</sup> (Belloni: 2007, Ashdown: 2008, Tzifakis: 2012). Since the interventions in Afghanistan, Iraq and beyond increased the urgency to exit, there was heightened need to sell Bosnia as a success story and establish the positive atmosphere for international exit. For the EU, as Bosnia was becoming a test case both for the future of the ESDP and the success of the European model, the same necessity existed. The PIC Political Directors meeting on 14 December 2005 in Paris concluded that since 2002, "*sweeping political, economic and administrative reforms*" had taken place that had "*helped prepare BiH for EU membership*". It was now time to take decisive and visible steps towards international exit and European ownership.

### **5.1.5 Attempts to Exit: 2006 – Present:**

#### *5.1.5.1 The big push: 2006 – 2010:*

The Steering Board Political Directors met with Bosnian authorities in Paris on 14 December 2005, in a special session to mark the 10<sup>th</sup> anniversary of DPA. The meeting was much more than a commemoration; it was supposed to mark the transformation from the era of OHR's comprehensive statebuilding efforts – the Dayton era, into a period where local ownership

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<sup>111</sup> These elements are featured continuously in various Presidential and other Conclusions of European Council meetings undertaken between 2003 and 2006, and beyond. See the website of the European Council for full texts of the meetings, at [www.european-council.europa.eu/council\\*meetings/conclusions](http://www.european-council.europa.eu/council*meetings/conclusions).

<sup>112</sup> Bosnians and Bosnian leaders and elites felt like they had a subordinate role in their countries problems and thus focused on the advancement of their own agendas (Tzifakis: 2012).

and European integration would move hand in hand – the Brussels era (Aybet and Bieber: 2011). The Final Communiqué of the meeting read; “Ten years on, the extent of recovery has been remarkable, (...), BiH is at peace, more than a million refugees and displaced people have returned<sup>113</sup> (...), the economy is growing and the EU launched the Stabilization and Association Agreement (SAA) negotiations with the country”<sup>114</sup>. As the state structure appeared stronger and internal politics seemed more moderate, it was time to address the greatest shortcoming of the previous phase – intrusive international involvement. The former High Representative Ashdown had already started cutting back on imposing legislation as his term in office progressed and June 2007 was set for the date of OHR closure<sup>115</sup>. Christian Schwartz-Schilling, a former German Federal Minister with a history of mediating in former Yugoslavia and an agenda of non-intervention was to replace Ashdown<sup>116</sup>. The structures already put in place in Bosnia, alongside the pull of Europe and conditionality would sustain the state, the reforms and the international vision (Venneri: 2010).

The constitutional system of Dayton was imposed by international actors and required the continuous involvement of the international community to be sustained. Thus, moving towards local ownership and international exit would be possible only by creating a proper local agreement on the nature of sovereignty that moved away from ethnic guarantees and emphasized functionality (Bose: 2007, Venneri: 2010, Tzifakis: 2012). Although the PIC, the High Representative, the Council of Europe and many Western capitals had been emphasizing the need for structural changes that would emphasize democratization and functionality since 2001, the PIC was cautious to launch processes that could upset the delicate Dayton balance until the December 2005 meeting in Paris where the need for constitutional reform was put on the agenda (ICG: 2002, Tzifakis: 2012). Schwartz-Schilling’s one-year mandate started with the confidence that such reform efforts would succeed.

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<sup>113</sup> According to UNHCR reports from 2005, over one million refugees and internally displaced persons had indeed returned to their prewar locations. Yet, these reports do not paint a rosy picture. According to UNHCR, displacement continued to be a significant problem in BiH in 2005, with a considerable number of people remaining displaced or had decided to settle locally. Moreover, the number of returns had declined by %40 in 2005 compared to the previous year. See <http://www.unhcr.org/449267580.pdf> for further reference. (Accessed on 19 February 2016)

<sup>114</sup> See the Communiqué Issued by the Political Directors of the PIC Steering Board and the BiH Authorities Following an Extraordinary PIC Session to Mark the 10th Anniversary of the Dayton-Paris Peace Accords, at [www.ohr.int/pic/default.asp?content\\_id=36256](http://www.ohr.int/pic/default.asp?content_id=36256). (Accessed on 22 December 2014).

<sup>115</sup> In June 2005, the PIC had expressed readiness to close down OHR based on a three-step process: a) OHR would finish transferring responsibilities, b) the HR would be replaced by the EUSR, c) the UN Security Council would endorse the arrangement.

<sup>116</sup> See [en.wikipedia.org/wiki/Christian\\_Schwartz-Schilling](http://en.wikipedia.org/wiki/Christian_Schwartz-Schilling). (Last accessed on 22 December 2014).

Despite the positive kick-off, things started going wrong after 2006. The 2006 elections resulted in large gains for the Serb SNSD and the Bosniak SBiH, both with increasingly populist and uncompromising agendas, the former pursuing separation from Bosnia and the other seeking the abolition of the RS (Belloni: 2007, Touquet and Vermeersch: 2008, Aybet and Bieber: 2011). In April 2006, a constitutional amendment package was rejected in the Bosnian House of Representatives by a margin of two votes (Sebastian: 2012)<sup>117</sup>. Despite calls from the PIC and other relevant actors to “resume quickly the process of constitutional reform, (...) a headline issue [since] a functional state was crucial for the country’s future in Europe”<sup>118</sup>, the rest of Schwatz-Schilling’s term saw little progress in constitutional reform and a worsening of the political atmosphere.

The next High Representative, Miroslav Lajcak prioritized the EU agenda, with the endorsement of both the PIC and the EU <sup>119</sup>(Aybet and Bieber: 2011). The goal was pushing forward the remaining reforms for OHR closure and reliance on EU conditionality rather than the Bonn powers, an approach that led to the further intertwining of the EU integration and statebuilding agendas. The new approach was put to test through police reform, an area that was directly defined as an SAP priority as opposed to constitutional reform (Venneri: 2010, Aybet and Bieber: 2011, Tzifakis: 2012). In fact, the principles set for police reform in BiH by the EU went well beyond the requirements of the *acquis communautaire* and entered into the domain of changing the institutional set-up of Bosnia in favor of strengthening the state<sup>120</sup> (Tzifakis: 2012, Bieber: 2010, Venneri: 2010, Aybet and Bieber: 2011,

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<sup>117</sup> These constitutional amendments were envisaged as the first of a series of reforms that would eventually balance the responsibilities of the Bosnian state and the entities towards better functionality and democratization. The negotiations leading to the April Package had started in a low-key format in early 2005, with the initial participation of different levels of political party membership under the guidance of the US Institute for Peace (USIP). The US and the EU became more involved at the end of 2005; the collapse of talks was prevented with the intervention of the US with EU support. US encouraged/enforced Bosnian leaders to sign a document in Washington in November 2005 committing themselves to constitutional amendments in early 2006 (The April package) (Sebastian: 2012). Both the EU and the US voiced great disappointment at the rejection of the April package, and continued their efforts throughout the spring of 2006 to bring the bill back to the Parliament – to no avail.

<sup>118</sup> Statement by PIC Steering Board Ambassadors, 4 October 2006, Sarajevo, available at [http://www.ohr.int/pic/default.asp?content\\_id=38217](http://www.ohr.int/pic/default.asp?content_id=38217). (Last accessed on 22 December 2014).

<sup>119</sup> For example, the PIC Steering Board Communique of 27 February emphasizes EU integration and OHR transition above constitutional reform, which is available at [http://www.ohr.int/pic/default.asp?content\\_id=39236](http://www.ohr.int/pic/default.asp?content_id=39236). The Council Conclusions on Western Balkans at the General Affairs and External Relations Council meeting in Luxembourg on 15-16 October 2007 also prioritized the SAA ([http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/gena/96528.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/96528.pdf)). (Last accessed on 22 December 2014).

<sup>120</sup> These principles, conditioned by the EU in 2005, were (1) legislative and budgetary competencies for police matters to be vested at state level, (2) local police areas to be determined according to technical criteria, irrespective of Dayton boundaries, (3) elimination of political interference in operational police

Lindvall, Ashdown: 2007). The EU, which at least discursively tried to keep its involvement in Bosnia technical and within the domain of the SAA, had entered the gray area of facilitation of the Dayton agenda. However, Bosnian politicians could not agree on the externally set rules of police reform. Moreover, Serb politicians rejected Lajcak's attempts to resort to Bonn powers in 2007 to resolve a deadlock – a showdown that could be solved only after weeks of tough negotiations between the OHR and the Serbs<sup>121</sup> (Venneri: 2010). In a time when international exit had gained urgency, the world's attention was focused on other interventions and the EU was preoccupied with the independence referendums in Montenegro and Kosovo and the making of the Lisbon Treaty (2007), Bosnian leaders were learning that they could challenge Bonn powers – a development which started to change the entire *modus vivendi* in Bosnia. To prevent further embarrassment, a minimalist consensus was forged to foster appearances that the police reform issue was solved for the time being, while wider issues were referred to a constitutional reform process to be undertaken in the future (Leroux-Martin: 2014, Tzifakis: 2008). In 2007, the SAA was initialled, with the EU backtracking on its initial conditionality on police reform.

Running the risk of losing control in BiH, the PIC in February 2008 fine-tuned the modalities of international engagement once more. The transition from OHR to the EUSR would not be automatic; Bosnians would first “create the conditions for transition to occur”<sup>122</sup>. In other words, the Bosnians were attributed responsibility for promoting the international vision and facilitating international exit. Five objectives and two conditions were established towards this end<sup>123</sup>. This framework was in fact largely symbolic; the goal was to indicate that Bosnia would be ready to assume full sovereignty when it could agree on difficult issues on the future of the state. Two of the five objectives, on state and defense property, remain unresolved in 2015.

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matters (Ashdown: 2007). They were enumerated in the 2005 report of the European Commission (EC: 2005).

<sup>121</sup> Lajcak had planned on imposing a new voting procedure for the Council of Ministers and a simplified voting procedure for the Parliamentary Assembly, to prevent blockages by absenteeism by using his Bonn powers. On the request of the RS Prime Minister Dodik, the Head of the Council of Ministers Spiric resigned in protest, blocking the work of the Council of Ministers. The crisis was overcome in December 2007 with an uneasy compromise reached between the parties (Leroux-Martin: 2014).

<sup>122</sup> See the Declaration by the Steering Board of the PIC Steering Board Political Directors on 27 February 2008, at [http://www.ohr.int/pic/default.asp?content\\_id=41352](http://www.ohr.int/pic/default.asp?content_id=41352). (Last accessed on 22 December 2014).

<sup>123</sup> The objectives were a) acceptable and Sustainable Resolution of the Issue of Apportionment of Property between State and other levels of government b) Acceptable and Sustainable Resolution of Defence Property, c) Completion of the Brcko Final Award, d) Fiscal Sustainability, e) entrenchment of the rule of law. The conditions were the signing of the SAA and a positive assessment of the situation in BiH by the PIC SB based on full compliance with the Dayton Peace Agreement. Ibid.

The political scene remained polarized, with negative rhetoric and unilateral requests to change the constitutional structure incrementally on the rise. Yet, the EU no longer supported the use of Bonn powers, in an effort to emphasize the responsibility of the Bosnians for their own future (Tzifakis: 2012). Another constitution reform was attempted in 2009, dubbed the “Butmir Process” under the new High Representative Inzko, driven by the US and the EU<sup>124</sup>. Despite strong external arm-twisting, the process was derailed by the negative dynamics of the 2010 elections and was never resuscitated.

The EU’s image in Bosnia started to falter, with the failure of the police and constitutional reform efforts. The lack of cohesion between the US and the EU, the divisions within the EU, the limitation of international engagement to domestic elites, artificial time pressures and rushed deadlines were criticized (Sebastian: 2012, Tsifakis: 2012, Bieber: 2010, Venneri: 2010). The lack of commitment and clear standards regarding EU conditionality was an additional reason for failure in police reform (Aybet and Bieber: 2011, Lindvall, Leroux-Martin: 2014). In addition, EU conditionality was not seen as a credible enough promise to be taken seriously by the local leaders.<sup>125</sup> Both reform efforts were a “normative overstretch” that harmed the credibility of EU conditionality as well as statebuilding more broadly in Bosnia (Aybet and Bieber: 2011, Sasse: 2004).

#### 5.1.5.2 *An Undesired Stalemate: 2010 – 2015*

The future of Bosnia started occupying even less space on the global and European agenda, with the Euro Crisis and the so-called “intervention fatigue”. PIC statements and Security Council debates on Bosnia continued to stress that the conditions for OHR departure had not yet been met, little progress has been achieved in terms of Euro-Atlantic integration, threats to territorial integrity and unity prevailed and the economic conditions were dire<sup>126</sup>. Yet, the PIC did not look into providing new and creative solutions for the future of Bosnia or take more direct responsibility for its problems, as it

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<sup>124</sup> The Butmir Process started as a US-driven process in summer 2009, and later joined by the EU. The US and the EU called for a meeting at the NATO Training Center in Butmir on 9 October 2009. Negotiations directly included US Deputy Secretary of State Steinberg and Swedish Foreign Minister and then Chair of the EU Presidency Bildt. The parties agreed on some principles that looked like the April Package.

<sup>125</sup> In fact, many non-EU diplomats from the US, Turkey and Canada, who attended PIC Steering Board Ambassadors meetings in this period, recall disagreements among EU Ambassadors on the future direction of the EU and BiH’s place within it.

<sup>126</sup> Relevant Security Council documents, including statements and meeting reports and summaries on BiH can be found at <http://www.securitycouncilreport.org/un-documents/bosnia-herzegovina>. PIC statements can be found at <http://www.ohr.int/pic/archive.asp?sa=on>. (Last accessed on 22 December 2014).

would have done in the past. It sufficed with emphasizing the responsibility of the country to find ways to move forward. The PIC Steering Board's statement on 22 May 2014 states that "it is the collective responsibility of all BiH political leaders to (...) address the outstanding urgent and necessary reforms, especially those needed for BiH to advance on its European path", stressing the issues of elections, judicial reform, the completion of the "5+2" agenda, full compliance with the Dayton framework and commitment to Euro-Atlantic integration<sup>127</sup>. The EU statements followed similar lines, despite taking more responsibility for enlargement, peacekeeping (through EUFOR-ALTHEA) and facilitation of political processes. The EU Foreign Affairs Council Conclusions on BiH on 14 April 2014, while reiterating unequivocal commitment to the sovereignty and territorial integrity of Bosnia and its EU perspective, placed the responsibility of political and economic stagnation on the shoulders of "BiH politicians or the Bosnian leadership"<sup>128</sup>.

Little progress was achieved on indicators that would allow international exit. On the "5+2" agenda, the Brcko objective was met through minor impositions of the High Representative. Promising developments was seen on the defence property issue<sup>129</sup>. However, the state property issue<sup>130</sup> and the future of immovable defense property remains unsolved, the solution of which remains a NATO conditionality to implement the Membership Action Plan<sup>131</sup>. As resolution of state and defense property issues are directly related to OHR closure, they become an area for foot dragging by parties who do not want to see immediate OHR closure. On the European front, the EU Delegation's website in Bosnia today shows that there have been no major developments

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<sup>127</sup> See the Communiqué of the Peace Implementation Council Steering Board at [http://www.ohr.int/pic/default.asp?content\\_id=48554](http://www.ohr.int/pic/default.asp?content_id=48554), made on 22 May 2014. This trend is apparent in most PIC Steering Board statements made between 2010 – 2014, that can be found at <http://www.ohr.int/pic/archive.asp?sa=on>. (Last accessed on 22 December 2014).

<sup>128</sup> See the Conclusions of the Foreign Affairs Council on Bosnia and Herzegovina on its 14 April 2014 meeting in Luxembourg, at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/142215.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142215.pdf). (Last accessed on 22 December 2014).

<sup>129</sup> On the defense property front, related to movable defense property (arms, ammunition, archives, records) settled and stocks of obsolete and dangerous munitions destroyed (ICG: 2012).

<sup>130</sup> There are two types of state property: a) Those that Bosnia received through the Agreement of Succession Issues, and those that the Socialist Republic of Bosnia and Herzegovina enjoyed rights. Initially, a commission was created by the Council of Ministers to draft laws to divide property among the state, entities and Brcko. To facilitate the Commission's work, the High Representative imposed a ban on the disposal of state property. This ban was extended indefinitely in 2008. While the ban is in place, the commission can issue exemptions for specific sites. In April 2010, Chair and Bosniak member of the tripartite Presidential Council, Haris Silajdzic sent the OHR inventory to Federation registries to register them as state property, an action stopped by PIC and the OHR. RS passed its own law in September 2010, claiming ownership of all property in RS territory, which was again suspended by the OHR (ICG: 2012). The issue of state property leads to many (possibly) state-owned property to decay.

<sup>131</sup> In fact, for NATO countries, state ownership of facilities is not required, thus the issue has no real urgency.



to report in Bosnia since the signature of the SAA in 2008, except for visa liberalization agreement in December 2010. Bosnian parties needed 15 months to agree on the formation of a state government after the October 2010 elections; the fragile coalition broke in May 2012 (ICG: 2012); the approval of the 2011 state budget was delayed for an entire year, leaving the country on temporary financing, nationalist and provocative rhetoric and acts prevailed and the constitutional order was constantly challenged (Tzifakis: 2012). The entity structures are in a similar limbo, with the FBiH disintegrating economically and stagnating politically; while the RS had one foot in Bosnia and one foot in independence (Meyer: 2014). Former High Representative Ashdown noted in 2012 that “there is a realistic danger that BiH will become a dysfunctional black hole” and the ICG (2011) noted even violence was possible.

Constitutional reform remains a goal, but international actors shy away from direct involvement since the Butmir Process. The current emphasis remains within the realm of the European Court of Human Rights (ECtHR) 2009 decision on the *Sejdic-Finci Case*<sup>132</sup>, which proposed a rebalancing of the Dayton structure so that Bosnian peoples who did not belong to one of the three constituent groups (the Others) could be elected to the House of Peoples and the Tripartite Presidency (O’Leary and Mc Crudden: 2013). The consociational arrangements of Dayton had put in place strong constitutional protections for preserving the (perceived) identity, rights and interests of the constituent peoples of Bosnia; in fact the international community had championed consociationism in 1995 as a viable way to end the war and bring stability. The ECtHR decision, while explained by the EU in the realm of human rights and democratization, became a way to put the responsibility of constitutional reform on the shoulders of Bosnians, by asking to replace a system that prioritizes group protections rights rather than individual liberties and non-discrimination (O’Leary and McCrudden: 2013). In fact, consociational power sharing remains an important conflict resolution mechanism, having been applied in Europe in Belgium, Switzerland, Macedonia and Northern Ireland. Moreover, the EU has no competence over language, religion or culture and veto rights and opt-outs are respected in the EU system (O’Leary and Mc Crudden: 2013, Lijphart: 2008, ICG: 2012). Yet, the ECtHR decision was still used as a way to achieve the international vision in Bosnia. As compliance with the decision risked opening “dangerous” questions about the constitutional architecture of Bosnia, it is not surprising to see that not much progress has been achieved in its implementation.

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<sup>132</sup> A 2009 ruling of the European Court of Human Rights (ECHR), brought forward by two members of the Roma and Jewish community, *Sejdic and Finci*, decided that the Bosnian constitution was discriminatory because certain electoral posts could only be held by Serbs, Croats or Bosniaks.

In 2009, the Union put two conditions for Bosnia's candidacy: the closure of the OHR and the reform of the constitutional framework. This conditionality was lifted in 2010. Later the EU made the implementation of the ECtHR ruling a condition to implement the SAA. Yet, the stick-and-carrot approach did not lead to a solution and continues to block BiH progress towards the EU (The Economist: 2013). The EU Foreign Affairs Council conclusions on BiH on 21 October 2013 stated "the current lack of a solution of the Sejdić/Finci issue is preventing Bosnia and Herzegovina to further progress towards the EU"<sup>133</sup> and "it is up to the Bosnia and Herzegovina political leaders to make the necessary progress".

The discrepancy between [statebuilding's] holistic understanding of political, social and institutional deficits and the limited solutions became increasingly clear, implying that the notion of economic and social stabilization and unity through EU integration might have been naïve (Sebastian: 2012). The divisions that took Bosnia to war and hamper reform processes still prevail over the statebuilding project and the prospect of EU integration (Aybet and Bieber: 2011, Sebastian: 2012)<sup>134</sup>. All sides seem aware that the international community is both unable and unwilling to change or fundamentally alter Dayton, a structure that seems no longer sustainable. Yet, the EU does not want to take responsibility beyond the limited and technical area called enlargement, nor is it able to provide fresh solutions. It has become easier for Bosnian leaders to challenge the PIC and the EU; for instance, RS Prime Minister Dodik, in relation to the appointment of Peter Sorensen as the new EUSR in Bosnia, said *he* had set certain measures and conditions for good relations with the EU (Brljavac: 2012). To summarize, the international community and the EU do not want to take the risk of leaving Bosnia to its own devices, jeopardizing the entire statebuilding project and their own image; yet are unwilling and unable to contribute time and energy to a conflict that has long lost its urgency. The only definition of Bosnia today can be an undesired stalemate, a limbo.

## 5.2 The Statebuilding Framework in Bosnia and Herzegovina:

In order to complete the analysis on the EU and the statebuilding frame, the second step is looking into the EU's relationship with Bosnia through the

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<sup>133</sup> At [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/139070.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139070.pdf). (Accessed on 19 February 2016).

<sup>134</sup> Many Bosniaks continued to see the RS as an illegitimate and transitional phenomenon, Croats fear losing control in the Federation, while many Serbs see the RS as the best guarantee for preservation of their interests as the fear of being dominated by the Bosniaks remains, and attribute the Bosnian state secondary importance (Aybet and Bieber: 2011, Sebastian: 2012).

perspective of technical statebuilding guidelines. Statebuilding in Bosnia suggests technical improvements in the fields of security sector reform, institution-building, good governance, human rights, democratization and development as key to sustainable peace. For example, according to the RAND (2007) Corporation, “Bosnia (...) is at peace today because US, NATO, or UN peacekeepers came in, imposed order, separated combatants, disarmed and demobilized contending factions, organized elections, installed representative governments and promoted economic and social reconstruction”. As an indicator, the RAND (2007) Corporation emphasizes the Bosnian example while proposing guidelines for international post-conflict intervention.

The EU, despite carefully framing its engagement within the enlargement framework, has played an essential role in statebuilding efforts. First of all, the enlargement criteria push similar reforms as the “statebuilding guidelines”. It emphasized the importance of “democracy, the rule of law, respect for fundamental rights, as well as the importance of a functioning market economy” for accession<sup>135</sup>. Judicial reform, fight against corruption and organized crime, public administration reform, human rights, economic reforms, improved governance were all in focus<sup>136</sup>. The EU High Representative Ashton stated that “the country’s political leaders needed to focus on reforming the economy, the social welfare system, promoting trade, strengthening the rule of law and protecting human rights”<sup>137</sup>. As such, many elements of the “guidelines” overlap with the EU enlargement agenda; often making it difficult to distinguish where Dayton ends and Brussels begins. Moreover, we have seen above certain examples, such as the police reform efforts up to 2008, where the EU has pushed for strengthening state institutions beyond the agenda normally dictated by the *acquis communautaire*. Thus, even if the EU is not directly responsible for the formulation of the entire statebuilding project, it has actively contributed to it, through enlargement and beyond.

Needless to say, an intervention that has been ongoing for 20 years cannot be fully assessed in a couple of pages. This study will concentrate on the efforts undertaken by the international community and the Union, as much as they help building an argument on a responsibility gap and discursive safeguards.

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<sup>135</sup> See European Commission (2013), “Communication from the Commission to the European Parliament and Council”, Brussels, 16 October 2013

<sup>136</sup> See European Commission (2013), “Communication from the Commission to the European Parliament and Council”, Brussels, 16 October 2013

<sup>137</sup> NEOnline, “Ashton tells Bosnia leaders to shape up”, 12 March 2014, [www.neurope.eu/article/ashton-tells-bosnia-leaders-shape](http://www.neurope.eu/article/ashton-tells-bosnia-leaders-shape). (Last accessed on 22 December 2014).

### 5.2.1 *The Security Dimension:*

The provision of security and sustainable stability are often prioritized in statebuilding efforts (RAND: 2007, OECD-DAC: 2007). In Bosnia, initial international efforts emphasized establishing and maintaining security. The NATO-led IFOR was a classical peacekeeping force engaged in stabilizing the ceasefire, overseeing the cantonment of troops and handling weapon stockpiles<sup>138</sup>; the international police force IPTF dealt with training and monitoring; and the UN Mission to BiH brokered agreements on downsizing of police forces. The concern that long-term commitments in the security area could draw external actors into dangerous quagmire was a reason why international efforts initially focused on maintaining security rather than addressing fragmentation<sup>139</sup> (Belloni: 2009, Vetschera and Damian: 2006).

As holistic approaches to statebuilding slowly became the norm, international involvement extended to the areas of defense, intelligence and police reform. Security sector reform (SSR) became a tool to foster efforts to overcome divisions at the entity level and establish state level competencies, adding a political flavor to them (Muehlmann: 2008). Meanwhile, Bosnia became the first theatre for the EU's crisis management efforts and CSDP. In January 2003, the EU Police Mission (EUPM) was established (Bloching: 2011). The first EUPM's (2003-2005) aim was to establish a sustainable, professional and multi-ethnic police, to "complete unfinished work from the UN period", based on international guidelines and a relatively narrow and technical crisis-management approach (Ioannides and Celador: 2011, Bloching: 2011). The European peacekeeping force EUFOR took over military tasks from SFOR in 2004 and still raises the EU flag despite troop reductions (Vetschera and Damian: 2006, Dursun – Ozkanca: 2010, Wood and Bowley: 2004).

On defense reform, the goal was establishing a state-level Ministry of Defence (MoD) and a single armed force. Despite considerable foot-dragging especially by the RS, the High Representative used his influence to establish a Defense Reform Commission (DRC) in 2003<sup>140</sup>, consisting of Bosnians as well as members from EUSR, NATO, SFOR, OSCE, to work on the role of the state on defense issues (Vetschera and Damian: 2006). An effective and credible state-level civil command and control structure, including a MoD and army

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<sup>138</sup> Annex 1A of the DPA defines the mandate of IFOR.

<sup>139</sup> Annex 4 of Dayton did not contain any state prerogative to defence and entities maintained their own armed forces. The Agreements signed in 1996, namely "the Agreement on Confidence and Security-Building Measures in Bosnia and Herzegovina" and the "Agreement on Sub-Regional Arms Control" provided a regulatory framework to control the effects of the military division within the country and laid the groundwork for two entities to coexist militarily.

<sup>140</sup> In 2002, the High Representative forced state control over arms exports, following reports on illegal arm transfers to Iraq (Vetschera and Damian: 2006).

became the requirement to join Partnership for Peace (PfP); connecting the goals of statebuilding and NATO accession. As of 2004, Bosnia possessed a state-level defense minister, was moving towards a common general staff, uniform and flag, and had downsized (Donais: 2005). Due to relatively clear conditionality on the side of NATO and use of powers by the High Representative, defence reform was fairly successful (Aybet and Bieber: 2011). Civilian intelligence reform followed a similar trajectory. The High Representative established an Intelligence Reform Commission (IRC) that formulated a draft law passed with the arm-twisting of the OHR (Vetschera and Damian: 2006). The state-level intelligence and security agency OSA became operational in June 2004. SIPA (State Agency for Information and Protection) was established for intelligence duties as well.

Policing was more difficult. The first state-level police force SBS (State Border Service) was established with push from the OHR. Following previous examples, the High Representative set up a Police Reform Commission (PRC) in 2004; that put forward three principles for state-level policing: a) budgetary and legislative authorities to be shifted to state level, b) policing operations free from political influence, c) policing districts be established on operational and technical criteria. The EU in 2005 conditioned the opening of SAA negotiations on the completion of police reform in accordance with the PRC principles (Vetschera and Damian: 2006). Yet, police reform did not go as smoothly as expected. First, police reform was taken up at a stage when the use of Bonn powers was becoming more difficult. In this atmosphere, local actors found it easier to oppose police reform as attempts to challenge the Dayton status quo. Second, although police reform principles were presented as accession criteria, the enlargement conditionality was dubious; as state-level police structures were usually not required from accession partners (Tsifakis: 2012, Bieber: 2010, Aybet and Bieber: 2011). This turned the EU into an actor pursuing an interventionist agenda above all (Aybet and Bieber: 2011). From 2005 to 2008, BiH's EU integration process was conditioned to and delayed by police reform. As the stalemate threatened fusing tensions, blocking BiH's European track and risking international and European credibility, a minimalist consensus was forged in 2008 as a face-saving act, to create basic coordinating structures at the state level (Tzifakis: 2008, Dzihic and Wieser: 2011, Aybet and Bieber: 2011, Muehlmann: 2008, Sasse: 2004).

As immediate security needs were prioritized after 9/11, CSDP missions focused on measures that responded more to the security needs of the EU rather than local realities or functional imperatives<sup>141</sup>(ICG: 2013, Ioannides

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<sup>141</sup> After 9/11, the US started pressing Bosnian authorities to arrest or deport individuals with potential terrorist links, and the threat of Islamic terrorism started to prevail in discourse (ICG: 2013)

and Celador: 2011). After the dissatisfactory police reform episode in 2008, EUPM started prioritizing organized crime and corruption, despite retaining residual capacities in police reform. Rule of law, an important tenet of SSR, never became a priority (Donais: 2013). Good governance, the promotion of human rights and democracy were also pushed behind, despite the EU documents emphasizing good governance and comprehensive approaches to security including transparency, human rights and democratization<sup>142</sup> (Ioannides and Celador: 2011). Finally, EUPM completed its mandate in 2012. The EU conducts its remaining tasks under the EU Delegation, in the scope of EIDHR and IPA funds (transitional assistance and cross-border cooperation) and EUSR. The focus of the IPA in 2014 combined rule of law efforts with combatting corruption and organized crime.

Have international efforts been successful in bringing security and sustainable stability to Bosnia? Despite remaining tensions between constituent groups, corruption in the security and justice sector and serious capacity problems, it is generally accepted that the most successful element of international involvement has been the provision of security (ICG: 2013). Today, armed conflict does not seem to be a real possibility and the state-level monopoly on the legitimate use of force has increased. Bosnia even sends its peacekeepers to conflict-ridden countries. However, the divisions and tensions between the peoples of Bosnia pose a threat to long-term stability, contrary to the most basic goals of statebuilding (ICG: 2012). In other words, while the technical and institutional reforms have improved policing practice and contributed to a relatively stable security environment, the goal of transforming the socio-economic or political dynamic hasn't worked (Donais: 2013).

The content of SSR efforts in Bosnia – the prioritization of immediate provision of security, the institutional reform of the defense, police and intelligence sectors, as well as the (discursive) focus on the rule of law – presents a framework that fits into the statebuilding frame. Despite being framed as a technical exercise, efforts to reform the security sector in Bosnia directly relate to attempts to build a functional and efficient Bosnian state based on a certain world vision (Donais: 2013, Juncos: 2011). The fine-tuning of statebuilding to overcome problems such as the lack of coordination and personnel and resource gaps, as well as the definition of success in technical

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<sup>142</sup> The comprehensive concept for CSDP police strengthening missions drafted in 2002 and updated in 2009 touches upon local ownership, sustainability, transparency, law enforcement, human rights, fundamental freedoms and the rule of law (Council Document on Security Sector Reform). The European Security Strategy (2003) emphasized good governance as the best way to deal with security threats.

terms and capacity issues also confirm the statebuilding frame<sup>143</sup> (Vines: 2010). In fact, Bosnia is shown as one of the prominent examples in the task of constructing effective and accountable security institutions in transitions (Donais: 2009).

The EU's involvement in SSR indicates that the Union fits into the statebuilding frame applied in Bosnia, both in its diagnostic and prognostic elements. The crisis management capabilities of the EU were first operationalized in Bosnia, indicating its willingness to take part in conflict resolution efforts beyond enlargement. Although the Union tried to keep its involvement in the sphere of conditionality, its (political) choice was often to support the agenda set by statebuilding. Thus, while the European crisis management tools and its enlargement agenda establishes a unique relation between Bosnia and the EU, the main priorities and principles of the statebuilding frame are visible in the European engagement.

### *5.2.2 The Institutional Dimension:*

Promotion of democratic institutions through the establishment of functional and efficient political, economic and social institutions is another important tenets of statebuilding (Paris: 2004, O'Reilly: 2012, Hill: 2010). The early post-DPA years did not emphasize institution-building, based on the (unfounded) expectation that the complex institutional arrangements of DPA automatically wither away in peacetime, until it was decided that the complex and multilayered system of Dayton made effective governance hostage to interethnic intransigence (ESI: 2004, Gromes: 2009, Whitt: 2010).

After the late 90's, creating an (liberal) institutional structure capable of carrying out substantial reforms was prioritized, with a view to resolving the conflicting notions of the state (Sebastian: 2009, Youngs: 2009, Dzihic and Wieser: 2011, Touquet and Vermeersch: 2009). The "strong interventionism" of the time led by the OHR reinforced this dynamic (Paris: 2002, Chandler: 2005, Jeffrey: 2007, Whitt: 2010). Through its use of the Bonn powers, the international administration increased the weight of common state institutions, while undermining illegal or parallel structures of governance (Gromes: 2009, O'Reilly: 2012). These impositions were framed as "technical", rather than political choices (Chandler: 2005). The EU, throughout the period, continued to emphasize good governance and institutional-reform capacity,

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<sup>143</sup> In order to coordinate the activities of various organizations, a Common Security Policy Working Group, followed by the Institution-Building Task Force (IBTF) with a defence component, both later merged into Defence and Security Steering Group.

both for durable peace and EU integration<sup>144</sup>. For instance, the European Council in 2003 called “on the countries of the region to intensify their reform efforts, especially in areas essential for EU integration, in particular public administration (...)”<sup>145</sup>.

After 2007, the ambition became fostering institutional structures that could be sustained without intrusive international involvement (Gromes: 2009). Institution-building efforts continued in two main directions: the political intention of reforming DPA structures and the technical focus on functionality through public administration reform efforts. The reform of the Dayton structures was addressed directly through constitutional reform efforts and indirectly through reforms that would (perceivably) alter the DPA balance – such as police reform and the Sejdic-Finci verdict of the ECHR<sup>146</sup> (Sebastian: 2009, Tzifakis: 2012, Aybet and Bieber: 2011).

The first constitutional reform effort – “the April package”, envisaged new capacities for the state through measures as more state-level ministries and a stronger Council of Ministers. The package fell short of two votes at the House of Representatives in 2006 - despite heavy lobbying by the US, supported by the EU (Dzihic and Wieser: 2011). The 2009 Butmir process got a number of Bosnian party leaders to agree on watered-down principles of constitutional reform, but was derailed by the upcoming 2010 elections (Dzihic and Wieser: 2011, Tzifakis: 2012). The indirect efforts to reform the constitution were guised under functionality, EU integration or human rights considerations (O’Leary and McCrudden: 2013). These efforts, materialized through police reform or the Sejdic-Finci case, also didn’t bear fruit.<sup>147</sup>

Institutional reform efforts in BiH have been somewhat successful in building stronger state-level institutions. However, most of the current institutional structure has been created in the period of intrusive international involvement through Bonn powers, and there has not been much progress since then. Yet, the technical framing of institutional reform has hampered the response capability of both the OHR and the EU to respond to direct

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<sup>144</sup> See, for example, the “Conclusions on EU Support for Sustainable Change in Transition Societies, adopted at the EU Foreign Affairs Council meeting on 31 January 2013.

<sup>145</sup> See the Presidency Conclusions of the European Council in Brussels, 12-13 December 2013 at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/78364.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/78364.pdf). (Last accessed on 22 December 2014).

<sup>146</sup> The Venice Commission’s 2005 opinion emphasized the importance of the reduction of the interventionist role of external actors as well as boosting institutional capacity for democratization, functionality and financial sustainability (Tzifakis: 2012, Sebastian: 2012).

<sup>147</sup> See the Bosnia and Herzegovina 2013 Progress Report of 16 November 2013 prepared by the European Commission at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/ba\\_rapport\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/ba_rapport_2013.pdf). (Last accessed on 22 December 2014).



political challenges to Dayton, once the Bonn powers were off the table (Dzihic and Wieser: 2011). This handicap, combined with the setbacks in achieving constitutional reform through direct and indirect means, negatively affected the credibility of the international community and put reform efforts in BiH on a downward spiral. They also highlighted the political nature of statebuilding efforts.

The lack of cohesion among international and European actors, the inconsistencies and unclearness of conditionality, time pressures and rushed deadlines are cited as technical reasons for failure (Sebastian: 2009, Sebastian: 2012, Aybet and Bieber: 2011, Tzifakis: 2012). However, the reasons behind the failure of constitutional reform are deeper than that. The endpoint of the international intervention was foreseen as the establishment of a functional and fully sovereign state based on local ownership. Constitutional changes to replace the 4<sup>th</sup> Annex of DPA (constitution) would be an important step in that direction. Yet, if constitutional changes were made a requirement for OHR closure, this could signal an indefinite presence of the international community in Bosnia<sup>148</sup>. Bosnian people, perhaps as a result of years of external intrusive involvement, could not engage in political bargaining and compromise towards agreeing on a constitutional system defining the basic structure of the state. Thus, constitutional reform has been mostly driven by benchmarks and arm-twisting of the US and the EU behind the scenes, but could never be owned by them (Tzifakis: 2012). As such, despite the attempts to frame it as a technical exercise, constitutional or institutional reform efforts in BiH have been highly political, driven by an externally defined vision for Bosnia's future based on international needs and priorities which, strangely, has to emphasize local ownership (Sebastian: 2009). The EU tried hard not to be directly involved in constitutional reform by presenting it as enlargement conditionality. Yet, European officials kept highlighting the need for increased institutional capacity and efficiency to meet EU requirements, pushing reforms under the guise of technical or administrative necessity (Sebastian: 2009, Youngs: 2009). For instance, the 2013 EU Progress Report for BiH states that "The country's constitution (...) established a complex institutional architecture that remains inefficient and is subject to different interpretations", [which has] a negative impact on structural reforms and the country's capacity to make progress towards the EU"<sup>149</sup>.

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<sup>148</sup> The author was involved in the negotiations leading to the formulation of the five objectives and two conditions for OHR closure, as a junior diplomat from a PIC Steering Board member state in Sarajevo.

<sup>149</sup> EU Bosnia Progress Report 2013: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/ba\\_rapport\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/ba_rapport_2013.pdf) (Accessed on 19 February 2016).

The EU found it easier to take more direct responsibility for the more technical public administration reform (PAR), which aims the development of general administrative capacities on policy-making and coordination capacities, public finance, human resources, institutional communication, information technologies, through the reform of central systems and structures of government (Seizovic: 2012, Milowich and Ossewaarde: 2013)<sup>150</sup>. The EU funded good governance and PAR since 2000 to incorporate EU governance rules and regulation, made it an accession requirement, and drafted a PAR Strategy in 2007 (Dzihic and Wieser: 2011). However, the Commission's Progress Reports indicate little progress towards PAR. The EU is often criticized for prioritizing its own best practices and not taking local conditions in account, as well as placing strong focus on building new institutions and formal rules while neglecting their implementation (Chandler: 2005, Milovich and Ossewaarde: 2013, Dzihic and Wieser: 2011). In addition, emphasizing state institutions and the executive increased public expenditure; as a result, the government imposed a heavy burden on an impoverished society (ESI: 2004). Moreover, the EU is perhaps the most important political player in Bosnia, its relationship with BiH is of an asymmetrical nature characterized by aid dependency and conditionality, leaving little opportunity for domestic players to debate policy alternatives (Juncos: 2005, Chandler: 2010).

### 5.2.3 *Human Rights and Democracy:*

The consociational system of DPA emphasized group rights based on ethnicity in lieu of individual rights (O'Leary and McCrudden: 2013, Dzihic and Wieser: 2009). The promotion of human rights, minority rights and democracy in Bosnia aimed to soften ethnic and territorial divisions based on group rights, by emphasizing individual rights (Donais: 2005).

In the early post-Dayton years, democratization was not in focus. The 1996 elections were organized mainly to be able to transfer the responsibility of Dayton implementation to Bosnians, rather than fostering democracy in the country. Yet, nationalist parties taking the lead in the elections, coupled with the increased focus on democratization and human rights by the evolving parameters of statebuilding, necessitated a renewed focus on these issues (Gromes: 2009). The international and European discourse implies that ethnic nationalism is an anomaly and Bosnians would move towards European integration and Dayton implementation if given the chance (Belloni: 2007,

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<sup>150</sup> PAR was envisaged in three stages by the EU; the initial aim set by the PAR Strategy in 2007 was to reach the quality of the European Administrative Space by 2014, to adhere to the common standards of EU member states and the implement the *acquis* (Seizovic: 2012).

Jeffrey: 2007). In other words, democratization would serve the interests of the Bosnian people above all; the international community was responsible of finding the best electoral structure to capture people's will. External actors exerted increased control over the organization of elections, especially from 1996 to 2002 (Sebastian: 2012). The international community even became engaged in attempts dubbed as "electoral engineering", with measures that aimed to change the electoral system to give more representation to moderates, foster pluralism and multi-ethnicity, uphold the rights of refugees, by the systems of alternative vote and integrationism, while preserving consociationalism, such as the adoption of the Permanent Election Law<sup>151</sup> (ICG: 1998, Bose: 2002, Belloni: 2007). Open-lists and multi-member constituencies were introduced<sup>152</sup>. Frequent elections were organized from 1996 to 2002, hoping that each election would strengthen moderates (Gromes: 2009, Dzihic and Wieser: 2009). Especially after 1997, the international community openly supported moderate parties such as SDP; the PIC appealed for support to pro-Dayton and multi-ethnic parties in 1998.

On returns, only a quarter of more than 2 million refugees and IDP's had returned by 1999. The rate of minority returns was even lower due to widespread ethnically motivated violence (Hanson: 2000). With the removal of officials that obstructed the processes, the pension reform, the Property Reform Implementation Plan, as well as the constitutional changes of 2000 that emphasized minority rights, a significant increase was noted after 2000. However, returns focused on quantity rather than quality. Sufficient attention was not paid to the livelihoods of returnees. Most returnees were older persons; many claimed their properties to sell it and went back to live with their own groups, contributing to ethnic divisions (Juncos: 2012, Donais: 2005). According to Human Rights Watch (2013), no progress was noted in reform strategies for refugees and IDP's in 2013.

Minority rights followed a similar pattern. As these rights relate to ensuring equitable representation and participation both for non-constituent people in Bosnia, and for non-Serbs in the RS and Serbs in FBiH; their focus on individuals rather than groups have a strong constitutional and institutional reform dimension (O'Leary and McCrudden: 2013). The Venice Commission in 2005 directly connected constitutional reform with the reform of discriminatory practices. The inability to carry out constitutional changes to deal with ethnic and minority discrimination is still framed as one of the

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<sup>151</sup> In fact, PIC set requirements for the drafting of the Permanent Election Law (Bieber: 2006).

<sup>152</sup> Consociationalists prefer proportional representation with closed lists, which allows party leaders greater control and sustains conditions favorable to elite cooperation. All political offices are allocated on the basis of ethnic criteria; citizens who don't define themselves as one of the three ethnic groups are barred for standing for state and RS Presidencies (Belloni: 2007).

biggest human rights concerns in Bosnia (HRW: 2013, Dzihic and Wieser: 2009). The Sejdic-Finci case stresses the need to end discriminatory restrictions on non-constituent minorities holding political office. The EU has even announced that it would not be able to accept the results of 2014 elections unless the constitution was amended<sup>153</sup>.

The international community presented the promotion of human rights, democracy and fundamental freedoms as a priority area of statebuilding in Bosnia (Manners: 2008). After the Thessaloniki Summit, the EU became the main actor of external human rights and democracy promotion; drawing connections with its own identity and model (Dzihic and Wieser: 2011, ESS: 2003, ESS Report: 2008, Commission: 2001). Important developments were recorded. Ballots replaced bullets and ethnic competition was carried to the political ground (Belloni: 2007). Democratic institutions were established, enabling mostly free and fair elections. Bosnia became party to all major human rights instruments; returns did take place (OSCE). Yet, nationalist parties continue to thrive in Bosnia compared to moderate and integrationist ones (Hanson: 2000). Human rights problems prevail on the ground, including issues regarding minority rights, discrimination and intolerance (HRW: 2013). Electoral engineering by the international community including the use of Bonn powers and conditionality, as well as the use of democracy and human rights approaches to change the consociational structures politicized the normative agenda (Hanson: 2000).

#### ***5.2.4 Economy and Development:***

To address the economic and social devastation, criminality and corruption, as well as the impediments to a single economic space following the war in Bosnia, initial post-war efforts focused on basic reconstruction of the infrastructure, restoration of public services and the establishment of a viable macroeconomic framework (PIC: 1998, Tzifakis and Tsardanidis: 2006). The Washington Consensus agenda influenced longer-term solutions, by linking growth and disruption of the power of warlords to economic reform connected to macro-economic stabilization, liberalization, and privatization (Donais: 2005).

The initial assumption was that, once the physical effects of the war were overcome, the Bosnian economy would make a quick transition to market conditions (World Bank: 2002, ESI: 2004). However, by 2000, there was no economic activity to speak of in Bosnia, privatization processes were slow, unemployment was high, illegitimate economic activities and corruption

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<sup>153</sup> See Human Rights Watch web site, <http://www.hrw.org/europecentral-asia/bosnia-and-herzegovina>.

remained widespread (Hanson: 2000, Donais: 2005). International financial institutions (IFI's) in charge of economic transformation were criticized for not factoring in the multiple transitions the Bosnian economy was going through, including the destabilizing effect of market reforms<sup>154</sup>. The economic strategy towards Bosnia started shifting after 1999. As a result of the "development-security nexus", the statebuilding framework was expanded to include economic transformation (Donais: 2005, Belloni: 2007, Juncos: 2012). The minimal state model of the 90's was reversed; strengthening governance and the rule of law, conducting fiscal, monetary, tax and judicial reforms was added to the economic reform agenda. In the meantime, privatization and deregulation of the economy continued to be prioritized (Tzifakis and Tsardanidis: 2006, Donais: 2005, Ashdown: 2007).

The EU's initial involvement in Bosnia was through aid delivery. SAP had already prioritized the development of a functioning market economy through institution building, liberalization and legal harmonization (Bojicic-Dzelilovic and Kostovicova: 2013). Having emphasized economic interests within its security strategy, the EU provided substantial economic assistance to Bosnia in the framework of SAP (ESS: 2003). For reconstruction, strengthening democratic institutions, rule of law, economic development, institution-building, cross-border cooperation and promoting respect for human rights, minority rights, gender equality and civil society, 503 million Euros were granted under CARDS between 2001-2006, 660 million Euros under IPA between 2007 – 2013, (Tzifakis: 2012). European assistance also was available in support to ESDP missions and the EUSR<sup>155</sup>.

Despite important achievements such as the common currency, economic revival, development and growth remain among the least successful of statebuilding elements. Public and private interests are mixed with identity politics, privatization has almost stopped, market competition is distorted, unemployment is high, public expenditure remains bloated and investments are below the declining foreign aid (ESI: 2004, Bojicic-Dzelilovic and Kostovicova: 2013, Tzifakis and Tsardanidis: 2006). The February 2014 riots in Bosnia reflected the frustration with grim economic outlook for the future. The country is still highly dependent on the conditional financial assistance

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<sup>154</sup> For example, Donais (2005) states that, the fact that the Bosnian economy suffered the negative effects of multiple transitions, being a post-socialist and post-war country that was transitioning into becoming a state were not factored in by IFI's operating in Bosnia after Dayton was signed.

<sup>155</sup> Since 2007, Bosnia has received EU financial assistance under the IPA. IPA funds have two components; a) transition assistance and institution-building, b) cross-border cooperation. IPA's EU integration dimension is about adaptation to more than 120.000 pages of rules and regulations. Projects are implemented via contracts, %39 of which have been with local contractors. For further information, see the website of the European Delegation to Bosnia and Herzegovina for further information, at <http://europa.ba>.

provided by international agencies, and a decline in donor assistance always coincides with decreased economic growth<sup>156</sup> (De Guevara: 2008, Tzifakis and Tsardanidis: 2006). The global economic crisis has increased the need for external assistance; and the EU had to create an IPA crisis package of 200 million Euros in 2009.

There have been technical errors on the side of the international community in implementing the economic program. The failure to restructure companies before privatization processes negatively affected revenues, the microcredit system ended up prioritizing the private goals of senior managers and skilled people ended up being employed by the international community (ESI: 2004, Bateman, Sinkovic and Skare: 2012, Tzifakis and Tsardanidis: 2006). However, many experts also connect the problems of the Bosnian economy with the prioritization of privatization, liberalization and institution-building as an economic model, instead of developing the social sector, poverty reduction and effective industrial policies (Tzifakis and Tsardanidis: 2006). External actors retained influence on the setting up and implementation of fiscal and economic strategies and policies, both because of the aid dependency of the country and the conditionality requirements to receive aid (De Guevara: 2008, Donais: 2005, Tzifakis and Tsardanidis: 2006).

### **5.3 The EU and the Statebuilding Frame in Bosnia:**

In the previous chapter, it was acknowledged that the EU's contribution to statebuilding could be fitted into the statebuilding frame, despite some elements that set it apart from different international actors. The elements of external statebuilding analyzed in this chapter similarly fits the EU in the statebuilding frame in Bosnia, albeit with certain differences and particularities. In short, the EU can be considered as an external actor within the statebuilding frame, but its engagement goes deeper beyond that frame through the policies of EU integration.

The capability of the EU to be a moral agent was already established in the previous chapter. Looking at the EU's discourse and its construction of the Other, the depiction of Bosnia as a fragile state whose sovereignty must be problematized until a functional and capable state is built is obvious. Yet, alongside the capacity of the state, the international community also problematized the ethnic divisions built in the Dayton Accords in Bosnia. In

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<sup>156</sup> The Guardian noted in 2014 that the "extreme inefficiency and failure to create the economic growth that Bosnia needed would in a normal country have soon led to both fiscal and political bankruptcy, but the subsidies, mainly from the European Union, just kept rolling in"<sup>156</sup>.

fact, the construction of “Bosnia” in the EU’s narratives emphasizes the fragmentation of the country more than its lack of capacity.

The Self has also been framed in a particular way in the case of the EU. The EU has presented its own model on conflict resolution as an inspiration for Bosnia from the outset, especially in the gray area where enlargement met statebuilding. Thus, it has aspired to help the evolution of the Other into the Self through capacity and institution building, in line with the statebuilding frame. Yet, its actorness capacity did not come automatically. On the contrary, the EU has not only problematized the capacity of Bosnia in its discourse, but also its own. It has put conditions on *itself* to build its crisis response capabilities before becoming a capable actor in global affairs. In addition, by aspiring to change the consociational system of Dayton, the international community problematized its own “moral compromise” of allowing ethnic divisions and group identities to be factored in the peace accords. In Bosnia, perhaps more than in any other conflict theatre, the intervention was about correcting the misdeeds, building the capacity and fostering the image of the Self.

The diagnosis and the prognosis of EU throughout the intervention, linking the problem to the lack of capacity and democratic institutions and the construction of the solution around capacity building has paralleled the statebuilding frame. The international community and the EU have at first favored quick fixes through short-term engagement to achieve this; later comprehensive and holistic engagement has been preferred with a focus on security after 2001. In Bosnia, since the construction of the Other is based on ethnic divisions and fragmentation, the prognosis also exceeds building state capacities and institutions in order to combat state fragility. Most of the international and European response efforts in Bosnia have, in fact, been about deconstructing the Dayton structure; an “anomaly” that reflected a wartime attitude that would be corrected through capacity building. The way statebuilding is legitimized through the emphasis on sustainable protection and prevention, the temporary and technical responsibilities envisaged for the EU in statebuilding narratives and the focus on the primary responsibility of the state are also recurring topics in the EU’s discourse.

Especially until the mid 2000’s, the EU has followed international efforts mostly led by the US in statebuilding, rather than driving them. Its modalities of response have developed similar to the evolution of statebuilding, from quick-fix solutions to comprehensive statebuilding efforts and scaling down. At the same time, the EU’s emphasis on multilateralism, the placement of its own model, values and capacity at the core of statebuilding, the normative push and the constant efforts for self-reform set the EU aside as a unique

actor. In the specific case of Bosnia, its unique tools, its enlargement vision and the (uneasy) connection of this vision to statebuilding sets the EU apart. After the 2000's, the EU already started to support the statebuilding project as a unique actor, with the unique tools of ESDP. The enlargement perspective was first presented as the final guarantee of peace and stability, and used to directly promote and finalize statebuilding efforts through SAP tools. Later, as statebuilding efforts in Bosnia rapidly started to falter, the EU discourse started signaling a break with the statebuilding frame. Narratives inched towards supporting the future stability of Bosnia merely through the SAA process, with increasing calls from the EU to end the mandate of the OHR and employ solely an enlargement perspective in Bosnia. Yet, the main diagnostic and prognostic elements of the statebuilding frame, the problematization of capacity as well as the problematization of the Dayton Accords were still dominant in the EU's discourse and actions in Bosnia, signaling that a clear break from the statebuilding frame would not be easy.

Finally, in terms of the construction of responsibilities, both the statebuilding frame and the enlargement discourse have emphasized the primary responsibility of Bosnians or Bosnian leaders throughout the different phases of intervention. The role of the international community has always been supporting the Bosnians towards sustainable peace and stability. Ethnic nationalism and group identities were defined as anomalies while reform efforts have been presented as technical and administrative necessities; while the main responsibility of the international community was finding the best structure to capture the people's will. In other words, although the political and normative nature of statebuilding in Bosnia has been quite apparent, the responsibilities of international actors were always framed in the realm of technical support. Yet, in the period when comprehensive and holistic statebuilding efforts were championed, international discourse did put less emphasis on the responsibilities of local actors, despite making it clear that the ultimate responsibility belonged to Bosnians.



## **6. EUROPE'S RESPONSIBILITIES IN BOSNIA: AN ALTERNATIVE FRAMEWORK**

Throughout this thesis, a framework to make sense of the confused discourse regarding the EU's responsibilities in Bosnia and Herzegovina was slowly constructed. This chapter will be the final step in efforts towards understanding the EU's discourse on responsibility and statebuilding.

The chapter will first focus on establishing the moral responsibilities of the Union. Later, it will move on to explain the responsibility gaps and discursive safeguards, comparing the moral responsibility framework to the statebuilding frame defined just before. To locate official (mainstream) discourse, European Council, Peace Implementation Council and Security Council meeting records and conclusions, Progress Reports, official statements and interviews by high-level EU and Office of the High Representative (OHR) officials, alongside other relevant EU and UN documentation will be used as research material<sup>157</sup>. Alternative discourse will be based on the moral responsibility framework.

To reiterate once again, this thesis does not claim to establish all the moral responsibilities that can be attributed to the EU in statebuilding. Moral responsibility is a complex issue and statebuilding efforts are comprehensive exercises that intrude into many aspects of human life. Thus, a full attribution might not even be practically possible. The goal is rather identifying a limited set of responsibilities that *can* be attributed to the Union, which goes beyond those assigned by the mainstream narratives of the statebuilding frame.

### **6.1 The EU and the Moral Responsibility Framework:**

#### ***6.1.1 Establishing agency:***

##### *6.1.1.1 The EU's role in BiH: Enlargement or Statebuilding?*

It has previously been argued that it is possible to establish the agency of the EU in statebuilding, in virtue of its separate identity, continuity, (formal) decision making powers, internal unity and self command, as well as its capacity to act independently and change – although this actorness capacity might be less than a nation state on some instances.

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<sup>157</sup> As in the previous chapters, two types of discourse will be used: a) the mainstream discourse that tries to find solutions to the issues in BiH within the main concepts and theories of the neoliberal statebuilding framework, and b) to a lesser extent, the discourse that problematizes the theory of neoliberal statebuilding as well as the way it was carried out (Hansen: 2006).

The EU assumes two sets of roles in statebuilding: a) one of the actors of the (neoliberal) statebuilding frame and b) a unique foreign policy actor with distinct conflict resolution tools, particularly enlargement. In fact, the Union has openly declared its responsibilities regarding Bosnia on several occasions. EU engagement, including integration perspectives, is “almost universally” recognized as the key strategy for achieving peace and prosperity in the Balkans and as the end-point of statebuilding (Belloni: 2009). However, despite these open declarations of responsibility, it is still difficult to frame the nature of the EU’s engagement in BiH. Is its responsibility mainly in the framework of European integration, or is the Union responsible for the choice and implementation of statebuilding in Bosnia as well? The answer lies somewhere in between, and requires a careful analysis of the European discourse and practice explained previously.

The EU framed its responsibilities towards BiH in the late 1990’s and early 2000’s as achieving and maintaining peace and stability. It first assumed its responsibilities by supporting the statebuilding project. This support increased as the EU’s crisis management capabilities developed. The European Security Strategy (2003) talks about “the role of the EU in restoring good government to the Balkans, fostering democracy, and enabling the authorities to tackle organized crime”. It claims, “the European perspective offers both a strategic objective and an incentive for reform”.

Enlargement was also (initially) presented as a method to achieve viable peace in the Balkans. The 2003 ‘Thessaloniki Agenda for the Western Balkans: Moving Towards European Integration’ referred to the goals of the Stabilization and Association Process as moving towards European integration *and* supporting the Balkan countries’ reform efforts<sup>158</sup>. Although the EU has traditionally been careful not to discursively frame its responsibilities outside the enlargement framework, European tools were clearly used to foster the statebuilding agenda in processes such as police and constitutional reform<sup>159</sup>. Javier Solana, in a 2005 speech<sup>160</sup>, argued that the “European membership perspective is the only way we will have real leverage over local leaders so that they take the tough decisions that they need”. Stabilization through EU integration emerged as an effective and long-term strategy with an end goal, contrasted to the limits of earlier ad-hoc and uncoordinated approaches of the EU in the Balkans. The European Commission’s 2005 Progress Report for Bosnia and Herzegovina noted that

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<sup>158</sup> Conclusions of the General Affairs and External Relations Council, 16 June 2003.

<sup>159</sup> The Union got involved in constitutional reform processes, and attached police reform to conditionality – although none of which were EU accession requirements by technical standards (ICG: 2012).

<sup>160</sup> Ibid.

the country “has been an increasing focus of EU *political* interest, especially in relation to CFSP and ESDP measures. (...) The mandate of the EU Special Representative (EUSR) to the country, whose role is to “offer the EU’s advice and facilitation in the political process and to promote overall political coordination”, has been extended until the end of February 2006. There are ongoing discussions within EU bodies for a new police mission which should replace the current one (EUPM) as from 1 January 2006. The EU Monitoring Mission continued to operate on the basis of its Joint Action. Its current mandate expires at the end of 2005.”<sup>161</sup> Especially in terms of the diagnosis and prognosis of the problem, the EU’s responsibilities were defined within the statebuilding frame, but it had the unique *tools* of CSDP, soft power and conditionality to assist Dayton implementation (Juncos: 2012). Until 2006, in the period when the OHR was “the boss”, it is possible to define EU’s responsibility more as an increasingly influential actor.

With the stalling of constitutional and police reform efforts, the increasing loss of international control over the statebuilding framework and the lack of progress in OHR transition, the opportunity cost of the EU’s direct involvement in stabilization and statebuilding efforts started to increase. Later, the Euro crisis and the enlargement fatigue strengthened the debates on the absorption capacity of the Union (Belloni: 2009). As Bosnia was seen as a test case for both the ESDP and the promotion of integration through soft power, emphasizing the technical realm of enlargement started to seem like the safest option for the EU, to avoid the perception of another failure – even if Bosnian accession appeared a remote possibility. EU Enlargement Commissioner Stefan Füle stated in a speech in 2010 “the EU has played a leading role in promoting stability, security, democracy and fundamental freedoms in the Western Balkans. The region is now firmly anchored in the EU enlargement process. (...) Political leaders bear a huge responsibility (...) to overcome differences and steer their countries and the region towards better governance and away from the risk of destabilization”<sup>162</sup>. Although there were issues such as the implementation of the Sejdic-Finci decision<sup>163</sup>, constitutional reform or the way police reform was implemented, which could not be seen entirely in the realm of enlargement, EU action was

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<sup>161</sup> Full text is available at [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2005/package/sec\\_1422\\_final\\_progress\\_report\\_ba\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1422_final_progress_report_ba_en.pdf) (Accessed on 19 February 2016).

<sup>162</sup> Remarks by Stefan Füle, European Commissioner for Enlargement and Neighborhood Policy, in his address to the EU-Western Balkans Conference, Sarajevo, 2 June 2010, [europa.eu/rapid/press-release\\_SPEECH-10-289\\_en.htm?locale=en](http://europa.eu/rapid/press-release_SPEECH-10-289_en.htm?locale=en)

<sup>163</sup> The EU Statement at the UN Security Council debate on Bosnia in 2013 argues “*the implementation of the ruling, and the subsequent entry into force of the SAA, would allow the EU to consider as credible a possible application by Bosnia and Herzegovina for EU membership*”. EU Statement at the UN Security Council Debate on Bosnia and Herzegovina on 12 November 2013, New York.

increasingly centered on enlargement<sup>164</sup>. A EU Statement at the Security Council debate reads, “While Bosnia and Herzegovina continues to enjoy a clear European perspective (...), the institutions of Bosnia and Herzegovina have so far failed to achieve the necessary progress in meeting key EU requirements. (...) Indeed, the domestic political stalemate is a reason for disappointment to all who wish to see Bosnia and Herzegovina succeed<sup>165</sup>”. Success in Bosnia was connected to enlargement and the statebuilding dimension of European involvement was more and more cut off from narratives.

In short, the EU has assumed three different sets of roles in relation to BiH: a) an external actor supporting Dayton implementation and statebuilding, b) a unique statebuilding actor with distinct tools such as soft power, conditionality and CSDP, c) the roles and responsibilities attributed by the enlargement process. Its engagement has increasingly been defined through the lens of conditionality and enlargement; as the statebuilding project started to falter.

#### *6.1.1.2 The Self and the Other:*

In the general frame of statebuilding, the “duty” of neoliberal peace is correcting failed states through projecting on the Other the image of the Self. The EU, around these lines, frames itself as a neutral, credible, ethical actor in Bosnia that is capable of bridging gaps between sides, as well as a model of good governance and successful regional cooperation. The EU has defined its responsibilities in Bosnia as facilitating sustainable peace; by increasing participatory democracy and human rights, helping create self-sustaining, effective and representative democratic institutions, giving the Western Balkans a European integration perspective (Dursun – Ozkanca: 2010).

Of course, the international community and the EU have never been neutral and impartial actors as they claim through discourse. Moreover, while their efforts have been undertaken under the guise of helping Bosnians, their involvement has been affected by strategic considerations, threat perceptions and economic factors beyond the needs of BiH. They have undertaken political and intrusive roles on many occasions beyond the limited framing of “technical support to statebuilding”, some examples of which have been presented in the previous chapter. Both the PIC and EU have similar ideas on

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<sup>164</sup> EU Enlargement Commissioner Füle announced three initiatives towards Bosnia in 2014: improved economic governance, a joint working group to accelerate IPA-funded projects and judicial reform, all in the context of enlargement (Weber and Bassuener: 2014).

<sup>165</sup> Ibid.

what peace and stability should mean, not always in connection to the visions of local populations (Venneri: 2010).

As the Other, the Balkans have been articulated as a phenomenon different from Europe, but also something that Europe could define itself comparatively - a dichotomy between the rational and enlightened West and the passionate and irrational Orient (Hansen: 2006, Belloni: 2009). Definitions on "the Balkans" have been varied, influenced not only by developments in the region, but also the shifts in what 'Europe' means. The Bosnian war, where European efforts did not lead to any meaningful solution, was constructed as "Balkan", defined by ancient passions, hatreds and tribal instincts (Hansen: 2006). The EC mediator of the time Owen (1995) defined the region as "a climate of dishonor, propaganda and dissembling", with "no innocents among the political and military leaders". Bose (2007) refers to the much-quoted depiction of Maria Todorova on the Balkans, as "a repository of negative characteristics against which a positive and self-congratulatory image of Europe and the West had been constructed". The Balkan mentality was a combination of socialism and war, employing characteristics of extreme ethno-nationalism, open hostilities between populations, political instability, lack of pluralism, narrow minded and uncooperative local actors and dysfunctional governance systems (Belloni: 2007, Bose: 2007). However, side by side with this depiction existed confusion on how people who shared such deep ethnic hatreds managed to live together for extended time periods (Sudetic: 1999). Romantic visions of the Balkans spoke about unpolluted nations that lived together in peaceful co-existence, portrayed through a lens of "Yugonostalgia" (Bose: 2002, Hansen: 2006).

As Europe gained self-confidence on its role, capacity and influence in the Western Balkans, the capability of BiH to change was stressed while the war was defined as an anomaly (Bose: 2002, Belloni: 2007). This very much relates to the construction of the Self (EU) in Bosnia as an actor capable of building its own capacities to respond better to crises. CSDP has constructed a "European Self", capable of learning, progressing and solving conflicts through reason and calculation. These characteristics, especially with enlargement, also became expectations from the Other. In other words, the introduction of capacity-building capabilities in the definition of the *Self*, peculiarly led to the expectation that Bosnia (like the EU) would develop its capacities and solve its problems. Swedish Foreign Minister and the first High Representative to Bosnia Bildt stated in 2014 that "*They need to help themselves. At the end, Bosnia is the responsibility of elected politicians*". EU High

Representative Ashton urged Bosnians to show leadership to solve their own crises<sup>166</sup>.

In times when the statebuilding and European integration projects were going according to plan, Bosnia was constructed as an actor that had the potential to become an image of Europe through capacity building. It was also constructed towards the nostalgic image of its own in these times, where ethnic divisions did not prevail over unity (Bose: 2002). The replacement of the terminology “Balkans” with “Southeastern Europe” in discourse reflects this change in “the Other”<sup>167</sup>.

However, when the international community and the EU felt that they lacked the capacity, vision or drive to deal with the Bosnian conflict, such as the wartime era or the period after 2008, the deeper root causes of the problem was increasingly stressed. An almost mystical, irrational Bosnia that cannot follow its own interests towards better governance and European integration was constructed. The EU Foreign Policy chief Ashton, for example, in a visit to Bosnia in 2012, stressed the importance of looking “beyond the domestic divisions, the political rivalries and the vested interests”<sup>168</sup>. Instead of analyzing how correct the choice of intrusive institution-building and Europeanization has been for post-conflict Bosnia, as well as the impact these strategies have had on the country, the irrationality of the Bosnian denial of the international strategy was criticized, where most of the blame is placed on the shoulders of the incapable leaders of Bosnia. These changes are summarized in the chart below:

THE SELF AND THE OTHER			
1997-1999	1999-2003	2003 - 2006	2006 -PRESENT
A relatively	A more confident	A more confident “Self”,	A less confident “Self”

<sup>166</sup> Bildt’s statement was made in connection to the February 2014 riots in BiH and the text is available at <http://euobserver.com/news/123089>. Ashton’s words are available at [http://www.spiked-online.com/newsite/article/bosnia-the-limits-to-eu-rule/14719#.U1q5jRY2\\_6c](http://www.spiked-online.com/newsite/article/bosnia-the-limits-to-eu-rule/14719#.U1q5jRY2_6c). Although this framework of discursively assuming a support role in statebuilding has been quite constant; different international actors in different time periods have assumed responsibility in different ways. Both within the PIC and the EU, there have been voices throughout the intervention calling for stronger EU or PIC leadership to solve Bosnia’s problems. In the PIC Steering Board, the US, Turkey and the UK often call for a more robust role for the OHR until the Bosnian state becomes more sustainable (Bassuener: 2012). In the EU, for instance, the British Foreign Minister Hague recently argued that the EU needed to make more effort to encourage BiH to apply for EU membership. (Both documents accessed on 19 February 2016).

<sup>167</sup> In fact, “Europe’s civilizing mission” is not a new thing. In the 19<sup>th</sup> century, the Balkans was constructed as uncivilized but with the capacity to transform into the image of the West. Their inferiority and backwardness was because they were cut off from Europe too long. Romantic visions of the Balkans were also present in the same period, which claimed that the unpolluted Balkan nations should not be spoiled by Western civilization (Hansen: 2006).

<sup>168</sup> See [http://www.voanews.com/content/clinton\\_ashton\\_say\\_bosnia\\_must\\_make\\_reforms\\_to\\_join\\_nato\\_eu/1536265.html](http://www.voanews.com/content/clinton_ashton_say_bosnia_must_make_reforms_to_join_nato_eu/1536265.html) Accessed on 19 February 2016.

unconfident Self, "Other" defined as irrational and emotional.	"Self", "Other" capable of positive change.	an "Other" which is nearly constructed in the image of "Self" and ready to assume full sovereignty (towards end).	due to external and internal factors, "Other" again defined as irrational and unwilling to change (mainly Bosnian leaders)
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### 6.1.2 Operationalizing moral responsibility of the EU in Bosnia:

According to the moral responsibility framework, the "consent principle" helps attributing moral responsibility through exhibited choices, promises and intentions of agents (Mayer: 2008). Intentions and consent can be deducted from discourse, as well as analyzing behavior and practice. The moral responsibility framework also factors in the impact of international engagement in building states. This is based on the "contribution principle", claiming the moral responsibility of an agent if its actions have led to the deterioration of the interests of those who its responsible to – even if the harm is unintended and beyond the agent's control (Mayer and Vogt: 2006, Manners: 2008). The increasing capacities of the international community and the EU in the realm of statebuilding can also be analyzed; as assuming responsibility without having the necessary capacities is defined as irresponsible behavior and improving capacities could be considered as an intention to engage and assume more responsibility in a certain context.

In order to achieve consistency and exhibit change, the discourse from PIC Declarations, UN Security Council (UNSC) statements and EU Council Conclusions will be primarily used, in addition to the analysis in the previous chapter on the way the statebuilding project in Bosnia was presented and conducted.

The purpose is not to attribute full responsibility of success or failure to any actor. Bosnian politicians and strongmen, regional actors, profiteers and foreign warriors, in addition to the history, culture and social dynamics of Bosnia have all impacted the current state of affairs and all hold specific responsibility. The goal here is simply to present some moral responsibilities of external agents beyond those defined in the statebuilding frame, in order to later point out to a responsibility gap.

#### 6.1.2.1 Declared intentions and emerging capacities:

From the perspective of the consent principle, the Dayton Peace Accords (DPA) reflect the *choice* of the international community to balance the need to end human suffering by immediately stopping the war and the desire to reject

gaining territory through the means of war and violence. The DPA as well as initial post-war statements by the Peace Implementation Council (PIC) and the UN Security Council (UNSC) stressed the need to achieve a durable settlement, new constitutional arrangements, the protection and promotion of human rights, the return of refugees and a free market economy in Bosnia, through building institutions<sup>169</sup>. Yet, the “moral compromise” made in order to prevent more human suffering and spillover effects into the EU set the tone of the first phase of intervention: an emphasis on humanitarianism and relatively limited involvement by the international community, with a desire to exit Bosnia as early as possible. These factors, coupled with the naïve belief that peace would come relatively easy after the war, led to the narrow definition of international civilian and military mandates. Efforts concentrated on humanitarian aid, traditional peacekeeping and reconstruction. The intention was not to change the Other towards the Self, but immediately respond to a crisis. PIC Conclusions and several UNSC Security Council statements stressed upon the understanding that the *prime responsibility* of Dayton implementation lay with the different authorities of BiH; and an open parallel was drawn between “the availability of international financial assistance and the degree to which all authorities of Bosnia and Herzegovina fully implement the peace agreement”<sup>170</sup>. The EU had not yet acquired response capabilities for ambitious foreign and security policy tasks. Its self-confidence was low. Thus, it emphasized its contribution in terms of financial aid and reconstruction efforts *in support* of the international vision for Bosnia. The commitment to BiH’s potential place in Europe lacked a firm promise and a road map<sup>171</sup>.

In the second phase of statebuilding, protection was still the declared goal; UNSC meetings continued to emphasize the human tragedies of the war such as sexual violence, extreme poverty and torture. Yet, the general global trend of pursuing comprehensive and holistic responses to conflicts was apparent. The Bonn powers in 1997 provided the ability to deliver on these intentions. These changes led to an alteration of the responsibility dynamic between the international community and the Bosnians, as well as the definition of the Self

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<sup>169</sup> See the PIC London Conclusions in 1995 at [http://www.ohr.int/pic/default.asp?content\\_id=5168](http://www.ohr.int/pic/default.asp?content_id=5168), the PIC Paris Conclusions in 1996 at [http://www.ohr.int/pic/default.asp?content\\_id=5173](http://www.ohr.int/pic/default.asp?content_id=5173). The meeting records of the Security Council meetings on BiH on 4 April 1996 and 12 December 1996 can be found at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3723](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3723) and [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.3647](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.3647). (Accessed on 22 December 2014).

<sup>170</sup> Ibid. This parallel between international responsibility and Bosnian compliance with Dayton was not fully shared by the Bosnians; the Bosnian and Herzegovinian Permanent Representative to the UN, Ambassador Sacirbey stressed in the same Security Council meeting in 1996 that “*failure by some authorities within BiH cannot excuse the international community from neglecting its promises to all of BiH*”.

<sup>171</sup> See the Declaration on Former Yugoslavia made at the Florence European Council on 22 June 1996 at [http://www.europarl.europa.eu/summits/fir1\\_en.htm](http://www.europarl.europa.eu/summits/fir1_en.htm). (Accessed on 19 February 2016).



and the Other. There was a stronger and more confident Self, capable of delivering positive change to Bosnia. The Other, -referred to as Southeastern Europe since 1998<sup>172</sup>, was increasingly framed as capable of positive change, opposed to the more irrational and emotional past depictions of the Bosnian identity<sup>173</sup>. This redefinition of the Self and the Other affected the responsibility dynamic. Although the primary responsibility of Bosnians was still emphasized, it was accepted that the influence and responsibilities of the international community had grown exponentially towards (technically) promoting the Dayton (statebuilding) agenda; where tasks such as returns, the rule of law, security sector reform, economic development and human rights were emphasized instead of mere humanitarian relief and peacebuilding. Longer-term engagement was promised. Holistic statebuilding, which would inevitably help overcome divisions in Bosnian society while fostering functionality, was also seen as a way to reverse the past moral compromise of Western countries in Dayton. The Bonn PIC Conclusions argued “an even more persistent approach on the part of the IC is required. (...) ‘The important role of the HR in ensuring the creation of conditions for a self-sustaining peace (...) and his responsibility for [civilian] coordination [is necessary]”. The Brussels PIC in 2000 committed to concentrating resources to statebuilding. UNSC and PIC meetings turned into platforms where Bosnian leaders reported to the international community on their progress in Dayton implementation (Belloni: 2007). However, until the Thessaloniki Summit in 2003, the European responsibilities were still mostly defined as *supporting* the international vision.

After 2001, the international community still assumed responsibility for a wide array of (technical) tasks in the statebuilding framework that would bring Bosnia towards lasting peace and stability. However, combatting threats to international and European interests became openly emphasized with statements focusing on issues such as combatting cross-border threats and terrorism, human trafficking, illegal immigration, organized crime and corruption (ESS: 2003)<sup>174</sup>. Statebuilding was important not only for protecting the Bosnians, but also to prevent state failure. The shift in global attention to

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<sup>172</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/00300-R1.EN8.htm](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00300-R1.EN8.htm). (Accessed on 19 February 2016).

<sup>173</sup> Even the Bosnian Permanent Representative to the UN followed suit in helping challenge stereotypes of a Bosnia that was incapable of addressing its ancient tribal hatreds in his criticisms of the international community’s previous attitudes in a speech in 1998. He stated that “*it may be more understandable for stereotypes to be perpetuated in the clichés of popular culture, but not in the highest decision-making institutions representing the international community*”. The British Ambassador responded by expressing his genuine hope that Bosnia’s divided past would be replaced by a shared future and the international community could not stay in Bosnia forever.

<sup>174</sup> See the Presidency Conclusions of the Thessaloniki European Council, at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/76279.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/76279.pdf) (Accessed on 22 December 2014).

bigger security threats such as Iraq and Afghanistan left more room for EU involvement and responsibility in Bosnia. The EU found a fertile ground to *support* the international statebuilding project with its unique ESDP tools, its soft power and its conditionality. Its promise in 2003 at the Thessaloniki Summit to launch the Stabilization and Association Process (SAP) for Southeastern Europe aimed fostering the international vision for Bosnia. With this promise, the end point of statebuilding and the restoration of full sovereignty for Bosnia were expected to coincide with its accession process to the EU; in a similar fashion to the Central and Eastern European countries. The High Representative of the time, Paddy Ashdown argued in November 2005 that: “The signing of the SAA should (...) herald the end of heavyweight international intervention in Bosnia”. The growing self-confidence of the Union allowed it to assume responsibilities more boldly; the Italian Permanent Representative to the UN declared in 2003 that the EU was *fully* involved in the reform of Bosnia while the EU statement at the Council in 2004 read that EU activities in the political, economic, security and development fields reinforced each other.

If things had gone according to the plan and both OHR transition and the signature of the SAA had happened in 2007, perhaps there would have been no need to contemplate the direct responsibility of the EU in statebuilding. However, the protracted limbo situation of Bosnia between the temporary responsibility of the international community and full sovereignty has complicated the role and responsibilities of the Union. Two elements blurred the distinction the EU discourse wanted to make between enlargement and statebuilding. First, both the statebuilding and SAP agendas worked towards the same vision: Ending the temporary responsibility of the PIC through the implementation of the necessary technical reforms towards a viable and sustainable Bosnia, and full assumption of the EU of the responsibility of engagement with a fully sovereign Bosnia within the SAP. Secondly, the EU’s engagement in BiH has sometimes surpassed *supporting* statebuilding and driving the SAP into *directly promoting* statebuilding elements, exemplified by the police reform process (Tzifakis: 2012, Venneri: 2010).

The period also saw a redefinition of the Self and the Other. The overconfidence of the Self in its own vision for the future of Bosnia started to wane. The understanding that the time was not yet ripe for the closure of OHR and the restoration of the full sovereignty of Bosnia was still relevant. However, the PIC was slowly deprived of its tools to fulfill its responsibilities from engaging in this temporary responsibility, namely the Bonn powers. The PIC discursively responded by placing the responsibility for failure on the Bosnian leaders and refraining from accepting additional responsibilities. The EU defined its intentions increasingly in the enlargement/SAA framework, in

an attempt to obscure its responsibility from statebuilding. The economic crisis in Europe and the increased intervention fatigue strengthened this dynamic. The Other once again started to be defined from the perspective of ancient ethnic hatreds and irrationality; responsibilities of local politicians were emphasized. The EU Foreign Affairs Council conclusions on BiH on 21 October 2013 provides a good summary of the new dynamic: “It is up to the Bosnia and Herzegovina political leaders to make the necessary progress” and “the current lack of a solution of the Sejdić/Finci issue is preventing Bosnia and Herzegovina to further progress towards the EU”<sup>175</sup>.

After the failure of constitutional reform efforts, the international community did not look into providing creative solutions for the future of Bosnia or taking more direct responsibility for its problems, as it would have done in the past. As a result, in the last years, the discrepancy between [statebuilding’s] holistic understanding of the political, social and institutional deficits and the limited solutions available became more clear, implying that the liberal notion of economic and social stabilization and unity through EU integration might have been too naïve (Sebastian: 2012). The fact that the international community had to prioritize certain aspects of statebuilding such as SSR over others after 2001, due to other pressing global necessities in Iraq and Afghanistan is an indicator that external actors did not have the capacity to implement comprehensive statebuilding in its entirety.

Almost 20 years after the Dayton Accords, High Representative Inzko was still telling the Security Council in May 2012 and November 2013 that “a lasting and sustainable political settlement that would ensure a durable prospect of peace” was not yet attained, thus the international community needed to remain engaged so that all the previous gains were not lost and the entire region was not destabilized<sup>176</sup>. Preserving gains in Bosnia as well as combatting threats to stability undoubtedly displays a political/normative intention, one that has not been fulfilled.

Statebuilding had three intentions in Bosnia: a) setting the political and normative vision for the intervention through Dayton and the subsequent efforts to alter its consociational balance; b) remaining temporarily engaged on a technical level until Bosnia gained institutional and political maturity; c) solidifying the stability of Bosnia through European integration (Bose: 2002, Ghani and Lockhart: 2008, Chandler: 2010). Yet, the responsibility framework of statebuilding only responds to the first intention, leaving the general

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<sup>175</sup> At [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/139070.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139070.pdf)

<sup>176</sup> These statements can also be seen in the line of institutional entrapment, which will be explored later on in this chapter.

political responsibility to the Bosnians. This is the general dynamic of the moral responsibility gap according to the legitimate expectations principle.

#### *6.1.2.2 The impact of involvement in Bosnia*

The Dayton Accords were signed as a forced compromise in order to bring immediate stability to Bosnia. Dayton's consociational nature has been criticized for bringing forward a lack of integrative elements, insufficient electoral and political incentives for cooperation, territorial divisions, discrimination towards national minorities, complex and multilayered governance structure, empowerment of (the interests of) nationalist elites due to focus on group solidarity. All these factors led to the further deepening of ethnic divides within the country (ESI: 2004, Donais: 2005, Gromes: 2009, Whitt: 2010, Bose: 2009, Bieber: 2006, Bose: 2002, Belloni: 2007). International response in Bosnia has partially hoped to respond to criticisms regarding the nature of the Dayton Agreement. Thus, post-Dayton international involvement, especially after the Bonn powers were introduced, has been about actively seeking to alter the negative effects of Dayton – in action if not in discourse. It must be noted here that the EU, as a foreign policy actor, has not been a lead actor in putting together the Dayton system- it was mostly crafted by US lawyers (O'Leary and McCrudden: 2013).

The international impact was enormous in the first years of Dayton, but this was mostly the immediate positive effect due to the influx of humanitarian support, IFOR troops and foreign aid into the country. However, the lack of capacities to implement the Dayton vision combined with a rushed peace process led to delays in the consolidation of peace and sometimes even served to further heighten wartime divisions. A more holistic and long-term involvement of the international community was declared as the solution for sustainable peace. The more assertive international civilian and military presence that followed, especially with the introduction of the Bonn powers, fostered the ability of the PIC, OHR and NATO to impact developments and outcomes in the country (Chandler: 2010). The increased challenging of the consociational balance in Dayton by the international community set a new frame of involvement beyond the Dayton parameters, making external actors a stakeholder in the conflict rather than a neutral party based on its own political-normative vision (Belloni: 2007, Venneri: 2010). From a moral responsibility perspective, the power and the responsibility to impact the situation in Bosnia increased. Increased international involvement also meant more financial resources and personnel on the ground from donor countries, establishing higher moral responsibility in that direction.

From a moral responsibility point of view, the application of technocratic statebuilding did result in positive change for Bosnians, such as more functional state-level institutions, freedom of internal movement and better minority representation, the replacement of bullets with ballots, reconstruction and rehabilitation, (limited) success in returns, freedom of movement, a single market and the establishment of democratic institutions (Belloni: 2007, ICG: 2013). These positive changes were achieved mainly based on an international vision, and supported by financial and personnel involvement in Bosnia. The EU deserves extra credit for providing Bosnia with a longer-term vision, as an equal member of the EU and employing resources towards that end. In fact, many discursive examples provided previously indicate that the EU is well aware of its positive impact of its engagement on Bosnians, Europeans and the EU, and is glad to take credit for this.

There were also negative impacts of engagement, such as aid dependency and the destabilizing effect of market reforms. The comprehensive nature of external statebuilding, as well as the practice of prioritizing engagement with the political elite, divorced the local populations from ownership in the affairs of their own country, creating a contradiction with the declared goal of boosting state sovereignty and local ownership<sup>177</sup>(ESI: 2004, Gromes: 2009, Youngs: 2009, Aybet and Bieber: 2011). With the increasing securitization of statebuilding and the diminished attention to Bosnia, statebuilding efforts prioritized shorter-term security needs of donor countries rather than local realities or functional imperatives (ICG: 2013, Ioannides and Celador: 2011). This led to an increased focus on improving security services and empowering the executive, to the detriment of rule of law, democratization and human rights efforts. The High Representative, who gained vast control over the country and its elected politicians through the Bonn powers, was neither created nor accountable to the Bosnian people (Bose: 2009, Chandler: 2010). Also, as previously noted, the statebuilding frame in general found it difficult to attribute responsibility for harmful impact.

Before 2006, the continued strong interventions created the impression that the Bosnian system was able to stand on its own feet and the international/European statebuilding strategy had worked (Belloni: 2007, Ashdown: 2008, Tzifakis: 2012). The need to sell Bosnia as a success story for other interventions like Iraq and Afghanistan led to a narrative emphasis on the positive aspects of international involvement, instead of a more balanced analysis on problems and lessons learned. The December 2005 PIC Steering

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<sup>177</sup> Bosnians and Bosnian leaders and elites felt like they had a subordinate role in their countries problems and thus focused on the advancement of their own agendas (Tzifakis: 2012).

Board meeting in Paris, for example, stated that “the extent of recovery has been remarkable, (...), BiH is at peace, more than a million refugees and displaced people have returned (...), the economy is growing and the EU launched the Stabilization and Association Agreement (SAA) negotiations with the country”<sup>178</sup>. Indeed, with the launch of the SAP agenda and the Thessaloniki Summit, the role and the impact of the EU increased considerably. It became an actor that not only contributed to peace and stability in Bosnia, but also was instrumental in the framing of its future.

The selling of statebuilding through Bosnia as a success story proved immature. The international vision, suggesting that replacing Bonn powers with EU conditionality would suffice to alter the consociational nature of Dayton, negatively affected the image of the Union. With the withering away of the Bonn powers, Bosnian leaders were increasingly able to challenge Dayton, as well as the statebuilding efforts following it. The political stability on the surface gave way to negative rhetoric and increased tensions. The politicization of conditionality beyond the *acquis communautaire*, the perceived absence of a credible European perspective and disagreements on how to deal with non-compliance have taught Bosnians that enlargement could not be taken too seriously and conditionality could be disregarded (Sedelmeier: 2006, Bieber: 2010 Aybet and Bieber: 2011, Tzifakis: 2012). The EU’s choice to enter into bargaining processes with the political leaders instead of encouraging citizen participation resulted in an unwilling empowerment of the political elite - who the EU put the responsibility of failure on in its public statements (Dzihic and Wieser: 2011). The EU became an actor unwillingly pursuing an interventionist agenda but lacked the means of the OHR – making it responsible for statebuilding beyond its intentions and means.

The divisions and tensions among the peoples of Bosnia continue to pose the biggest threat to national and international stability (ICG: 2012). The Dayton Accords and the subsequent statebuilding program, whose ultimate goal was to eliminate these conflicts and achieve sustainable peace by institution building has sometimes even fostered ethno-territorial divisions and empowered nationalist politicians (Tzifakis: 2012). The situation in Bosnia today, despite all positive developments in the past, has not created guaranteed regional stability. In addition, the effectiveness of EU conditionality, ESDP tools and the soft power of Europe have been challenged by the developments in Bosnia, negatively affecting the EU’s image as a successful foreign policy actor. Both the EU and the Bosnians seem to be in a

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<sup>178</sup> See the Communiqué Issued by the Political Directors of the PIC Steering Board and the BiH Authorities Following an Extraordinary PIC Session to Mark the 10th Anniversary of the Dayton-Paris Peace Accords, at [www.ohr.int/pic/default.asp?content\\_id=36256](http://www.ohr.int/pic/default.asp?content_id=36256) (Accessed on 22 December 2014).

protracted limbo, created mostly by the political-normative premises of the international and European vision on Bosnia as well as the way statebuilding was implemented. Yet, in discourse, the technical framing of statebuilding obscured the impact of its political and normative dimensions. The international/European discourse within and beyond Dayton is carefully crafted to attribute statebuilding actors the responsibility of *assisting* Dayton implementation. Setbacks are often blamed on the irrationality and intransigence of Bosnian leaders. The political instability brought by pushing to reverse the consociational structure of Bosnian governance is an example: the responsibility of this instability is pushed on the shoulders of local politicians (O'Leary and McCrudden: 2013).

### *6.1.3 The direction of the EU's responsibilities:*

The EU's responsibilities in statebuilding have previously been approached from three angles: a) protecting local populations, b) preserving international stability and advancing its own economic and security interests, c) advancing its foreign policy identity, actorship capacity and global image. All these angles can be deduced through the EU's engagement in Bosnia: alleviating the human tragedies of the Bosnian war and serving the best interests of local populations, combatting threats to international and European political, economic and security interests and correcting the negative international image caused by the war.

Looking at the intentions and impact of intervention, the promise to provide and *develop* the framework for sustainable peace and security is visible in international and EU narratives. This framework entails promises and action towards the provision of viable security and stability, a free and functioning market economy that will lead towards economic growth, human rights and democracy and a functioning political system. It also includes a vision to reverse the root causes of war and foster reconciliation. The final promise is full sovereignty and local ownership, embedded in a European future.

In terms of the core interests of the EU, the prevention of Bosnia from becoming a failed state as well as a potential spillover of violence or instability to Europe and beyond, combatting organized crime, corruption, human trafficking, illegal immigration, and fostering free markets, investment and trade are highlighted both in discourse and European action. Finally, statebuilding in Bosnia aimed correcting the negative international/European image from the Bosnian war, fostering the credibility of the EU as a foreign policy actor, promoting the EU as a model of regional integration and stability and advancing its own norms and values.

Looking at statebuilding in Bosnia as a whole process, it can be seen that different directions of responsibilities were prioritized in different phases of the intervention. There have been shifts in how these responsibilities were discursively formulated and implemented. The changing theories and understandings on the conflict in Bosnia and international statebuilding in general, the merging capabilities of the external actors – in particular the EU, the global and regional developments have all led to redefinitions of the Self and the Other and the nature of the intervention. As such, although the primary responsibility of the local populations (leaders) and the limited support function of the interveners remained essential elements of the dominant discourse, the degree to which they were emphasized did shift. For instance, as the European perspective of Bosnia became a possibility and ESDP tools subsequently became more developed, one of the most emphasized responsibilities became confirming the EU as a model and driver of sustainable peace and stability, sometimes taking precedence over the responsibilities to local populations of Bosnia and those to the immediate economic and security interests of Europe (Juncos: 2012). None of these shifts have altered the general trend of defining international responsibilities in a limited and narrow manner, while ascribing primary responsibility to local actors. Both dynamics are captured in the following diagram.

	1995 – 1997	1998-2002	2003 - 2006	2007 - PRESENT
<b>CONSTRUCTION OF RESPONSIBILITY:</b>	Humanitarian responsibilities towards local populations emphasized. Prime responsibility belonging to Bosnians.	Humanitarian responsibilities emphasized. Less emphasis on Bosnian responsibilities, although ultimate responsibility belongs to locals.	Responsibilities towards protection of international/European security interests emphasized. With increasing European presence, fostering European image and identity becomes a goal.	Responsibilities towards sustaining the gains of the statebuilding project, as well as fostering European image emphasized. Bosnia not immediate security risk to EU.
<b>ROLE OF THE EU:</b>	Supporting international vision, humanitarian aid, contributing to international civilian and military efforts.	Supporting international vision, launch of the enlargement perspective (as a separate task).	Supporting international vision with unique tools (ESDP, EUFOR), Presenting enlargement perspective as final guarantee of lasting peace and stability. Direct promotion of statebuilding through SAA tools.	Supporting future stability of BiH through the SAA process, increasing calls from EU to end OHR mandate and have solely enlargement perspective.

## 6.2 Responsibility Gaps and Discursive Safeguards:



The previous parts on Bosnia have indicated several possibilities to identify responsibility gaps between the responsibilities that the EU's narratives were ready to assume and the moral responsibilities its involvement in Bosnia could entail. Many examples of discursive safeguards – the narrative tools through which discourse manage to construct its responsibilities in a limited and narrow manner in comprehensive interventions – have also been implied. This final part aims to clearly set out the existence of responsibility gaps and discursive safeguards in Bosnia; thus connecting all the keywords of this thesis: statebuilding, responsibility, the EU and Bosnia and Herzegovina.

### *6.2.1 Responsibility gaps in Bosnia:*

The previous parts of this chapter have indicated the possibility to attribute more responsibility to the EU beyond determined by its own narratives. The following moral responsibilities are examples:

- Choosing constructing a consociational system, as a best practice to stop human suffering and spillover into Europe and beyond,
- Choosing to promote a normative/ political vision of conflict response, based on its own world vision and political/administrative model,
- Pursuing comprehensive and holistic external responses to conflict, in the form of statebuilding,
- Promising Bosnia a European future with conditionality attached, connecting this promise with the full sovereignty and local ownership goal of statebuilding,
- Responsibility for unintended harmful impact, such as the effect of aid dependency and the destabilizing effect of market reforms on the Bosnian economy, or the harmful impact of prematurely replacing Bonn powers with EU conditionality in practice on the image of the EU,
- Engaging in wartime response and statebuilding without having the necessary capabilities, pursuing statebuilding goals through insufficient SAP tools, losing important capacity to pursue statebuilding goals with the withering away of the Bonn powers,
- The capacity gap in implementing the comprehensive version of statebuilding, and having to focus on more security related issues,
- Responsibilities for leaving Bosnia in a limbo between limited and full sovereignty, at the doorstep of the EU; responsibilities for the inability to show a viable path towards full sovereignty and EU membership.

As previously argued, it is possible to point out to responsibility gaps in a coherent and structured way, by addressing these gaps in three categories: a)

Factoring in change while attributing responsibility, b) The political nature of international statebuilding activities as opposed to their technical framing, c) The dilemmas on the discourse on local ownership.

#### *6.2.1.1 The changing nature of statebuilding:*

In Bosnia, the international intervention has gone through many stages. In fact, the international engagement in the country can be seen as a trial-error experiment, where the theory and practice of statebuilding, constructions of the Self and Other, the actors involved, the external capabilities and the responsibility frameworks have constantly changed and evolved (Adebahr: 2011). Yet, the general attribution of responsibility to the international community has not shifted in parallel to these changes.

The first example that comes to mind is the way statebuilding in Bosnia was configured with the Dayton Accords. The consociational system in Bosnia was a conscious choice of the international community. The initial international involvement in Bosnia after 1995 was limited in scope and did not intent to challenge the consociational balance established by Dayton. The modalities of intervention changed massively in 1997, with the introduction of the Bonn powers. For the next 9 years, Bosnia became a comprehensive and intrusive international project. Yet, there was not much of a shift in the way external responsibilities towards Bosnia was defined. The new responsibilities the new format of involvement might have had brought to international actors was not thoroughly explored.

Another example is the international community's increased focus on ending the statebuilding project in Bosnia, necessitated by the "more urgent" interventions in Afghanistan and Iraq. Bosnia was sold as a success story since the end of 2005 with the hope of establishing the right mood for international exit, starting a new phase of intervention in Bosnia. As global dynamics had led to the shift in the practice of statebuilding in Bosnia, a soul searching on to what extent international responsibilities towards Bosnia was fulfilled was not made. Christian Schwartz-Schilling, with his agenda of non-intervention, was made the new High Representative in Bosnia in 2006 with the blessing of the PIC; when his agenda did not succeed in facilitating exit, it became the failure of him and Bosnian politicians. The fact that the international community had decided to unsuccessfully change its approach towards Bosnia was not factored in.

A more visible change came with the next High Representative Lajcak, and his decision to prioritize EU integration over statebuilding projects. Statebuilding accepts the temporary responsibilities of the international

community in situations when the sovereignty of a state has been problematized. The EU, on the other hand, expects to engage with fully sovereign states through enlargement. The EU has applied both conflict management and enlargement policies in Bosnia. As the end goals of the statebuilding project in Bosnia became increasingly difficult to implement, it stressed the responsibilities of Bosnia as a sovereign state more and more. Yet, this shift in discourse did not correspond with the reality. From a statebuilding point of view, the international community's temporary responsibility in Bosnia had not ended and the Bonn powers, however weak, still existed. The EU, despite carefully framing its engagement within the enlargement framework, has played an essential role in statebuilding efforts. In other words, the EU shifted its narrative and involvement from a statebuilding perspective to an enlargement perspective in Bosnia, without properly analyzing what its moral responsibilities on the two fronts were.

Statebuilding has constantly changed from its inception. Every change has brought with it new modalities, new means of engagements, new promises and new definitions of the Self and the Other. From a moral responsibility perspective, every such shift would necessitate the redefinition of the responsibilities of the involved actors. This has not happened. The narratives defining the responsibilities of the international community in Bosnia have not shifted in general, even when a comprehensive, intrusive and holistic statebuilding was being implemented between 1997 and 2006. Moreover, in each phase responsibilities have been defined in a prospective way, without a proper analysis of the retrospective responsibilities from previous phases. Instead of factoring in responsibilities from previous eras retrospectively, they have been obscured by the dynamics of new modalities. There has been a lack of debate on what new responsibilities might be, whether the previously assumed responsibilities have been fulfilled and who will be the responsible party in the case of failure. This has been apparent especially in the case of the EU, when the dynamics of EU enlargement have dramatically shifted the balance of responsibilities of international and local actors. The EU was able to emphasize the responsibilities of Bosnian politicians more and more, although the problematization of the sovereignty of Bosnia never ceased to exist.

In short, although the shifts and changes in the statebuilding framework and the defined roles of international actors have shifted throughout the intervention in Bosnia, the narratives on the responsibilities of international actors never exceeded supporting Bosnia through technocratic guidelines. When it is considered that most change was due to shifting threat perceptions of international actors or new global realities, the responsibility gap becomes even more apparent.

### 6.2.1.2 *Statebuilding as a normative and political exercise:*

Statebuilding in Bosnia has often taken the form of a political and normative exercise. The EU has supported the agendas set by the PIC on different issues such as SSR, institution-building, economic policies and normative value promotion. Despite reluctance to intertwine its enlargement agenda with the statebuilding frame, it has used its political tools as well as conditionality to support statebuilding goals. It has supported moderate political parties, engaged in arm-twisting with regard to police, constitutional and other reforms and has used traditional tools such as statements and demarches to support its goals. Its intentions have been political. The EU Special Representative (EUSR) in Bosnia<sup>179</sup> supports the SAP, but also the implementation of the Dayton Accords. The EUSR is tasked with political activities, such as facilitating the local political process, monitoring and advising the executive and legislative authorities in Bosnia as well as political parties and engaging in public diplomacy and outreach. As such, the EU's role as a political actor is embedded in the Union's discourse and its intentions are defined in this realm. Moreover, the EU's relationship with Bosnia is of an asymmetrical nature characterized by aid dependency and conditionality, leaving little opportunity for domestic players to debate policy alternatives. This increases the political tone of European involvement.

Yet, the EU discourse is able to present itself as a neutral and technical actor, with the sole aim of doing good. The EU frames its intentions in Bosnia as building a functional country that could integrate with the EU, operating through a set of technical and economic instruments falling within the SAP, ESDP field missions and EUSR offices (Venneri: 2010). EU officials systematically claim that they do not directly deal with sovereignty or Dayton implementation issues; a claim which is inconsistent with the Union's massive field presence, its support to statebuilding and its use of enlargement tools to foster Dayton implementation. This leads to a responsibility gap, between the political role played by the EU in Bosnia and its narratives confining its responsibilities to the technical area.

Examples are abundant. Transforming the economic and political dynamics in Bosnia has been the main goal of statebuilding and SAP, a goal that has not completely materialized. Pushing forward such a transformation would imply moral responsibility. The international choice to increase the weight of common state institutions and alter the consociational nature of Dayton is clearly in the political sphere, yet another unassigned responsibility (Gromes:

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<sup>179</sup> See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:188:0030:0033:en:PDF>

2009, O'Reilly: 2012, Chandler: 2005). The technical framing of statebuilding has hampered the response capacity of both the EU and the OHR to respond to direct political challenges to Dayton or the SAP, negatively impacting on the image and global actorness capacity of the EU (Dzihic and Wieser: 2011). Even the responsibility of this negative impact is attributed to local leaders.

In fact, the EU, a big bureaucracy that must reach consensus among 28 member states on difficult issues, has a higher tendency to frame political problems as technical. This affects its framing of enlargement and the SAP as well, beyond statebuilding. The EU has often been criticized for neglecting its responsibilities arising from the stabilization dimension of the SAP, perhaps because it enters the political zone a bit too much. In post-conflict countries such as Bosnia and Kosovo, the EU has mostly fine-tuned the technical model it had applied in the Central and Eastern European Countries, with the addition of elements such as ICTY conditionality, regional cooperation and ESDP elements (Chandler: 2006, Aybet and Bieber: 2011). Enlargement, and the responsibilities it entails, has comfortably been confined to the "technical".

#### *6.2.1.3 Dilemmas of Local Ownership:*

The way statebuilding deals with the concepts of full sovereignty and local ownership is another element leading to a responsibility gap. The comprehensive and intrusive nature of statebuilding in countries whose sovereignty has been problematized, the ambition to set out the future vision for countries, and the negative unintended impacts on local ownership imply more responsibilities for international actors than the narrow and limited support role self-attributed by discourse.

Although the restoration of full sovereignty and local ownership has been the primary declared goal of statebuilding in Bosnia, the current administrative structure is hardly a product of local will. The Dayton Accords, to which the Bosnian Constitution is an annex, is based on external arm-twisting rather than the result of dialogue between the peoples of Bosnia. Similarly, the decision to alter the consociational elements of Dayton based on the vision that ethnic nationalism should be overcome is a product of the international community (Belloni: 2007). The key elements of Bosnian statehood; such as the state flag, the common currency and border services are products of international decrees (Donais: 2005). Especially in 1998 – 2006, domestic sovereign prerogatives continued to be compromised with a view to fostering the institutional reorganization of BiH towards establishing full sovereignty. External actors have retained influence on the setting up and implementation of fiscal and economic strategies, government structures and the security

sector. Bosnians have cast votes several times since 1996, but none of these elections provided answers to the lingering questions of statehood and local ownership (Donais: 2005). Each new High Representative has changed the modalities of statebuilding in Bosnia, with the endorsement of the PIC but without the approval of the Bosnians.

International ownership also prevailed over reform efforts. Both the US and the EU have made clear that the constitutional reform efforts, envisaged to grant Bosnians ownership over their constitution and state, would have to result in a state structure more or less modeled after a neoliberal state. Ironically, both internationally led constitutional reform efforts engaged primarily with the nationalist elites in Bosnia, resulting in their empowerment over local interests (Juncos: 2012). A similar dynamic became prevalent in enlargement. As European integration processes also prefer bargaining with (democratically elected) national elites and limits the engagement of civil society and political parties, EU-conditionality helped boost anti-state forces that it tried to weaken and problematized transforming nationalist identities into genuine local interests (Juncos: 2012). Moreover, the application of integration frameworks previously applied in Central and Eastern Europe made Bosnia the recipient of strategies developed elsewhere (Belloni: 2007). In addition, by suggesting that the only solution for Bosnia was Europe, a future direction was dictated to the people of Bosnia instead of being their choice.

In short, both Dayton implementation and enlargement have conditioned local ownership on prior acceptance of externally defined (imposed) sets of norms, principles and institutional frameworks (Donais: 2005). Yet, the primary responsibility of statebuilding and Dayton implementation falls on the local populations and their leaders, creating a “responsibility gap” in terms of ownership of the vision for Bosnia. This dilemma has led to the local population adopting a passive attitude towards democratic processes, the statebuilding project and European integration (Tzifakis and Tsardanidis: 2006). It also allows Bosnian leaders to avoid the responsibility of difficult political decisions; when external actors frequently impose decisions, local politicians can afford an intransigent attitude on the domestic front and avoid inter-ethnic cooperation (Belloni: 2009). This dynamic works against the basic principles of statebuilding defined above: establishing a fully sovereign Bosnian state which can take responsibility, does not pose a threat to international peace and stability, and allows for the external actors to leave the country confident that there will be no return to conflict.

As long as the sovereignty of Bosnia is problematized and its constitution is based on international impositions rather than the will of the Bosnian people, the prospective moral responsibilities of the international community will

persist for the malfunctioning of the system. Until then, it is difficult to talk about full sovereignty and ownership of Bosnians, in a system that is still sustained through the involvement of the international community. This is not only a responsibility gap, but also an underlying reason behind the urgency of pushing for constitutional reform in Bosnia.

### *6.2.2 Responding to criticisms to the statebuilding frame: Discursive safeguards*

While the global and regional dynamics kept changing as the statebuilding project in Bosnia progresses, alongside evolving international and European capabilities, the core elements legitimizing the international presence remained mostly static:

- The understanding that effective statebuilding, embraced by national authorities and succeeded by European integration, would result in sustainable peace and stability,
- The problematization of the full sovereignty of Bosnia until a functional and viable state was built,
- The attribution of the primary responsibility of “making Bosnia work” to the Bosnian population and leaders.

#### *6.2.2.1 Responses to criticisms within the statebuilding frame:*

In the previous chapters, we have seen that one way dominant narratives respond to criticism is by offering practical solutions within the statebuilding frame, suggesting fine-tuning and technical improvement. One such example is the streamlining of the coordinating structures of the international community in 2002 to eliminate duplication of tasks, in response to criticisms regarding the difficulties in cooperation and coordination and the overlapping of tasks (Sebastian: 2012). A “Board of Principals” was established as the main coordinating body, chaired by the EU Special Representative and meeting weekly in Sarajevo, to coordinate the efforts of NATI, OSCE, EU and UN agencies, the IMF and the World Bank (Chandler: 2006). As the statebuilding project progressed, international actors tried to avoid the trap of rushed and unrealistic timelines, although time pressures have also been a consistent feature throughout the years. Criticisms concerning the consociationalism of Dayton and the intrusiveness of international action have also been dealt with in a technical manner and within the statebuilding framework, through stressing that effective and successful statebuilding coupled with a European perspective would eventually help manage and eradicate these problems.

The lack of international and/or European capabilities to materialize the comprehensive vision set out for Bosnia in the Dayton Agreement and afterwards has been another criticism consistently raised, especially in the first years of international intervention. The introduction of the Bonn Powers as well as EU conditionality, together with the bolstered European civilian crisis management capabilities, was important to help narrow this capability gap, although the inconsistencies and unclearness in EU conditionality sometimes invalidated this tool (Aybet and Bieber: 2011, Tzifakis: 2012). On the EU side, the dominance of intergovernmentalism and the phenomenon of the “lowest common denominator” have also been criticized for paralyzing the Union’s ability to act efficiently and rapidly in Bosnia, often leading to technical responses instead of more debated political ones (Simms: 2012). The problems of horizontal and vertical consistency have been partially improved, including in Bosnia, with the introduction of the Lisbon Treaty (2007) (Wolff and Whitman: 2011).

From a moral responsibility perspective, one can claim that efforts to improve statebuilding and foster the capabilities of relevant actors have been morally responsible acts, which have aimed to match the international vision with adequate capabilities. For instance, in the late 1990s, the international community has constantly assumed new tasks in Bosnia, to keep up with the vision of statebuilding as a comprehensive act that leads to sustainable peace and security. The EU’s increasingly assertive role, fostered by its enhanced civilian management capabilities and its use of enlargement conditionality has not only provided Bosnians with a future direction, but also helped improve the image of the EU shattered by its early ineffective response to the war in Yugoslavia. The European perspective has also helped respond to criticisms on the intrusive nature of international involvement. In short, the international community and the EU have consistently sought to identify and address the problems within the statebuilding frame, especially through fostering their own capabilities to better serve their responsibilities set out by declared intentions and impact of action. However, these solutions have not challenged the core elements of the statebuilding frame, which suggests that statebuilding is a guarantee for lasting peace and stability, and the primary responsibility in bringing this forward belongs to the Bosnians.

#### *6.2.2.2 Responses to challenges to the statebuilding frame: Discursive safeguards*

One problem in statebuilding is strikingly clear. Statebuilding in Bosnia has succeeded in bringing security, establishing state institutions, conducting free elections, making Bosnia subscribe to core human rights treaties and addressing the gravest sufferings of people. However, the ultimate goal has



not been reached: Achieving full sovereignty and national ownership, based on the consent of people, in a peaceful and functioning Bosnia integrated into Europe. The core intention of statebuilding in Bosnia remains unfulfilled. IN addition, despite continuous efforts to improve and fine-tune international practices, the continuous stream of new initiatives have not managed to find solutions to the core problems associated with external statebuilding – establishing full ownership, inclusivity, and self-reliance.

As the previous parts have demonstrated, the international community has continuously set out the normative and political vision for Bosnia. It has regularly changed the parameters of involvement, without much consultation with the Bosnian people. It has assumed executive positions where the sovereignty of Bosnia has been problematized. The EU has been part of this international vision, including by assuming a leading role in the later stages of statebuilding. With the introduction of the SAP framework, the EU has aspired to be the main actor in Bosnia; many EU countries still push for the OHR to be finally closed. Yet, neither international nor European narratives have assumed much moral responsibility that all these choices, intentions and actions imply. The scope of international and European responsibilities has consistently been defined as limited and technical; similarly, responses to criticisms have been limited and technical as well. A deeper soul-searching has not yet taken place, to address the “responsibility gaps” inherent in the statebuilding frame. Instead, international narratives have chosen to avoid them, by employing a number of “discursive safeguards”. Some of these safeguards are exemplified below:

*The emphasis on statebuilding as a universal and technical exercise:*

The consistent framing of international actors of their involvement as narrow, limited, technical and temporary, despite their political and normative role in Bosnia, is the first discursive safeguard. In other words, the framing of statebuilding in Bosnia as a technical support function, as opposed to a political and liberal exercise, has allowed the international community to avoid any responsibility beyond the technical sphere. To give a recent example, on the website of the EU in Bosnia and Herzegovina, the responsibilities of the EU Delegation are defined purely in the technical realm – “presenting, explaining and implementing EU policy, analyzing and reporting on the policies and developments in the country, and conducting negotiations in line with its mandate”. Furthermore, the EU Special Representative, which was once double-hatted with the High Representative of OHR and has a more political scope of action, also defines its responsibilities as reinforcing “the EU’s political support for its policy objectives” in Bosnia , offering “advice and facilitation support in the political

process to all institutions (...), and ensuring greater consistency and coherence of all political, economic and European priorities". Its connection to statebuilding, as well as the political role it (previously) played, is obscured.

Confining international action purely to the technical realm allows the attribution of political and normative responsibility – the responsibility for choice – to domestic actors. This technical framing has been apparent in the EU's discourse, even when dealing with more political issues such as constitutional reform, political facilitation and minority rights. The European Commission's 2014 Progress Report for Bosnia defines the EU's role in constitutional reform as "facilitation". Furthermore, without mentioning that the Bosnian constitution is the Fourth Annex of the Dayton Agreement, it stresses that "the complicated decision-making process, lack of shared vision, and weak cooperation between the various levels of government have delayed structural reforms and hampered the country's progress towards the EU". Statebuilding in Bosnia has been a liberal internationalist choice, justifying comprehensive and intrusive efforts aiming to bring forward free markets, individual rights, and democratic institutions, as the universal prerequisite of sustainable peace and development (Baum: 2008). Framing the role of international actors, including the EU, as purely technical, obscures these political and normative choices made by international actors since the signature of Dayton. This framing allows define international responsibilities purely as implementation, although the overarching vision of liberal internationalism is never challenged. It has technicalised the engagement of the international community, by defining the neoliberal state as a norm and statebuilding as the way to get there.

The frustration of the PIC and the EU with Bosnian leaders who openly challenged internationally imposed reforms, for example, has much to do with the universal/technical framing of statebuilding. By challenging these reforms, many Bosnians were implicitly arguing against their universal nature. Arguing against the universal frame of statebuilding would mean that international involvement in Bosnia was a choice – which involves responsibility.

The presentation of statebuilding and EU integration as the only viable and rational alternative to conflict in the country has also been a discursive safeguard constantly employed by the EU. For instance, the French Representative's statement to the United Nations Security Council in 2014 stresses that "the prospect of European integration offers the only viable way forward for Bosnia and Herzegovina". Defining European integration as the "only choice" gives it a universal tone, obscuring the choice to use integration as a statebuilding tool for many years. The careful framing of several EU

Presidency Conclusions of the EU's involvement in Bosnia in the framework of EU integration rather than statebuilding is also telling. International actors can be inevitably held more responsible for political choices in the context of statebuilding, which problematizes sovereignty. The enlargement frame brings no such responsibility to the EU: the choice to enter an enlargement relationship with the EU rests with the accession country, after that choice has been made; it is easier to frame the relationship as technical. In the examples of police and constitutional reform, the EU has often left it to the US to undertake the more risky and complex responsibilities in the political sphere, while trying to technicalize its own involvement by connecting it to the SAP (Venneri: 2010).

This is not to say that there was a conscious effort to avoid the “political” in Bosnia. Both the EU and NATO recognized that engagement meant getting involved in the creation of the state normative and institutional framework (Aybet and Bieber: 2011). However, especially as the risks of becoming entangled in the complex Bosnian dilemma – partially created by international involvement – increased, discourse been used as a safeguard to avoid the responsibility that might arise beyond the manageable technical sphere. Defining responsibility in technical terms has also allowed the EU to identify quantitatively measurable narrow definitions of success and avoid difficult political choices (Vines: 2010). As dealing with the political sphere became increasingly risky since 2006, the European discourse has more and more focused on its technical responsibilities in the scope of enlargement – the safest area for EU engagement.

*The static formulation of responsibilities, despite evolving dynamics:*

We have previously seen how dominant narratives frame of international responsibilities in statebuilding in a static manner, failing to adapt them to changing realities on the ground as well as shifting modalities of response. The democratic state based on neoliberal values has been consistently framed as a best practice, and statebuilding as a technical exercise to get there. This has been despite the fact that the international community has been the driving force behind change, influenced by external interests and threat perceptions.

The static definition of responsibilities has safeguarded against the attribution of retrospective responsibilities with each change in the parameters or modalities of statebuilding. Examples are numerous. UN Security Council resolutions on Bosnia since 1995 have constantly underscored that “the primary responsibility for the further successful implementation of the peace process lies with the authorities of Bosnia and Herzegovina”, while often

conditioning international assistance to compliance of national authorities with Dayton. The responsibilities of international and European actors have been defined as “support”, even in 1998-2006 when statebuilding evolved into an intrusive and comprehensive exercise with the Bonn powers. This focus on the primary responsibilities of the nation state and the definition of external responsibilities as limited and temporary has helped avoiding the responsibility from being the driver of the process of change. The EU’s narratives, after the introduction of the Stabilization and Association Process, provide another good example.

Framing responsibilities in prospective terms as such has allowed avoiding the retrospective responsibilities that have arisen from its involvement in statebuilding. Although the EU has clearly been a statebuilding actor, and its ESDP tools have been utilized towards fulfilling statebuilding goals, it has increasingly defined its responsibilities solely in the scope of enlargement. In fact, it has not always been clear where statebuilding ended and enlargement began, as the expected outcomes and the methods carry similarities and the tools of each project is used to reinforce the other. The aforementioned examples on police reform in Bosnia provide a good example.

Although the statebuilding frame continues to attribute the primary responsibility of statebuilding to the national authorities, the international community has been the most instrumental actor in determining the future direction of Bosnia. Accepting a consociational structure for Bosnia in order to successfully stop the conflict embedding an international role in the Dayton system, employing statebuilding as the key methodology for sustainable peace and security and pointing out Europe as the future direction of Bosnia have all been international choices and intentions which have impacted the current situation on the ground (Bose: 2009). However, every new phase in Bosnia has obscured this relationship of the international community and the EU with Bosnia. Retrospective responsibilities have particularly been obscured.

*Emphasizing local ownership while problematizing sovereignty:*

The imperative of full local ownership is the most emphasized element in international narratives, not least because the legitimacy of international peacebuilding efforts are based on the emphasis on sovereignty and ownership. Yet, while emphasizing full ownership as an end goal, the sovereignty of conflict countries is often problematized in peacebuilding contexts. Ghani and Lockhart (2008) use the term ‘sovereignty gap’, to define countries that enjoy de jure sovereignty, yet are characterized by a de facto inability and incapacity to protect their populations. In other words,

peacebuilding is often conducted in a sovereignty and capacity vacuum, where conflict-affected countries are unable to exercise full ownership over peace processes. This vacuum provides international actors with an entry point to engage in broad and comprehensive activities, cross-cutting through development, human rights and peace and security sectors and a possibility to determine the future direction of the country (AGE: 2015). However, narratives still tend to stress the 'primary responsibility of the nation state'. This has been the dynamic for Bosnia, throughout the statebuilding project. For instance, while one of the most comprehensive and intrusive statebuilding projects was implemented in Bosnia from 1997 - 2005, often criticized as a form of 'social engineering of the state and society', international narratives pointed out to how 'the people of Bosnia' had achieved a remarkable recovery with international support (Aybet and Bieber: 2011, Chandler: 2010, Belloni: 2009).

The constitutional system of Dayton has been imposed by international actors and has required the continuous involvement of the international community to be sustained. The international community has also called for change in Dayton parameters: a PIC Steering Board Political Directors Meeting in Sarajevo on 24 June 2005 clearly connected international exit to the transfer of international responsibilities to Bosnian authorities and the EUSR office. This has also drawn the framework of sovereignty in Bosnia: until the OHR office is shut down, the full sovereignty of Bosnia will remain problematized. The PIC in February 2008 fine-tuned the modalities of international engagement once more. The transition from OHR to the EUSR would not be automatic; Bosnians would first "create the conditions for transition to occur.

Especially with the increasing stagnation of the statebuilding project, the Europeans have strived to frame their involvement in Bosnia in the scope of enlargement. This has made it easier for them to emphasize the primary responsibility of the Bosnian leaders, since enlargement does not deal with contexts where sovereignty has been problematized. Yet, since the statebuilding project in Bosnia will technically end only with the closure of the OHR, the international community continues to hold discretion over what the future Bosnian state should look like: a functional state adhering to neoliberal principles. Thus, the responsibility of the Bosnians is, in fact, not taking the responsibility for their own future, but rather adhering to the "universal model of the neoliberal state". Indeed, when different Bosnian leaders started to challenge Dayton or statebuilding reforms after 2006, the international community and the EU criticized them for being "irresponsible". Defining full ownership as full adherence to the liberal internationalist framework has been a discursive safeguard applied in Bosnia. The framing of statebuilding as a technical and universal best practice has

strengthened this safeguard, implying that this vision of a democratic and functional Bosnia on its way to Europe is not developed by external actors but is a universal norm.

Additionally, the EU's narratives, exemplified previously, have articulated a distinction between the will and interests of the Bosnian people and the narrow self-interested goals of the Bosnian leaders. While the will of the Bosnian population, regardless of their community, is equated to the goals of statebuilding, the local politicians are blamed for being the ones pursuing narrow nationalist goals. From this angle, international engagement, no matter how intrusive it is, aims to further the will of the people; in fact, they intrude in Bosnian affairs to counter local politicians threatening the interests of local populations (Chandler: 2009). The international and European discourse implies that ethnic nationalism is an anomaly and Bosnians would move towards European integration and Dayton implementation if given the chance (Belloni: 2007, Jeffrey: 2007). Thus, in a way, international discourse claims to foster local ownership, by empowering the well being of local populations over the narrow self-interests of their leaders. For instance, the 2013 EU Progress Report for Bosnia states that "The country's constitution (...) established a complex institutional architecture that remains inefficient and is subject to different interpretations", [which has] a negative impact on structural reforms and the country's capacity to make progress towards the EU". Different interpretations, clearly, have not been welcomed.

#### *Difficulties in the Attribution of Responsibility:*

The moral responsibility framework emphasizes the importance of identifying the moral agent in the attribution of responsibility. The statebuilding frame in Bosnia has always involved multiple international actors working together, making it more difficult to attribute responsibility to them separately (Dursun – Ozkanca: 2010). This has been less of a dilemma in the years between 1998-2006, when the OHR and the High Representative was to a great extent the main source of authority and PIC was the key decision-maker. Although the PIC/OHR did not have any powers over the other members of the international community, being the sole provider of Bosnia's future vision and enforcing steps towards this end placed them in the drivers' seat of external responsibility. The International Crisis Group (2011) reported that the OHR staff believes that they are needed to handle issues that other organizations do not or cannot. Yet, this dynamic obviously did not prejudice the discourse that the local actors had the primary responsibility in Bosnia.

Once the EU entered the equation, it became unclear to what extent the EU was responsible for Dayton implementation and to what extent for statebuilding. Both statebuilding and enlargement perspectives stress the “primary responsibility of the local authorities” in peace processes. However, statebuilding might ascribe temporary (executive) responsibilities to international actors in the sphere of the “sovereignty gap”, implying stronger international responsibilities in success and failure. Enlargement highlights the applicant state’s responsibility for shaping their policies, structure and identity through asymmetrical processes and fulfilling political and economic criteria (Tzifakis: 2012, Friis and Murphy: 1999). The EU enterprise is highly asymmetrical and unaccountable, but not imposed OHR style (Belloni: 2009). Thus, as long as the EU confines its involvement to the technical territory of enlargement in the form of political and economic criteria and harmonization with the *acquis*, it can more comfortably claim that its responsibilities lies in the technical realm (Dzihic and Wieser: 2011, Aybet and Bieber: 2011, Juncos: 2012). While statebuilding aims closing a sovereignty gap, enlargement wants to construct Bosnia as a state that can join the Union, without necessarily concentrating on the full restoration of its sovereign prerogatives (Ghani and Lockhart: 2008). Indeed, conditionality is about the local leaders weighing the benefits of accession against the costs of transformation, and offering financial and technical assistance and institutional ties (Tzifakis: 2012). In fact, as seen above, this change is evident in the EU’s discourse after 2006, where enlargement perspectives are highlighted more than security and stability ones.

The majority of EU states feel uncomfortable of the OHR presence in the country; this presence serves as a reminder that BiH is a country that does not enjoy full sovereignty, thus inevitably stressing their role as being directly engaged in the peace process (Vogel: 2011). The Council of the EU remarked that the PIC should consider the possible relocation of the OHR outside of the country in March 2011, has continuously asked for cuts in the OHR budget and has been criticized for undermining the High Representative’s work in Bosnia. The OHR and EUSR have stopped the practice of double hatting, and the reinforced EUSR has moved from the OHR office to the EU Delegation’s office in Sarajevo in 2011. Yet, it is not possible to see the efforts of the EU in Bosnia solely in the realm of enlargement. Many EU countries are PIC members. The EU endorsed and actively supported Dayton implementation, sometimes through its unique ESDP tools. It has directly associated itself with the use of the Bonn powers on many occasions. The police and constitutional reform processes are among the best indicators on how the Union has used EU conditionality and its soft power to help foster Dayton implementation. This difference between the concentration of the EU discourse on its enlargement responsibilities and the actual support given to statebuilding on

the ground constitutes a 'responsibility gap', problematizing the attribution of responsibility to a statebuilding actor despite its deep involvement. The abundance of the different EU institutions working on Bosnia complicates the attribution of responsibility to the EU as a whole even further, with the EUSR, European Commission (Delegation) and the European Parliament defining their responsibilities to Bosnia in different ways (Venneri: 2010).

### **6.2.2 Responsibility Gaps and Discursive Safeguards: The EU in Bosnia:**

This chapter has analyzed the EU's role and responsibilities in Bosnia, in order to support the propositions on "responsibility gaps" and "discursive safeguards".

One of the main findings has been showing that international responsibilities, from a moral responsibility perspective, go much beyond those defined under the dominant statebuilding narratives - defined as a "responsibility gap". Statebuilding, from the viewpoint of international narratives, has been defined as a technical, narrow, limited support function, conducted in support of national priorities and under national ownership. Yet, the international community has given political and normative guidance to post-conflict countries, has been engaged in comprehensive and intrusive efforts to materialize this guidance, and has caused certain unforeseen negative impacts arising from the implementation of statebuilding. In Bosnia, international efforts have been technically successful in bringing security, relative prosperity, and human rights and democratic standards. Yet, the core vision of establishing a self-sustained, resilient, inclusive, fully sovereign state has not yet been fulfilled. The image and foreign policy identity of the EU have also been negatively affected. The riots in February 2014 show the disillusionment of the Bosnian people, the remaining risks to viable stability and economic well-being. The international responsibility for this situation is left mostly unassigned. This lies at the heart of the "responsibility gap" in Bosnia.

The final purpose of this thesis was presenting the idea of "discursive safeguards", as the response of the international community/EU to challenges and criticisms regarding statebuilding, as explained above. For the sake of simplicity and manageability, four responsibility gaps and discursive safeguards were prioritized among others: the contrast between the static nature of moral responsibility and the changing nature of international involvement, the presentation of statebuilding as a technical exercise despite its political nature, the dilemmas regarding local ownership as well as the attribution of responsibility. These elements are summarized in the chart below:



	<b>Responsibility Gap:</b>	<b>Discursive Safeguard:</b>
<b>The Element of Change</b>	<ul style="list-style-type: none"> <li>- The introduction of new, prospective responsibilities does not cancel out existing retrospective responsibilities, from a moral philosophy perspective.</li> <li>- International responsibilities remained constant, despite changes in global context, conflict dynamics, the intentions and threat perceptions of international actors, and their evolving capacities (primary responsibility of Bosnians, support role of PIC/EU).</li> <li>- The shift in the EU's engagement in Bosnia from statebuilding to enlargement has not been analyzed adequately from an attributability perspective.</li> <li>- As international engagement moves from one phase to the next, there is no analysis on how this might change the responsibilities of external agents.</li> </ul>	<ul style="list-style-type: none"> <li>- Definition of international responsibilities in a static fashion, such as supporting local actors even when comprehensive and intrusive statebuilding is ongoing.</li> <li>- Each new phase further obscures the fact that the international community has drawn and implemented the vision for Bosnia.</li> <li>- In each phase, narratives concentrate on prospective responsibilities, without clear analysis on retrospective responsibilities from previous phases.</li> <li>- Lack of debates on what new responsibilities might be, with changing modalities of intervention.</li> </ul>
<b>Statebuilding as a Technical Exercise</b>	<ul style="list-style-type: none"> <li>- Statebuilding in Bosnia has been a normative and political exercise.</li> <li>- Yet, the statebuilding frame defines EU as a neutral and technical actor that aims to "do good".</li> <li>- Both involvement in statebuilding and enlargement has been framed as technical exercises, obscuring the responsibilities for <i>choosing and implementing</i> a certain model of conflict resolution as a solution for BiH.</li> <li>- The EU's internal dynamics foster the narrative choice to frame statebuilding as a technical exercise.</li> </ul>	<ul style="list-style-type: none"> <li>- Presentation of statebuilding and subsequent EU integration as a universal best practice and the only viable and rational alternative to conflict, allowing the technical framing of steps taken in that direction.</li> <li>- Allowing attribution of primary responsibility to local populations by defining the neoliberal state as the norm and statebuilding as the way to get there.</li> <li>- Creating an image of success by framing success as narrow and quantitatively measurable.</li> <li>- Lack of clarity of mandates beyond technical definitions.</li> </ul>
<b>Dilemmas of Local Ownership</b>	<ul style="list-style-type: none"> <li>- Statebuilding is a comprehensive and intrusive exercise. The will of international actors is emphasized where sovereignty is problematized. Enlargement frameworks made Bosnia the recipient of strategies developed elsewhere for other countries.</li> <li>- Yet, international responsibilities are presented as a limited and narrow support function, while the primary responsibilities of the conflict country are emphasized.</li> <li>- The consociationism of the Dayton system as well as the enlargement process resulted in the empowering of nationalist elites over local interests. Yet, the end goal of intervention is local ownership.</li> </ul>	<ul style="list-style-type: none"> <li>- Although the emphasis throughout the intervention period is on the responsibility of the Bosnians, this translates as the responsibility of the Bosnian leaders to adhere to the internationally defined/imposed vision and framework – especially with regards to European integration.</li> <li>- The framing of statebuilding as a technical and universal best practice implies that the vision for BiH is not developed by external actors but is a universal norm.</li> <li>- The EU and the PIC claim to foster the interests of Bosnian people over those of Bosnian leaders, allegedly empowering</li> </ul>

		local ownership over narrow nationalist interests.
<b>Difficulties in the Attribution of Responsibility</b>	<ul style="list-style-type: none"> <li>- The multitude of international actors makes it hard to establish moral responsibility for specific moral agents.</li> <li>- It is unclear to what extent the EU is a statebuilding actor and to what extent it is responsible for enlargement.</li> <li>- It is difficult to understand which EU institution or actor is responsible for which action, beyond technical responsibilities arising from narrowly defined mandates.</li> </ul>	<ul style="list-style-type: none"> <li>- The complications in defining the moral agents has led to appropriate actors being off the hook on some occasions.</li> <li>- The shift from the statebuilding to the enlargement framework has led the EU to increasingly frame its involvement in BiH from the enlargement perspective, allowing it to avoid its responsibilities arising from being a statebuilding actor.</li> </ul>

Identifying a concrete agent of responsibility – the EU – and connecting it with a specific context – Bosnia and Herzegovina – has helped the propositions of this research with direct examples from the ground. Looking into the application of statebuilding guidelines in Bosnia, it can be concluded that there has been success on the technical, measurable, quantitative elements such as bringing stability, establishing state-level institutions, delivering basic services and taking steps towards integration into the EU. The problematic aspects have always been questions related to identity, territorial divisions, ethnicity, constitutional structures and conflicting visions related to the future set-up of Bosnia. The understanding of statebuilding suggests that the technical implementation of statebuilding guidelines will lead to the withering away of these questions. In Bosnia, the reverse has happened; the political questions left unaddressed have taken over the statebuilding agenda and threaten to overturn the technical gains achieved. This dynamic that envisages the separation of the technical and political spheres and attributes the responsibility of the “political” to the Bosnians is one of the biggest ‘responsibility gaps’ of neoliberal statebuilding. In fact, when one looks at the list of European responsibilities cited above, this negative dynamic risks the fulfillment of many responsibilities, from providing sustainable peace and security, ensuring better service delivery and promoting a European future to the local populations, to protecting the economic and security interests of the EU and fostering the image of Europe. And tackling this issue through discursive safeguards is just not enough.

## 7. CONCLUSION

This thesis has not aimed to point fingers at the 'irresponsible' members of the international community by highlighting their failures and mistakes. Nor did it intend to portray external actors in statebuilding in an entirely negative light – as unhelpful actors that interfere in conflict situations, prioritize their own interests under the guise of statebuilding and exit at times when they are most needed. Such claims would deny the value and benefits of having a multitude of international, regional and national efforts to produce sustainable solutions to conflict, the genuine intentions of many international actors to promote peace, and the good will of the individuals who risk their lives to go to the field to operationalize these efforts.

The purpose has been much simpler. It was to answer this question: How could the international community, having set out the rules for Bosnia from the outset and having retained influence over its management as well as its future direction in the years to follow, claim so little responsibility for its actions there? Similar situations in Afghanistan, Palestine and Iraq showed a dynamic common with BiH, in terms of the construction of responsibilities. External actors assumed responsibility in 'building countries' in a manner that was limited, compared to their vast power and influence over the present and future of those countries. Such examples relate to a key entry point to this research: the apparent mismatch between the comprehensive and often intrusive role of international actors in statebuilding and the narrow and limited definitions of their responsibilities.

These initial thoughts led to three concrete propositions. *First of all, statebuilding clearly presaged an influential role for international actors in post-conflict countries.* It would be logical to expect that such an influential role would come with comprehensive responsibilities. This thesis tested this proposition, via a detailed look into the theory, practice and progression of statebuilding, as well as into the manner in which the EU partook in this exercise in general and in BiH.

In Bosnia, the international community (and particularly the US) was instrumental in creating the Dayton Peace Agreement (DPA) – an accord that was never ratified by any referendum (O'Leary and Mc Crudden: 2012). In a country whose full sovereignty would be compromised until certain criteria (set by international actors) were fulfilled, external actors assumed key executive and judiciary positions after the DPA was signed (Chandler: 2006, Belloni: 2007). The Bonn Powers gave the High Representative an additional executive and legislative role, designed to facilitate the implementation of the

civilian aspects of the Dayton Accords, that included the ability to impose laws and to sack obstructive politicians<sup>180</sup> (Venneri; 2010, Tzifakis: 2012, Belloni: 2007). Moreover, and maybe more crucially, international actors (and increasingly the EU), dictated the way forward for BiH. The full implementation of an emerging and comprehensive statebuilding frame, based on such neoliberal parameters such as individual rights, good governance, democracy, elections and a free market economy, preferably via constitutional reform, would put BiH on the way to full sovereignty. The EU, would not only help this transition through its Stabilization and Association Process (SAP), but would be Bosnia's final destination.

In theatres such as Afghanistan, Iraq and Palestine, international actors have been involved in statebuilding in many different ways, and have acted with varying levels of comprehensiveness and intrusiveness. In general, they were responsible for pushing for and supporting peace deals, sometimes dictating the full terms of the agreement. Throughout the implementation stage, they would then frequently change the parameters of how the state should be structured on numerous occasions. They dictated guidelines under the guise of following universal and technical principles, even though these guidelines indicated a *choice* by the international community to try to achieve a certain type of state – a choice that should have entailed responsibility. In general, local choices and ownership were respected mainly if they fell within those preexisting guidelines. In the meantime, the actors often defined the direction of the statebuilding project according to factors that did not necessarily originate with the conflict itself, such as new developments in the theory and practice of statebuilding; emerging global or regional threat perceptions; and changing foreign-policy aspirations. All of these examples served to reaffirm the first proposition of the thesis, that statebuilding is a comprehensive and intrusive exercise.

The second proposition of the research was that *the responsibilities of external actors in statebuilding contexts have not been framed comprehensively*. Numerous examples cited in this thesis illustrate how the international, and specifically the European, discourse defined responsibilities in a limited and narrow manner. In order to test this proposition, two methods have been employed: (a) discovering whether it is possible to talk about a general frame through which external responsibilities are constructed, and, (b) looking into alternative ways to attribute responsibilities to external agents.

The frame analysis conducted in the thesis identified a narrative that could be used to understand how statebuilding activities and responsibility were

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<sup>180</sup> See the PIC Bonn Conclusions, at [www.ohr.int/pic/default.asp?content\\_id=5182](http://www.ohr.int/pic/default.asp?content_id=5182)

constructed (while still acknowledging deviations from the frame and context-specific behavior). The frame problematizes the sovereignty of states that cannot protect their populations or that pose a threat for international peace and security. It also defines statebuilding as a technical process aiming to establish well functioning liberal-democratic states based on "universal" best practices of state administration. States that cannot fulfill their protection or prevention responsibilities *due to a lack of capacity* are the subject of statebuilding efforts.

The frame also holds that statebuilding does not directly challenge state sovereignty, and it implies the consent and primary responsibility of the state being "built." The international community's role is thereby defined as a support function, simply helping fragile states to achieve sustainable stability through capacity-building in several areas, ranging from development and democratization to security provision, good governance and human rights. When external actors have to assume more direct executive functions, these efforts are mainly defined as technical. The frame ultimately holds that statebuilding not only allows conflict-ridden states to better respond to challenges, it also boosts their sovereignty and fosters local ownership.

Following the frame analysis, the thesis sought to establish an alternative framework to attribute moral responsibility, using relevant philosophy and international relations literature. The comparison of the way external responsibilities are constructed under the statebuilding frame to the alternative narrative of moral responsibility indicated that the statebuilding frame attributes responsibilities to external actors in a rather limited and narrow manner. A deeper analysis of declared intentions, as well as of the impact caused by external (European) actors, concluded that external responsibilities can go beyond the protection of local populations and the sustainable prevention of conflict through capacity building. Indeed, civilian international interventions can lead to the assumption of more direct responsibilities by external actors in such areas as the promotion of democracy; the construction of long(er)-term stability and economic prosperity; the establishment of functional systems of justice that contribute to reconciliation; the construction of viable structures that combat state fragility by addressing the root causes of conflict; the integration of "failed and failing" states into the international system; the encouragement of sustainable development and prosperity (in the EU); the promotion of free and fair trade; the mitigation of threats posed by migration, criminality, organized crime, terrorism, regional conflicts; and the disruption of normal economic activity. In addition, the EU formulated responsibilities and definitions toward relating to itself as an entity, for example building and solidifying its identity; boosting its capacity as an international actor;

propagating and affirming its own model; and promoting European, internationalist values and norms.

In comparing the moral responsibility framework with the statebuilding frame, the thesis identifying three dilemmas:

- Change: The static definition of external responsibilities in the statebuilding frame stood in contrast with the ever-changing nature of statebuilding. From a moral responsibility perspective, every change in capacity, policy and practice requires a new definition of responsibilities (prospective responsibilities), without cancelling out the old ones (retrospective responsibilities).
- Statebuilding as a technical exercise: In discourse, the political nature of statebuilding is accepted, while in the statebuilding frame, external responsibilities are labeled a technical exercise and the role of external actors is regarded as “neutral, credible and ethical – almost scientific”. From a moral responsibility angle, statebuilding is a choice by external actors to create a certain type of government rather than a universal best practice. Moreover, external actors openly declare (political) intentions to protect their interests and promote their identity and model by engaging in statebuilding.
- The dilemmas of local ownership and sovereignty: In the statebuilding frame, external actors derive their legitimacy from the purpose of restoring full sovereignty to conflict countries and prioritizing local ownership as a principle and an end goal. Yet, the international community plays a key role in the creation of new political and institutional rules in post-conflict settings, sometimes even performing quasi-governmental functions, and creating a *modus vivendi* based on external influence through the application of technocratic guidelines. Moreover, external actors, instead of fostering sovereignty, often attached conditions to it – ones that might contradict the idea of local ownership and state sovereignty.

In short, the frame analysis and the construction of a moral-responsibility framework made it possible to test and affirm the hypothesized mismatch between the narrow and limited way external responsibilities are constructed in the statebuilding frame and the broader construction of responsibilities under a moral-responsibility perspective. This mismatch was dubbed the “responsibility gap.”

The third and final proposition of the thesis concerned the relationship between the international community and its responsibility gaps. International efforts to reform statebuilding practices were not deep enough to bridge the responsibility gaps identified in the statebuilding frame; instead, those efforts were seen to be focused on fine-tuning statebuilding to new realities. Where responsibility gaps existed, they were protected by “discursive safeguards”; defined as narratives ensuring that external actors attributed responsibilities to themselves in narrow and limited ways.

In looking at this third proposition in BiH and other theatres, technical, measurable, quantitative successes achieved by the EU were visible, for example in bringing about stability, establishing state-level institutions, and delivering basic services. In the case of Bosnia, this also included taking steps toward integration into the EU. Actors in these theatres tended to address gaps and shortcomings in their implementation of the statebuilding frame in practical and limited terms; reports prepared by such institutions as RAND, OSCE, DFID and OECD-DAC offered advice on how to improve the practice of statebuilding within the boundaries of the existing frame.

Where these actors fall short is in address questions related to identity, territorial divisions, ethnicity, constitutional structures and the future shape of conflict countries. The statebuilding frame suggests that the implementation of guidelines will be sufficient to address these issues. In BiH, though, the reverse has happened; political questions that were insufficiently addressed have taken over the statebuilding agenda and threaten to overturn the technical gains achieved, while the responsibility for reversing this situation has been placed on local leaders, under the guise of local ownership or via the issuing of technical guidelines. This dynamic, which envisages the separation of the technical and political spheres and attributes the responsibility of the “political” to the Bosnians, lies at the very core of the responsibility gap. Response to these problems has often taken the form of “discursive safeguards,” some of which have been identified below:

- Change: The statebuilding frame defines responsibilities in a narrow, limited and temporary manner. These responsibilities are not set out in a detailed manner, but are kept general and vague. As such, changes in the practice and implementation of statebuilding do not require a recalibration of international responsibilities. Discourse on responsibility ultimately concentrates on intentions for the future (prospective responsibilities), rather than the (retrospective) impacts of intervention. As a result of this framing, even when the purposes, methods, goals and results of statebuilding change, a thorough analysis of shifting external responsibilities becomes unnecessary.

- Statebuilding as a technical exercise: A number of factors have made it possible for external actors to define their responsibilities in a limited and narrow way. These include the framing of mission mandates in a purely technical manner; the connection of responsibilities to these narrow mandates rather than to the general impact of statebuilding on the country, its people and the interests and values of the actors involved; the avoidance of issues of history, culture and identity in favor of a quantitative and technocratic approach; and the definition of success in a limited and quantitatively measurable way. Frames that attribute actors' activities to "following international best practices" put the intervention in a universal frame and help to dilute the responsibility of making a political *choice* to select and engage in statebuilding as a particular type of conflict-resolution activity.
- Local ownership and sovereignty: The external actors have established their main intention as the restoration of full sovereignty to the country where the intervention is taking place and the provision of assistance to local populations, as well as by emphasizing the primary responsibility of the nation-state being helped. In creating this frame, the external actors have covered up a responsibility gap between their emphasis on the assumption of responsibilities and ownership by local actors in the sites of intervention and their problematization of those countries' sovereignty and capacities, as well as the gap created when their intrusive acts on the ground have tended to disempower local actors.

Taken together, the three propositions outlined above have helped to test the hypothesis of this research—that the international community uses discursive safeguards to cover up the gap between the comprehensive and intrusive nature of statebuilding and the narrow and limited definition, in international relations, of the external responsibilities of external actors in statebuilding.

This thesis has been focused on Bosnia, in order to maintain a manageable scope. Yet, throughout, narrative examples have been provided from conflict situations and statebuilding efforts in Afghanistan, Iraq, Palestine, Central African Republic, Mali and Kosovo.

Up until this point, the thesis has analyzed discursive safeguards as a rhetorical escape hatch for the international community—as tools that are embedded in the statebuilding frame, and that allow international actors to avoid responsibility when faced with situations they cannot address. Yet, there is another way to look at these safeguards. First of all, the extent to



which they genuinely absolve the international community from responsibility is questionable. Secondly, they do not, in and of themselves, provide sustainable solutions for conflicts or to problems that arise during the implementation of statebuilding. They simply serve as band-aids, covering up the underlying root causes of conflicts and the international community's inability to find lasting solutions for them. In the short run, discursive safeguards might alleviate the burden of responsibility on international actors, as well as the inherent shortcomings of the frame itself, but in the long run, they lead international actors to become mired in intractable situations.

By defining its role and identity within the statebuilding frame, the European Union managed to carve out a foreign-policy role and identity for itself. It also minimized the political risks of engagement by focusing on the technical nature of statebuilding and the support function of the Union. When an early exit became imminent, for instance in Bosnia, Afghanistan, and Iraq, the temporary role of external actors and the primary responsibility of the nation state was more emphasized. The discursive safeguards employed with respect to these theatres have not necessarily fostered the well being of local populations in a sustainable manner, nor eradicated terror threats and socio-economic risks to the EU or fostered its image as a credible foreign-policy actor. Instead, by choosing not to define these areas as being among its responsibilities, but instead constructing a narrative, under the statebuilding frame, around the narrow and limited definition of responsibilities, the Union has effectively trapped itself in that frame. It has robbed itself of the possibility of credibly questioning the statebuilding frame or defining its role and responsibilities in a way that would allow it to take more creative and robust action to address the issues lying at the core of the conflicts in which it has intervened.

This is precisely the situation in Bosnia today, which can best be defined as in limbo. Despite years of fluctuating in the level of international engagement, the situation has evolved to a point where neither statebuilding nor enlargement perspectives suggest a viable future for the country. The EU and the international community appear to be unable to develop and implement creative solutions that can steer the country toward self-sufficiency, full sovereignty and local ownership. Nor are they willing or able to contribute the extra time and energy that might lend renewed urgency to the reconstruction project. Instead, the international community, and the EU in particular, remain engaged in Bosnia, out a sense of their economic and security interests and their image, but, worried about the risks of potential turmoil and the harm a more robust engagement might cause to the Bosnian people, they have lost control of the political situation. The Union remains

trapped in its own narrative, falling back on elements of a frame that has, in many ways, lost touch with global realities, and the realities on the ground.

Other theatres provide similar examples. At various stages of the conflicts in Iraq, Kosovo, Afghanistan, Libya and Palestine and elsewhere, statebuilding has been presented as a method of sustainable conflict response. The framing of international intervention and of the roles and responsibilities of external actors has all converged to a certain extent with the statebuilding frame previously discussed. This frame has provided external actors with discursive safeguards that present their roles as broadly positive, ideologically neutral and supportive of local actors. Yet, it has not necessarily led to sustainable solutions. Local communities in all of these theatres continue, to varying degrees, to live with the threat of instability and war. Refugee flows to Western countries, disruption of normal economic activity and terror threats remain viable risks.

Nor have discursive safeguards helped to bolster the images of external actors in the international community, or to prevent them from being blamed for failures in the countries where they have intervened. A quick Google search for the keywords “Bosnia” and “the European Union” still talks about “Bosnia presenting a terrifying picture of Europe's future,” “Bosnia, and vanishing European leadership,” “Bosnia and the European Union - A Balkan dysfunction” and “Bosnia: Europe’s Time to Act”<sup>181</sup>. External actors, too, remain in a kind of limbo between whole-hearted intervention and full exit—one in which they cannot fulfill their moral responsibilities to local populations, to their own people, or to the identities and self-images they wish to promote. They cannot move forward. They are simply *entrapped*.

This process of “entrapment” (Schimmelfennig: 2001, Hansen: 2006, Loizides: 2015) occurs as the identities and interests of agents become entrenched in frames—ones that make it increasingly difficult for agents to adapt to new conclusions or to accept challenges to the dominant narrative. Even if community members apply standards of legitimacy opportunistically, to advance their self-interests, they can become entrapped by their arguments and obliged to act if they have taken those arguments seriously (Schimmelfennig: 2001). Schimmelfennig’s exploration of *entrapment* argues that the use of rhetorical action in order to avoid assuming responsibility, as well as the confirmation of self-set moral standards, can lead to a loss of

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<sup>181</sup> See *ibid*, <http://www.theguardian.com/commentisfree/2014/feb/17/bosnia-terrifying-picture-of-europe-future>, <http://www.economist.com/news/europe/21573595-politicians-need-work-together-if-bosnia-join-european-union-balkan-dysfunction>, <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/B059-bosnia-europes-time-to-act.aspx> (Accessed on 22 December 2014).

credibility and a decline in the reputation of actors. In other words, failing to assume responsibility while core issues and root causes of problems remain unaddressed can erode the legitimacy of post-conflict interventions, while harming both the interests and the image of external actors.

From this perspective, in the long run, discursive safeguards do not help international actors to avoid their responsibilities, but prevent these actors from fulfilling them. Discursive safeguards divorce external actors from their initial promises to enhance their political and economic interests, to boost their own images and to advance the conditions of local populations. The use of discursive safeguards as “bandaids” also hampers the ability of international actors to find new and creative solutions to conflicts that are in line with changing global contexts, threat perceptions and economic realities, as well as with evolving situations on the ground. This is the final conclusion of this thesis, which could provide an avenue for future exploration and research.

The theory, practice and methods of conflict prevention have been subject to constant evolution and change. Even the best responses to today’s conflicts will not provide answers that will last forever; they must be fine-tuned, shifted or even dramatically altered in order to respond to the needs and demands of a turbulent world, as well as to the constantly shifting nature of conflicts.

UN Secretary General Ban Ki-moon has announced a comprehensive review on peace operations, to be conducted in 2015, which will look into various possibilities to reform the peacekeeping and peacebuilding architecture of the UN. The need to revisit the way we think about conflict has been voiced in other regional and international fora, as well. In order to come up with new, creative and satisfactory solutions, and to convince the international community to invest in these solutions, it will be necessary to think creatively. Rethinking and reformulating the ways in which external actors frame their responsibilities might help foster creative, results-oriented approaches to statebuilding and conflict response, and to help overcome the phenomenon of entrapment. Looking at international statebuilding from the perspective of moral responsibility, for example, might allow the international community to define its responsibilities both to the country intervened and to itself in a more comprehensive and active way.

From a moral-responsibility perspective, rethinking peace operations as efforts to close responsibility gaps would require significant brainstorming about core ideas of statebuilding. It would require a clear definition of the agent (the Self), the subject (the Other), as well as the clarification of

intentions in a more concrete and static manner, the identification of statebuilding as way to sustainably prevent conflict and the clear identification of responsibilities. It would require that actions on the ground remain consistent with these intentions and constant assessments to understand whether this has been the case. It would require a different type of political will, since improved procedures and institutions can only supplement political will in making the Union more responsible in conflict resolution. But more importantly, it would require seeing statebuilding as the active choice of external actors—a choice that entails certain responsibilities. Only then would it be possible to close or narrow the responsibility gap, to the benefit of local populations, of the economic and security interests of statebuilders themselves, and of their image and identity. The increasing use of discursive safeguards in Bosnia by the EU shows that this kind of soul-searching is unfortunately not yet underway.

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