

# WORKSHOP OF THE COST ACTION A28 ON THE INTERNATIONAL COMMUNITY IN THE AFTERMATH OF THE YUGOSLAV CRISIS

**Scientific report prepared by Peter Malcontent**

## **Introduction**

On 6-9 September 2007 the Belgrade Centre for Human Rights in cooperation with the Association of Human Rights Institutes (AHRI) organized and hosted the fourth annual Workshop of COST Action A28 on *Human Rights, Peace and Security in EU Foreign Policy*. The objective of this EU funded network project, that includes twenty-two participating institutes from sixteen European countries and that is being coordinated by the Netherlands Institute of Human Rights (SIM), is to assess the functioning of national and international instruments for human rights and peace & security objectives, in order to recommend modifications for the Common Foreign and Security Policy (CFSP) of the European Union. The instruments COST Action A28 focuses upon concern peace-keeping/enforcement, international criminal tribunals, development cooperation and preventive mechanisms, ranging from the UN High Commissioner for Human Rights (UNHCHR) and other parts of the UN human rights programme to the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe (OSCE).

## **Programme**

The entire programme of the Workshop covered four days starting on Thursday night 6 September with a welcome dinner and ending on Sunday 9 September with a meeting of the Action's Management Committee. The schedule of the event was similarly structured to earlier COST workshops in Vienna (2006), Galway (2005) and Oslo (2004). This implied that the first full day of the workshop was reserved for a plenary programme dedicated to an actual topic related to the objectives of the COST Action, while the second day was reserved for meetings of the four Working Groups that have been established to assess the functioning of the four human rights and peace & security instruments mentioned above. This year most Working Groups used their meetings to work on their evaluation reports that at the end of the Action will be merged into one final comparative analysis. Working Group II on international criminal tribunals however also dedicated a fair amount of its meeting time to allow PhD researchers to present their work and discuss their findings with senior academics.

## **The plenary programme**

The main idea behind organising the 2007 Workshop in Belgrade - the capital of a country located in a region where the UN, the EU, NATO and the OSCE have already been active for more than fifteen years in the field of human rights and peace & security - was that it would offer an opportunity to academics and policy officials from the countries of the former Yugoslavia to provide a critical "user" perspective on the functioning of the four instruments central in COST Action A28. During earlier workshops the floor had been dominated by speakers from Western-European countries; that is, the group of countries that belong to the main initiators of peace operations, international criminal tribunals, financial assistance programmes and preventive UN or OSCE action against possible outbursts of (ethnic) violence. By dedicating the plenary part of the workshop programme to the topic of

*Restoring Peace and Human Rights in the Former Yugoslavia* a platform was created that offered to both Western European experts and experts from the region the opportunity to exchange their views.

The plenary programme consisted of four sessions each of them dealing with the functioning of one instrument that has been used in the context of the former Yugoslavia. The first session, moderated by Prof. Tom Hadden, dealt with the effectiveness of peace operations and resulted in lively presentations by Ivan Vejvoda, director of the NGO Balkan Trust for Democracy and Kai Eide, former Special Envoy of the UN Secretary General concerning the issue of Kosovo and former UN Special Representative in Bosnia Herzegovina. Both agreed about the necessity of the use of peace-keeping and enforcement in the former Yugoslavia, but at the same time it was underlined that the experience with these instruments both in the Balkans and other regions of the world has learnt that there is still much to be improved. One of these improvements should be that when operations are conducted by different organisations ranging from the UN to NATO and the EU, they should integrate their activities as much as possible instead of operating more or less separately from each other. If every organisation just focuses upon its own package of activities than the operation remains without a heart and no one feels responsible for its successful implementation. Another critical remark being made was that participating organizations and states need to learn that peace and human rights should not be dictated, but should be realized together with the population by cooperation on an equal level.

The second session moderated by Prof. Vojin Dimitrijevic mainly dealt with the effectiveness of the International criminal tribunal for the former Yugoslavia (ICTY). While Aleksandra Milenov from the ICTY Outreach Office in Belgrade praised the tribunal for being successful in bringing peace, justice and relief by individualizing guilt, revealing the truth and having a deterrent effect by prosecuting main perpetrators, the other two discussants offered a more critical “user” perspective. Vladimir Djeric, former Advisor of the Ministry of Foreign Affairs, emphasised the psychological distance between the Serbian people and the tribunal because of its location in a foreign country and because its use of a foreign language. He also underlined that the tribunal’s effectiveness in prosecuting and individualizing guilt was debatable because in order to catch “big fishes” like Karadzic and Mladic cooperation from the side of the Serbian government was necessary but so far had failed to occur. Professor Zarko Puhovski from Zagreb University in Croatia also underlined this point. He, moreover, stated that apart from the fact whether the ICTY indeed had been successful in revealing the terrible truth of the past, truth-telling could never be regarded as a contribution to peace – at least not on the short term- because it would reopen old wounds causing new undesired conflicts.

During session three, moderated by Arne Tostensen, one of the editors of an upcoming major COST Action A28 publication on human rights and development, the effectiveness of the instrument of financial assistance to promote peace and human rights in the Balkans was being discussed. The discussants, Prof. Judy Batt and Milica Djilas, focussed upon the EU's use of Stabilisation and Association Agreements (SAA's) as conditional financial aid instruments in order to induce economic and political reforms in countries that have expressed their interest in becoming a member to the European Union. Prof. Batt, currently working as a Senior Research Fellow at the EU Institute for Security Studies in Paris, argued that one of the main reasons why the EU so far has not been successful in concluding an SAA with Serbia is that many Serbian politicians are aware of the growing resistance in many EU countries against continuously opening the door to new member states. Therefore,

Serbian politicians do no longer believe that signing an SAA and accepting the demand to start reforms will be automatically rewarded with EU membership at the end of the day. However, Milica Djilas, Assistant Foreign Secretary of Serbia and responsible for EU affairs, emphasised that if the EU would not have frozen the SAA negotiations with Serbia in order to further Belgrade's cooperation with the ICTY, the SAA would already have been signed and would have forced Serbia to make serious work on its negative human rights image.

The last session of the plenary programme of the workshop, moderated by Prof. Martin Scheinin, dealt with the role of the OSCE and its High Commissioner on National Minorities as mechanisms that through silent diplomacy might prevent violent upheavals that are being caused by ethnic tensions. All three discussants: Anthony Pahigan from the OSCE mission in Belgrade, Goran Svilanovic, former Minister of Foreign Affairs of Serbia and Montenegro and Branislav Milinkovic, Special Envoy of the Ministry of Foreign Affairs to NATO and former ambassador to the OSCE, emphasised the usefulness of the OSCE as a preventive mechanism and hailed the merits of silent diplomacy as an instrument that can solve delicate matters without causing loss of face for one of the involved parties. With respect to this Milinkovic deplores the fact that during the Kosovo crisis the OSCE did not rely more emphatically on its High Commissioner on National Minorities, Max van der Stoel, who as one of Europe's most esteemed and experienced senior diplomats could have played an important role in finding a solution to stop the emerging ethnic violence.

### **Financial report**

Enclosed is a financial report in which expenses are explained in detail. The report consists of a summary list of expenses, a detailed expenses breakdown and of accompanying receipts.