I. Introduction: Conceptual and Terminology Issues of Post-Conflict Rehabilitation

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The Transformation of the International System and Its Consequences for the International Legal Order and Management of Conflicts

The purposeful efforts to explain and define the changes of the Cold War system of international relations continue for a second decade. Certain referent studies[1] stimulate the thinking on these topics, including in the post-9/11 period. Understanding better the transformation of the international system would provide us with a better view on the changes in its regulative sub-system, including the international legal component of the latter.

On this background it would become easier not just to reflect the peculiarities of the conflict landscape and map the variety of conflicts in the post-Cold War world but also to sense in an encompassing way the needs and problems of their management, regulation and solution. *These are prerequisites to draw in a comprehensive way the picture of the post-conflict rehabilitation philosophy, logic and details of the activity – already practiced and consistently studied.*

The transformation from a bipolar to a yet undefined structure of the *international system* has an interim outcome at the highest structural levels of global power-centers' relationships the tendency to a unilateral American military domination and counter-efforts of other powers to mould a multilateral configuration of the world-power relations. It is of key importance to further characterize the tendency of shaping a multi-

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[1] Armand Clesse, Richard Cooper, Yoshikazu Sakamoto (eds.), The International System After the Collapse of the East-West Order, Martinus Nijhoff Publishers, Dordrecht, Boston, London, 1994; Joseph S. Nye, The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone, Oxford University Press, 2002, etc.

polar global international system: the efforts in this direction are on the declaratory political level and have not jumped into new power-balance and the respective to it institutional build-up.

The popular interpretation of the one-polar world concept is a world, in which the single pole of power and influence is comprised just by the United States. In fact the USA, NATO and EU comprise the single pole of world power and influence – a notion that has not yet been clearly realized by the political leaders of these institutions' member states.

The very level of knowledge about the structure of the present international system confuses to a great extent the intellectual efforts of politicians and analysts from the two sides of the Atlantic on these issues. While visions of a one-polar, multi-polar and an idealistic Wilsonian international systems are trying to provide the explanatory paradigm and variables of the present world, from our perspective, we all blind ourselves to the fact that two powerful and real tendencies are in conflict in recent years: a) the tendency of the policy of most of the states in the world, including all countries in Europe to be part or at least – well adapted to the US-led one-polar (in military terms) world, and, b) the tendency of politically pressing the non-existing case of multi-polarity.

Both tendencies, however, have not been yet discussed from the point of view of their democratic governance efficiency. Such a discussion would have very significant repercussions on the contents of the political and legal regulative systems of the international relations, including the international legal system.

The *regional outcome* of these processes in the post-Cold War period has been the re-definition of the globally important knots of conflicting situations, interests and states. The quick fading away of the Cold War historic, socio-economic, political, and with huge nuclear arms contents bipolar conflict did not produce only positive effects. A variety of long suppressed by the Cold War polarization conflicts – inter-state, intra-state, ethnic, tribal, religious, territorial, diplomatic, for disputed resources, etc. filled quickly the global conflict vacuum. The major by-products of these contradicting tendencies and factors in the last fifteen

years have been crises and wars throughout the globe. These conflicts created new and various pressures and tensions. They certainly provided a new, post-Cold War dynamism of the international system, to which in many cases the system as a whole and the individual actors were not always prepared to adapt quickly and react effectively.

How did the *international regulative system* or the world's capacity for self-governance, including its *international legal sub-system*, react to the evolving changes? Unfortunately an ineffective international legal system from the period of the Cold War was not approached with fresh views and activity by the leading states of the world, including by those represented in the UN Security Council as permanent members. The lack of vision and will to reflect the international system's transformation shifts, the new regulative (governance) needs and translate them into appropriate international legal norms did not influence positively the already stumbling international legal system and its respective responsible institutions of global significance and activity. In the face of the erupting regional and local conflicts one after the other the leading powers of the UN Security Council preferred to deal with their own narrowly interpreted national interests and leave aside the expectations of the rest of the UN member-states and the very responsibilities they bear according to the UN Charter to lead the world through the troubled waters of instabilities and conflicts in a cooperative manner and with agreed effective legal tools.

The international legal expert community sent the signal to the politically responsible factors in the first half of the 1990s in an effort to stimulate a needed political activism. Such a proactive attitude was necessary for the process of re-thinking, re-writing or drafting new international legal agreements, required to place the changing world into the stable regulative network of a modern international law. These appeals were listened, but not heard. What followed was a series of international legal violations by dictators like Slobodan Milosevic and Saddam Hussein, who cynically hid these acts behind claims of other countries' disrespect to international law. The humanitarian law and human rights law violations by both of them, the record of violating tens of UN Security Council Resolutions – this is the sad record of international law ef-

fectiveness throughout the 1990s that dramatically exacerbated the global security situation.

However, the potential of international law, despite obvious deficiencies in its formulation and implementation, is huge, it has been a product of decades and centuries of human, social and state experience. The *regulative potential of management and dealing with conflicts* and their consequences does not originate in the post-Cold War period, but much earlier. Furthermore, the efforts of conceptualizing the post-conflict rehabilitation activity do not start with this study, but have their antecedents.

Post-Conflict Rehabilitation – Antecedents, Problem Areas and Efforts of Theoretic Definition of the Subject

On the eve of the First World War the then international community adopted in 1907 the Hague Convention. Together with the earlier adopted international legal norms on the behavior of states in times of war it assigned some responsibility to the occupying powers that exert an effective authority over the occupied territories. The very fact of the military success – no matter if the war has been justified or not, accepted positively by the occupied people or not, triggers the automatic burden of responsibility to do something meaningful for the post-conflict rehabilitation of the occupied country/countries.

Anyway, the issue of post-conflict reconstruction, or peace building, or nation building has not entered comprehensively the international law regulation. One of the reasons is, probably that the very activity and term of 'post-conflict rehabilitation' have not been precisely defined and its content is still uncertain.

The purposeful efforts since mid-1990s of the Cluster of Competence *Rehabilitation of war-torn societies* – a project of the Swiss Interdepartmental Co-ordination Committee for Partnership for Peace and coordinated by Jean F. Freymond, Director of the Centre for Applied Studies in International Negotiations (CASIN) in Geneva, has added significant theoretic and practical insights into the subject. Within the context of this project studies have been carried as to what is the nature of modern

conflict, what are the prerequisites and follow-ups of humanitarian intervention, etc. and why a special focus is needed on the issues of transition and the integration of the new relief agenda with conflict resolution, respect of human rights, robust military intervention – concerning the protection of civilian victims and with contributions to longer-term development[2].

A special mention deserves some accents in this project that attract additional research interest. First, the need of conditionality in supporting the recovery from civil and other wars – both for the recipients of the support and for those who carry it out, is perceived in the context of the absence of strategic consistency in planning for rehabilitation, a kind of manifestation of the lack of vision in the international system for dealing with collapsed states and regeneration of communities. Second, the concept of relief-development continuum as a transition from overt war to a condition of non-belligerence has a special meaning for the humanitarian dimension of rehabilitation. Third, rehabilitation as the transformation of societies has a special meaning for the participation/accountability framework and the social engineering limitations, if the required change is not to destabilize further the already war-shattered state.

The detailed study of special cases in the Balkans and elsewhere by the *Rehabilitation of war-torn societies* project provide solid ground for verification and for further testing of the lessons learnt from the post-conflict rehabilitation experience[3]. Bosnia and Herzegovina and Kosovo are these particular special cases.

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[2] Michael Pugh, Post-Conflict Rehabilitation: the Humanitarian Dimension, 3d ISF, Zurich, Kongresshaus 19-21 October 1998, CASIN, Plymouth, October 1998; Marcus Cox, Strategic Approaches to International Intervention in Bosnia and Herzegovina, 3d ISF, Zurich, Kongresshaus 19-21 October 1998, CASIN, Sarajevo, October 1998. The research efforts continued in the period of the 4th (in Geneva), 5th (in Zurich) and in another format – during the 6th ISF in Montreux.

[3] Cluster of Competence on the Rehabilitation of War Torn Societies, in: Ulrich Lehner and Fred Tanner /With the assistance of Patrick Lehmann, Coping with the New Security Challenges of Europe, Proceedings of the 4th ISF, Studies in Contemporary History and Security Policy, Peter Lang, Bern, Berlin ..., 2001, p. 112-117.

In the case of Bosnia and Herzegovina Marcus Cox examines the three phases of the international mission in this country: first, the phase that focused on military stabilization and reconstruction, and characterized by the direct work of the international factors with the local structures, neglecting often the existing constitutional order; second, the phase of the concentration of power in the hands of the High Representative and turning Bosnia and Herzegovina into a quasi-protectorate, and, third, the phase, developing till now – of purposeful state-building. The special merit of this study is in the elaboration of knowledge about the transition from a protectorate to a sustainable state. These lessons would be definitely important and applicable to other cases in the world.

The study on Kosovo proves how difficult this case of post-conflict rehabilitation is, especially in stimulating the people to start dealing with their own problems. The study marks a needed level of realization of the complexity of these and many other facts that propped up with time and leading to the demands of implementing certain standards before providing the province with a higher level of autonomy for management and political life.

For long these and other Balkan countries will continue to serve as referent cases of post-conflict rehabilitation activities in the present international system.

Various other organizations and states have been trying to clarify separate details or broader aspects of the post-conflict rehabilitation activities. In 2003 the Carnegie Endowment completed a study on the US experience of 'nation building'. It is interesting to notice that the United States has succeeded only in four cases of nation building experience out of 16 since 1900, according to the findings of the Endowment.

The US Stanley Foundation is focusing its efforts for years to study the post-conflict rebuilding puzzle. A lot could be traced on the Foundation's website (www.stanleyfoundation.org) and in other of its publications.

The President of the Foundation, Richard Stanley writes: "post-conflict reconstruction is a daunting challenge. Too often a post-conflict period simply nurtures the seeds of the next conflict"[4]. That is why restoring civil order and administration after a conflict is vital for the total success of an involvement in a conflict. The real issue is how to realize that a glorious battle might be won only after maintaining a long-term commitment to reconstruction, find an optimum combination of international and local actors and generally – implement the CSIS/Association of the US Army Post-Conflict Framework, a matrix of all potential tasks involved in a post-conflict effort[5].

A substantive contribution to peacekeeping and peace building activities was the drafting and adoption of the 'Brahimi Report'[6]. Its main contributions are the precise definitions of UN peace operations' three main contributions: conflict prevention and peacemaking, peacekeeping, and peace building. All these principles have a link to the post-conflict rehabilitation activity though peace building seems to be closest. It is true that peace building includes reintegration of former combatants into civilian society, strengthening of the rule of law, improving the respect for human rights, providing technical assistance for democratic development and promoting conflict resolution and reconciliation techniques.

In 2004 the United States Institute of Peace (www.usip.org) undertook a series of studies in the context of post-conflict rehabilitation without necessarily generalizing the topic under this title. Notwithstanding, the studies have a very significant implication on understanding the broader subject of post-conflict rehabilitation. The study on the rule of law component when building civilian capacity for US stability operations[7] examines the requirements for the US government to develop a civilian ca-

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[4] Richard H. Stanley, Opening Remarks, Who Rebuilds After Conflict?, Report, The Stanley Foundation, 38th Conference on the United Nations of the Next Decade, June 15-20, 2003, Cameron House, Loch Lomond, Scotland, p. 5.
[5] See Appendix to the Report of the Stanley Foundation Carmel Conference at: http://reports.stanleyfoundation.org
[6] 'The Brahimi Report', UN Source: A/55/305-S/2000/809.
[7] Building Civilian Capacity for U.S. Stability Operations: The Rule of Law Component, USIP, Special Report 118, April 2004.

pacity to deploy police, judges, and corrections officials to peace and stability operations with the aim of establishing public order in the aftermath of an international military intervention. It has been proved by experience that the success of all other activities hinges on getting this job done. However, military combat units are not trained and equipped for riot control and law enforcement functions. Dealing with the various details of providing the full spectrum of rule of law functions – from intelligence to incarceration, would lead according to the USIP Special Report to preventing a public security gap and to facilitating the provision of relief and reconstruction assistance. This would accelerate the process of transition to stable governance in the post-conflict society.

These issues constitute a very substantive part of the broader problem of security sector reform in post-conflict societies. That is why the deepening of the understanding of the details of law enforcement activities after the end of the military stage of a conflict is so important in structuring a broader general knowledge on the subject of post-conflict rehabilitation.

In a similar way the USIP study on the fight for stability, reconstruction and legitimacy in the particular case of post-conflict Iraq[8] matters also for the purpose of post-conflict rehabilitation theory building. Focusing on the issue of building the Iraqi special tribunal, learning from the experiences in international criminal justice adds another major feature to the subject of post-conflict rehabilitation: how to try members of former totalitarian and dictatorial regimes for serious violations of national and international law[9]. A major issue of the post-conflict rehabilitation is how to attract the donor community and lighten up the local civil society for rebuilding the war-stricken country. USIP has addressed this issue too[10].

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[8] Faleh A. Jaber, Postconflict Iraq: A Race for Stability, Reconstruction and Legitimacy, USIP Special Report 120, May 2004.
[9] Building the Iraqi Special Tribunal: Lessons from Experiences in International Criminal Justice, USIP Special Report 122, June 2004.
[10] Donor Activities and Civil Society Potential in Iraq, USIP Special Report 124, July 2004.

The post-war reconstruction of Iraq today is considered the third biggest effort after Europe and Japan in 1945. That is why studying in details the experience of South East Europe, which was also big in proportions and very contemporary, would continue to matter for the years to come not only for Iraq, but for other countries in the broader Middle East and elsewhere. There are research efforts to approach the subject and find out general points of reference to a more purposeful policy in this area in Japan too – a country, involved hugely as a donor and participant in many post-conflict situations, including the Balkans and Iraq[11].

The Geneva Center for Security Policy carries out a series of seminars on peacekeeping since 2002. The study of EU participation in peace operations has already become a research focus[12] of this prestigious institution too. The study of three EU peace operations – the EU Police Mission (EUPM) in Bosnia and Herzegovina, the military operation with resort to NATO assets 'Concordia' in Macedonia and the military operation without resort to NATO assets 'Artemis' in the DR Congo have been the focus of a special conference in September 2003 at the GCSP and provide insights that help the further orientation into the theoretic complexities of the subject, especially on issues as legitimacy/mandate and objectives of the peace operation, capabilities, relations with other actors, etc.

A very topical contribution to the subject of post-conflict rehabilitation has been made by the 'Security and Peace' journal in the beginning of 2004. The changing role of the military peacekeepers in post-conflict peace building operations, the new 'mandating realities' of peace building operations and their link to the UN and many other issues of the field of post-conflict rehabilitation have been tackled in a very competent fashion by the authors of this journal[13].

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[11] Self-Defense Forces to assist in reconstruction: The main party of the Self-Defense Forces has been dispatched to give assistance to the people of Iraq, in: Asia-Pacific Perspectives, Japan+, April 2004, Volume 1, Number 12, p. 28-29.

[12] The EU and Peace Operations, Proceedings of a Workshop held at the GCSP, Rapporteurs: Thierry Tardy and Erik Windmar, GCSP, Geneva, 22-23 September 2003.

[13] Anthony W. Anderson, Enhancing the role of military peacekeepers in post-conflict peacebuilding: Revising the center of gravity; Hans-Georg Ehrhart/Albrecht Schnabel,

A fundamental contribution to the theory of security sector reform in post-conflict societies is the DCAF study 'Reform and Reconstruction of the Security Sector'[14]. Though the terminology of post-conflict reconstruction, adopted by the authors of this research, would not cover the broad spectrum of issues on whose background the security sector reform (SSR) should be tested in post-conflict societies, the logic and approach of the researchers point to significant clues to better understanding the meaning of post-conflict rehabilitation via the priority question of SSR. That is why this book significantly adds to the theoretic construction of the post-conflict rehabilitation activity and its broad social meaning for managing the societal transformation.

In the present study we build on this research. *Our aim is to clarify that post-conflict rehabilitation bears a huge conflict prevention potential that needs to be utilized in a timely manner. Furthermore, in trying to find out the right contents of the term 'post-conflict rehabilitation' (PCR) we have been running into facts that prove the overlapping of various PCR issues as well as PCR with conflict prevention, peacemaking, peacekeeping and, virtually with all potential phases of the development of a conflict.* Anyway, the Brahimi Report, the USIP studies, the quoted DCAF book and all commented other sources have a value of their own as well as seriously contribute to the clarification of the phenomenon of blurring between pre-conflict, conflict and post-conflict phases of stabilization operations[15] to which post-conflict rehabilitation is strongly logically linked. *Our endeavor, studying the Balkan experience – in and out of the region, is to prove the broader social instrumental significance of post-conflict rehabilitation – for dealing with the consequences of the conflict or disaster situation and for driving forward in*

Changing international relations and the role of the military in post-conflict peacebuilding operations; NATO, EU, and ad hoc coalition-led peace support operations: The end of UN peacekeeping or pragmatic subcontracting?, and, Ho-Won Jeong, Expanding peacekeeping functions for peace operations, in: Sicherheit und Frieden (Security and Peace), 1, 2004, Nomos, p. 1-24.

[14] Alan Bryden, Heiner Hänggi (Eds.), Reform and Reconstruction of the Security Sector, Lit Verlag, Münster, 2004.

[15] Strategic Trends: The Military Dimension, Joint Doctrine and Concepts Centre, Ministry of Defence Shrivenham, SwindonSN6 8RF, UK, March 2003, p. 8-16 – 8-18.

a planned way the processes of social change. Depending on the level of involvement and investment in post-conflict rehabilitation activities the end social results would be different. Here we elaborate further on these last points.

The Concept of Post-Conflict Rehabilitation and Its Practical Meaning

All efforts to define better the conceptual prerequisites of post-conflict rehabilitation and their practical meaning are derived from the analysis of the transforming international system, the modifications of its regulative sub-system, and the respective analysis of the conflict management and conflict resolution tools.

The post-conflict rehabilitation problematic faces two 'realities'. The *first one* reflects the 'unfinished' transformation of the structure of the international relations system, the persisting fluidity of that structure despite the fixed for the mid-to-longer term features of one-pole in the military-political field, three-four poles of power in the area of economy, and multi-polarity in trans-national political relationships[16]. The *second* 'reality' is the new need to deal on a as expedient basis as possible with the various conflicts, their consequences and the human- *and/or nature-caused disastrous situations*, requiring restoration and putting the future developments on the track of self-sustainability.

Why such needs? Because the global economy and global reach of human beings today provide higher opportunities for profits and development for all, and any obstacle, even if its overcoming would require crises and temporary suffering, could be overcome through well-targeted effort and resources, including military. In the case of huge natural disasters the consequences follow objectively, without necessarily having the impact of a purposeful human activity and necessitate rehabilitation tools. For this reason the post-conflict/post-disaster rehabilitation has been considered more and more as an inherent component of the conflict

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[16] Joseph S. Nye, The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone, Op. cit.

management concept and application model from a military point of view[17] as well as from the point of view of a new global human attitude[18].

From that perspective the task of post-conflict rehabilitation seems very ambitious, on one side, and on the other – not well fit to the objective regulative capacity of the present international system and its structural relationships. So, if we seek ways of improving the state-of-art of post-conflict rehabilitation capacity, it seems from that higher level of abstraction and analysis that the potential sources for achieving it are three: a) the further evolution of the international relations system's structure, especially of the global centers of power; b) the general emancipation of the regulative system, especially the international legal one, and, c) the perfection of the very post-conflict (and post-disaster) instrument, its contents, various areas of targeting the 'healing' effort, governance mechanism, etc.

In this study we have in mind and consider the various aspects of influence of the first two sources on post-conflict rehabilitation – authorization or issuing the mandate; the very definition of the details of the post-conflict rehabilitation mission – both of its peacekeeping and peace-building aspects; the regional context of the execution of the post-conflict rehabilitation activities, and the capabilities/resources for such activities[19]. However, the major focus would be on the narrower term of 'post-conflict rehabilitation' and its adequate interpretation. This is needed for a more effective practical application of the rich toolbox of post-conflict rehabilitation in real situations.

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[17] Strategic Trends: The Military Dimension, Joint Doctrine and Concepts Centre, Ministry of Defence Shrivenham, SwindonSN6 8RF, UK, March 2003, p. 8-16 – 8-18.

[18] The reaction of the United Nations and all states of the world to the tragic consequences of the tsunami disaster in the end of 2004 in the Indian Ocean is one of the strongest arguments though in many other occasions the same needs have also been existent and similar activities have been demonstrated.

[19] Plamen Pantev, Assessing the Balkans Peacekeeping Experience: Lessons for Afghanistan, Iraq and Beyond, Presentation to the 'Future of Peace Operations sponsored Transatlantic Dialogue on European Capacities for Peace Operations Roundtable, 13 May 2003', Henry L. Stimson Center, Washington, D. C., at: www.stimson.org (Projects/Events).

The Cluster of Competence *Rehabilitation of war-torn societies* Project from the mid-1990s added significant theoretic and practical insights into the subject. Within the context of this project the various studies that have been carried out showed what was the nature of modern conflict, what were the prerequisites and follow-ups of humanitarian intervention, etc. and why a special focus was needed on the issues of transition and the integration of the new relief agenda with conflict resolution, respect of human rights, robust military intervention – concerning the protection of civilian victims and with contributions to longer-term development[20].

In 1999 P. Terrence Hopmann used the term 'post-conflict rehabilitation' in a doctrinal context while discussing the question of post-conflict security building[21]. A very important aspect of the state of the areas and people that have suffered has attracted Hopmann's attention to choose the term 'rehabilitation' as the explanatory one for the activity that deals with healing the problems – "economic and social distress, … zones where violence has created severe social needs"[22]. According to him assistance is provided through post-conflict rehabilitation to "help relieve the conditions that breed conflict and make reconciliation difficult to realize"[23]. Later on in his analysis 'peacekeeping', 'peace building' and 'post-conflict security building' have been used as separate terms with their own meaning, not linked with each other.

In 1998 the UN Secretary General described the nature and the necessity of post-conflict peace-building activities[24]: these are actions, undertaken at the end of a conflict to consolidate peace and prevent a recurrence of

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[20] Michael Pugh, Post-Conflict Rehabilitation: the Humanitarian Dimension, Op. cit.; Marcus Cox, Strategic Approaches to International Intervention in Bosnia and Herzegovina, Op. cit. As already mentioned the research efforts continued in the period of the 4th (in Geneva), 5th (in Zurich) and in another format – during the 6th ISF in Montreux, 4-6 October 2004.
[21] P. Terrence Hopmann, Building Security in Post-Cold War Eurasia. The OSCE and U.S. Foreign Policy, USIP, Peaceworks No. 31, September 1999, p. 35.
[22] Ibid.
[23] Ibid.
[24] Koffi Annan, UN Documents/1998/UN Secretary General, ‚The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa'.

armed confrontations. The consolidation of peace in the aftermath of conflict requires more than purely diplomatic and military action, and that an integrated peace-building effort is needed to address the various factors which have caused or are threatening a conflict. The peace-building effort may involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programs, as well as creating conditions for resumed development. Peace building does not replace ongoing humanitarian and development activities in countries emerging from crises. Its aims are to build on, add to, or reorient such activities in ways that are designed to reduce the risk of a resumption of conflict and contribute to creating conditions most conducive to reconciliation, reconstruction and recovery. In post-conflict societies reconciliation should be encouraged; respect for human rights must be demonstrated; political inclusiveness must be fostered and national unity – promoted; safe, smooth and early repatriation and resettlement of refugees and displaced persons must be ensured; ex-combatants must be reintegrated into society; the availability of small arms should be curtailed, and domestic and international resources for economic recovery and reconstruction must be mobilized. Each of these tasks is linked to every other and success will require a concerted and coordinated effort on all fronts. The authors of the Report of the International Commission on Intervention and State Sovereignty 'The Responsibility To Protect' of December 2001 point to the main issues that confront policy makers in exercising the responsibility to rebuild in the three most immediate crucial areas: security, justice and economic development[25].

In 2000 the UN Brahimi Report[26] defined peace operations as entailing three principal activities: conflict prevention and peacemaking; peace-keeping; and peace building.

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[25] The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, International Development Research Centre, Ministry of Foreign Affairs, Canada, December 2001, p. 40-43.
[26] 'The Brahimi Report', UN Source: A/55/305-S/2000/809, paras 10-14.

Conflict prevention addresses long-term structural sources of conflict in order to build a solid foundation for peace. Where these foundations are crumbling, conflict prevention attempts to reinforce them, usually in the form of diplomatic initiative. Such preventive action is a low-profile activity. When successful, it may even go unnoticed.

Peacemaking addresses conflicts in progress, attempting to halt them through diplomacy and mediation. Peacemakers may be representatives of governments, groups of states, regional organizations or the UN. They may also be unofficial and NGO representatives. As the practice and theory of mediation have shown peacemaking may even be the work of prominent personalities, working independently and respected by the disputing parties.

Peacekeeping is an activity that is almost 60 years old. Initially it has been a traditional military model of observing ceasefires and force separations after inter-state wars. Later on it became a complex activity with many elements – military and civilian, interacting to guarantee peace in the aftermath of civil or other wars.

Peace building is a term of more recent origin that the Brahimi Report defines as "activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war"[27]. Thus, peace building includes but is not limited to reintegrating former combatants into civilian society. It includes also strengthening the rule of law through training and re-structuring of local police, and judicial and penal reform; improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development, including electoral assistance and support for free media; and promoting conflict resolution and reconciliation techniques.

The Brahimi Report and the years after its implementation showed that the complexity of peacekeeping and peace building operations was ris-

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[27] Ibid.

ing, that there was a growing need of merging peacekeeping and peace building activities. If the civilians who build the peace by creating the conditions for a stable and self-sustaining peace were not protected by the peacekeepers, the latter would hardly achieve alone the conditions that would enable them to return back home.

The thinking of the Brahimi Report and the period after issuing it showed that a complex rehabilitation of the conflict-stricken territories and people required a coordinated effort of keeping the peace while building it. The ideas of tackling both these aspects of rehabilitating the post-conflict situations continued to evolve, especially after the topic of post-conflict security building and the security sector reform it entailed became central to these activities. William Douglas from SAIS of Johns Hopkins University drew the attention to the fact that hiring private armed units to do the peacekeeping would be a normal issue, because it would be moral to do more peacekeeping that would stop more bloodshed[28]. At a Conference on 20 November 2003, organized by the School of Advanced International Studies and the International Peace Operations Association William Douglas said that some people have qualms about the morality of using private armed units for peacekeeping because they make an analogy to the concept of 'mercenaries'. However, these concerns were misplaced because soldiers in national armies were paid to kill people too. The morality of engaging in military operations depended not on whether the troops were paid, but on the morality of the mission. In the evolution of international affairs, said Douglas, peacekeeping was changing in part because there were fewer Western militaries becoming involved in it. So the challenge according to him was to grapple with the transformation from using national armies and their supply services to private companies that could furnish troops and firepower as well as food, laundry, supply, transportation and communication services to peacekeeping operations[29].

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[28] EUR522, 11/28/2003, Contracting for Peace is Rational Approach, Says Scholar (SAIS's W. Douglas says mission not method determines morality, By Jim Fisher-Thompson, Washington File Staff Writer, US Department of State, at: http://usinfo.state.gov

[29] Ibid.

No doubt, these ideas add specific new features to the evolving encompassing concept of post-conflict rehabilitation as the aim of this complex activity is to bring life back to normalcy, to provide a self-sustaining peace and development capacity and adequate local contribution. Society building would be more effective if private and other civilian subjects were closer involved in the societal interactions of the conflict (disaster) – stricken nations.

The complex combination of peacekeeping and peace building activities as developed by the Brahimi Report and its critical follow-up contributions by the Henry L. Stimson Center's studies[30] provided the major content of the encompassing concept of post-conflict rehabilitation. Anthony W. Anderson[31] added more details to the peacekeeping-peace building interface as well as another major focus in the post-conflict rehabilitation concept – how the fight on terrorism would be reflected on the activities of rehabilitating a nation in the aftermath of a conflict. He rightly observes that the international war against terrorism adds an urgent security dimension to post-conflict peace building. The vulnerability of post-conflict states to organized crime, terrorism, and other highly dangerous security threats is greater than of developed nations. "International defenses in these security areas must be universal as non-state terrorist actors will exploit any gaps which are allowed to persist, such as by harboring in weak states"[32], wrote Anderson. The call for urgency in the security sector reform efforts in light of the anti-terrorist campaign, acknowledges Anderson, could complicate the task of peace building. There are significant implications for peacekeeping too.

But this is the very heart of the issue of post-conflict rehabilitation: the immensity and complexity of the task of effectively rehabilitating a war or disaster stricken society requires an encompassing engagement and commitment by the international community to help solve the issues until a state of self-sustaining functioning and management of the respec-

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[30] See in more details: www.stimson.org (Projects).

[31] Anthony W. Anderson, Enhancing the role of military peacekeepers in post-conflict peacebuilding: Revisiting the center of gravity, in: Sicherheit und Frieden (Security and Peace), 1, 2004, Nomos, p. 1-7.

[32] Anthony W. Anderson, Op. cit, p. 2.

tive state are reached. Here also is hidden the big dilemma – should ambitious tasks be taken and work to implement them started as the chances of short – or even mid-term success seem bleak? There are cases, according to some researchers, that simply require downsizing the maximal aims and tasks and give up the fast attainment of full-fledged democracy building-up[33]. At the same time in conflict-stricken societies with retarded economic, social, political, technological and infrastructure modernization one would not find more appropriate instruments of 'democratic society modeling' than those, belonging to post-conflict rehabilitation. The challenge of the dilemma is for the developed societies of the world, for their readiness to accept a permanent, long-term engagement with the realization of such an instrument of social progress. And the calculation of the pros and cons of such an embarking, including the financial and burden-sharing aspects, are crucial for the future relations among the leading developed states of the world. The experience of Iraq shows that diverging attitudes even in the face of assertive and impudent terrorist activity dominate the landscape and post-conflict rehabilitation activity cannot be effectively implemented.

This study, undertaken by the Institute for Security and International Studies (ISIS), Sofia in cooperation with the Bureau for Security Policy of the Austrian Ministry of Defense and the Center for International Security Policy of the Swiss Ministry of Foreign Affairs focuses on several key questions of the post-conflict rehabilitation problematic in the new international system: the role of the United Nations and NATO, of the EU and OSCE in carrying out this activity; the role of human rights as a guiding standard in PCR activities as well as the impact of cultural issues, the maturity of the civil society, the media and education in post-conflict rehabilitating efforts. Then the focus is turned to the recurrent issues of post-conflict rehabilitation in South East Europe and by South East Europeans elsewhere in the world and the lessons to be learnt. Special accent is placed on the security sector governance issues in post-conflict societies of South East Europe, on economic aspects of PCR,

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[33] Marina Ottaway, 'Promoting Democracy after Conflict: The Difficult Choices', International Studies Perspectives (2003) 4, 314-322.

nation-building in the Western Balkans and on four particular cases – Bosnia and Herzegovina, Kosovo, Macedonia and Moldova.

A major motive of launching the study and formulating certain conclusions is the trans-Atlantic meaning and reading of the post-conflict rehabilitation activity now and in the years to come. Unless a working trans-Atlantic formula on how to work together in dealing with conflicts and post-conflict rehabilitation problems is found the effectiveness of the democratic governance and end the expansion of the free and democratic world would be largely diminished. The knowledge of the phenomenon, its antecedents and practical requirements would constitute a needed step in the right direction, which is the modest ambition of this book.