Regionalism, Multi-tier Governance and Conflict Resolution

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The stabilisation through regional and multilateral cooperation within the framework of the European Union is the topic today. These terms are all part of standard political discourse in South East Europe, often accompanied by description of abundant initiatives by various regional or multilateral organisations. What is more often lacking is an explicit idea about how these institutional initiatives are supposed to achieve the objective of stabilisation after a prior period or even long history of regional conflict. The present paper addresses this question, drawing attention to some unconventional developments in multi-tier government structures relevant for post-conflict situations. It also explores a new European regional concept, that of the Wider Europe, which is now much discussed by the EU and its neighbours.

1. Introduction

This is a template case of a dynamic model moving through five stages. It moves from an initial peaceful equilibrium that is only sustained however by authoritarian rule, through an episode of secessionist violence on to a second equilibrium of frozen conflict. Later it may possibly be shifted with the aid strong external intervention into a settlement, and on under certain conditions then move towards transformation of the prior conflict structures into a new democratic equilibrium state of conflict resolution.

Stage i: Authoritarian equilibrium, with latent conflict. An ethnically complex state lives in a state of peace under authoritarian or imperial rule, which means that the communities have at best a weak culture of democracy and civil society. The

tensions between the different ethnic communities are serious, reflecting memories of past conflicts. The authoritarian or imperial leadership may have created or exacerbated the tensions with divide and rule politics.

Stage ii: Regime collapses and conflict erupts. With the end of authoritarian rule, due to some kind of regime collapse and/or self-determination struggles, the latent conflict erupts in the name of a secessionist cause. Blood is shed, and people become displaced. Territory is won by a secessionist entity, accompanied by ethnic cleansing. The secessionist entity remains unrecognised by an international community that fears an anarchical and violent multiplication of ethnic microstates.

Stage iii: The conflict is frozen in a newly entrenched equilibrium. The conflict parties are unable to negotiate a peaceful settlement and reconciliation. The conflict is said to become frozen, as

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the new status quo continues for years. But the new status quo is not static at all, as political and economic interests adapt to the new situation. Properties have new occupiers and de facto owners. New political parties or ruling groups take over, strongly based on ethnic nationalist discourse. The ruling groups are undemocratic and corrupt, profiting from the business or real estate properties expropriated in the war, and from opportunities for smuggling.

More than one external power may be interested in the conflict, and back opposite sides, since the conflict arises on a geo-political fault line as well as a local one. This weakens the incentive for the local parties to negotiate a compromise, since hardline positions are protected by an external power. If the external powers are unable or unwilling to organise a powerful impetus to change the status quo (either through coordination or one party becoming dominant); the de facto secession deepens, and the opposing parties gravitate into the economic, security and political sphere of their protecting power. This becomes the new equilibrium that goes on indefinitely into the future.

Stage iv: External powers intervene to mediate or impose a settlement. In an alternative case the external powers) intervene - with heavy mediation or even forcefully - to impose an alternative solution to secession. This takes the shape of a new constitution with some form of multi-tier governance and/or power sharing arrangement between the ethnic communities, with guarantees supplied by the external power(s), and various arrangements for refugees and rehabilitation.

Stage v: Conflict transformation and resolution, leading to a new democratic equilibrium. For the settlement to become sustainable under conditions of democracy two conditions have to be satisfied: (1) it has provide for the basic needs of the populations and establish common ground rules for the legitimate rights of individuals and their communities, and (2) the sources of the conflict have to be further abated and transformed, with the new political structures providing a fresh set of incentives and expectations, leading to a reconstruction of the actual and perceived interests of the parties. The process of Europeanisation can provide for this, as long as the perspectives of European integration for the former conflict parties are sufficiently credible and front loaded with real advantages.

One can say that the conflicts of the former Soviet Union (South Caucasus and Moldova) are still stuck at Stage iii, with the frozen situation of recent years having led to a deepening entrenchment of the secessionist status quo, to which the role of the external powers has itself contributed in a negative manner.

On the other hand the conflicts of the former Yugoslavia saw external intervention that was early enough to prevent entrenchment of new status quo situations, thus skipping Stage iii, and passing directly on from Stage iv to Stage v. (The Western intervention was not early enough over Bosnia, but at least the comparison with the Caucasus stands).

2. Typology and mechanics of mufti-tier governance[1]

Standard political discourse in South East Europe over the past decade has much discussed the relative merits of local versus continental regionalism. The EU itself has tended to favour local regional cooperation as a prerequisite of integration with the EU. But this was for a time caricatured in the region as the choice between a neo--Yugoslavia versus Europe, with no votes for the former. In the last few years this dialectic has moved on to something closer to a synthesis, admitting that both regional and continental integration have to develop progressively in parallel.

However, while this general idea of a three-tier structure - the state, the region and Europe - has become commonly accepted, there is still much 'devil in the detail'. The array of possible institutional structures for the post-conflict regime is much more complex, as suggested in the typologies of Tables 1 and 2. In fact a four-tier structure is often apparent for a region such as South East Europe, with the states themselves also often needing federative structures, as in Bosnia, Serbia and Montenegro, Macedonia, and maybe Kosovo at some point. (Bosnia is itself has a three tier structure with the Bosniac-Croat federation within the state structure, so here even a five tier structure may be discerned, adding South East Europe as the region and the EU. This sounds too much for efficient governance.)

The recognition of secession and independence is only parsimoniously granted by the international community, out of fear of continuous fragmentation into microstates, coupled to ethnic cleansing. Yet the wider South East Europe has several secessionist entities still in legal limbo - Kosovo, Transniestria, Northern Cyprus, Abkhazia, and Nagorno Karabak, with Montenegro in suspense. If workable federal solutions cannot be reached there are two unconventional alternatives, both of which rely on the strength of the external powers as fourth tier.

Table 1. Typology of solutions to ethno-secessionist

One tier - Secession and/or unitary states)
1. Secession denied, unitary state prevails
2. Secession and independence, recognised internationally
3. De facto secession and independence, non-recognised
Two tier - with federative solutions
4. Federation (one state in international law, decentralised powers)
5. Confederation (two states international law, some common policies)
6. Common state (one state in international law, some common policies)
Three tier - with regional cooperation
7. Regional community of two or more states and sub-state entities)
Four tier - with role of supranational or external powers
8. Multilateral & Wider Europe, e.g. OSCE/UN/Council of Europe
9. 'Europeanisation' 'Russification'/ 'Pax Americana' (for overarching protection/association/integration/annexation)
10. Coalition/consortium/condominium, e.g. EU and US, or troika of EU-RUS-US

The first of these is the 'common state' solution, which may be defined as a thin federative structure, more like a confederation functionally, but with single legal personality internationally for the common state. The advantage of this formula is that it avoids secession, while the state level of governance may be light enough to be acceptable to parties that may have recently been in conflict together. The weakness of this structure is that centrifugal forces may easily prevail, unless the common state is held together by the overarching power of the fourth tier, be it the EU and/or the international community. Serbia and Montenegro come closest to this formula. The Annan plan for Cyprus would have been another example, modelled in fact on the case of Belgium which has become a thin dyadic federation held together by the importance of the European Union tier.

The second alternative might be that of a semi-recognised sub-state entity, which is integrated with an external power, thus seeing a combination of the tier one and tier four. This formula can have several variants, some more democratic than others (see Table 2 on protectorates, association, integration and annexation). One could imagine that Kosovo or Northern Cyprus, in the event of continuing deadlock over their final status, might become candidates for a new model solution, consisting of a legally ordered association with the European Union without full statehood. In this context one could also envisage for Kosovo that it would become a full partner in regional cooperative structures alongside the internationally recognised sovereign states.

On the other hand one may observe in Abkhazia the model of creeping unofficial integration/annexation, as the population of this region acquire Russian citizenship, use the Russian rouble, and enjoy the protection of the Russian army. Annexation has also been talked of at various stages by Turkish politicians with regard to Northern Cyprus, but this language is dropped in the present context of Turkey seeking an opening of negotiations for accession.

Table 2: On Protectorates, association, integration and annexation

o **Protectorate**. An external power keeps the peace ' the aid of military or police forces as necessary, and may also exercise powers of civil administration. The external power may be invited or uninvited, which means different degrees of democratic legitimacy.
o **Association.** A self-governing entity opts some or even many of the policies and laws of an external power, us y its much bigger neighbour, but without becoming part of the political structure of the neighbour. This regime derives its legitimacy from being voluntarily sought or accepted.
o **Integration.** The entity voluntarily becomes a full part of the economic and political structures and jurisdiction of the (formerly 'external') power.
o **Annexation.** When this integration happens through the use or threat of force, or without the consent of the parties directly concerned, or the legitimising agreement o the international community.

The EU and international community will typically support the idea that conflictual regions should not only settle their differences with federative structures, but also set up structures to organise regional cooperation. Natural geographic regions such as the Caucasus and Balkans (or Baltic Sea, Black Sea etc.) always have a potentially useful agenda for cooperation over such matters as transport, energy and communications networks, policies for regional free trade and movement of persons, environmental problems, combating cross-border crime etc. While the idea that regional cooperation can create sufficient common interests to displace or overcome prior conflict structures proved valid for Western Europe after the second world war, it is surely not so for a much smaller and poorer region such as the Balkans or Caucasus, where the incentives for regional cooperation are not in themselves strong enough to tip the balance decisively from 'war to peace'.

The supranational or external powers may overarch both these common state and regional cooperation arrangements, in order to ensure their survival in a post-conflict environment among the weak or failed states. Here the potential role of the EU has unique advantages. When the conflict states or entities have a long-term perspective of full EU membership the democratic legitimacy of the overarching power can be justified. The task for the EU could be therefore to work on staged processes, in which some former conflict zones might first achieve EU associate status, and move on later maybe to accession candidate status.

3. Enter the Wider Europe

However this fourth tier now acquires in Europe a new dimension. As the ink has been drying this year on the 12 new Treaties of Accession to the European Union, the term 'Wider Europe' has swiftly entered into the discourse of European foreign ministers and the European institutions (with 'New Neighbours' and 'Proximity Policy' being used as alternative terms). No coincidence of course. The topic is of strategic importance for the European Union, and also for Russia as the major non-EU actor on the European stage. The subject has been opened up by two documents from the European Commission[2], complemented by Solana's security strategy documents (preliminary version of June[3], final version forthcoming in December). The European Parliament now finalises its report on the same subject[4].

But the content so far on offer from the EU is very thin, and focuses mostly on a little more hub-and-spoke bilateralism towards Ukraine and Moldova. The Wider Europe initiative risks being a flop unless it is given more Wider European policy content and a credible institutional backup. But a flop would be more than a non-event, for two reasons.

First, it would risk boosting some worrying dynamics in the new Europe, namely the increasing polarisation between the two bilateral hub-and-spoke systems of the EU and Russia, as opposed to deepening the common European policy space. This would mean and increasingly tense EU-Russian relationship with respect to their interests in their overlapping near abroad.

Symptomatic of these tensions are the contradictions between the EU-Russian endeavours to create a Common European Economic Space and the recent announcement by Russia, Belarus, Kazakhstan and Ukraine to form a Single Economic Space, while Ukraine seeks for the EU a signal over a perspective for ultimate EU membership.

Another example is seen in Moldova, where there is new EU interest in helping find a solution to the Transniestria problem. Moldova wants to join the South East European integration train, but Russia so far resists the EU coming seriously into the Transniestria affair.

Both these examples, from trade policy to conflict resolution, cry out for cooperative European solutions, involving the EU, Russia and states that lie between them.

Second, it would mean failing realise the EU's unique potential for aiding the process of conflict resolution in the European South Eastern periphery, from Balkans to the Caucasus. The EU's unique tool is the modern process of 'Europeanisation' beyond the states which are negotiating accession. The force of the incentives coming from the EU to transform the former communist and fascist states of Europe in terms of common European values and standards is today ineffective beyond the accession process. The Wider Europe should be precisely about extending effective Europeanisation beyond the accession process, rather than a symbolic diplomatic gesture to the excluded.

How give substance to the Wider Europe slogan? The answer has to lie in (a) the definition of the territories to be covered, (b) identification of the policy areas of common European interest, and (c) the institutional shape of their multilateral organisation (in addition to their inevitable bilateral content). We now set out a thought experiment, supposing that the EU wished to make of the Wider Europe an important part of the new European architecture.

On the geographic extent of the Wider Europe the obvious candidate is the membership map of the Council of Europe, since this covers all of what is uncontroversially 'Europe', all of these states having subscribed to common fundamental political values and norms[5]. This would correct for the Commission document's much criticised exclusion of the South Caucasus states from the Wider Europe.

On the common European policy 'areas' or 'spaces', actually the last EU-Russian summits in May 2003 agreed to a list of no less than five of them, to which two more need to be added to be systemically complete. The seven common European policy areas may be conventionally grouped under three broad dimensions - political, economic and security - but to be tractable operationally the breakdown into the seven areas is needed, (see Box 1).

An overarching structure could start with an upgrading of the so-called European Conference (the periodic meetings between the EU and most other European states), which should be more meaningfully renamed as the Pan-European (or Common European) Conference. This forum should be opened to all Council of Europe member states. However core structures are required if this is not to resemble the UN General Assembly without the UN Security Council. Moreover the Council of Europe and OSCE themselves also need core structures if they are to be more relevant for a Europe with an EU of 25 and more member states.

The Pan-European Conference would have a Coordinating Group consisting of the EU (future foreign minister), Russia and two rotating places for non-EU member states. The Coordinating Group would prepare meetings of the full conference, but not have decision-making powers. In this respect there would not be the jump to a full analogue with the UN Security Council, although Russia has pushed for something like this in relation to the OSCE.

The Pan-European Coordinating Group would also supervise the work of separate coordinating groups for each of the seven common policy spaces, which would be structured in the same way with EU and Russia as permanent members and two rotating places. But to each of these sectoral coordinating groups would be added the relevant specialised institutions:
• the Council of Europe for the two areas of the political and human dimension[7];
• the EEA/EFTA Surveillance Authority and DECD for the trade and market area;
• the European Central bank for the monetary area;

> **Box 1: The seven Common European Policy Areas[6]**
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> Political and human dimension
> 1. Democracy and human rights area
> 2. Education, culture and research area
> **Economic dimension**
> 3. Trade and market area
> 4. Monetary area
> 5. Infrastructure and network area
> **Security dimension**
> 6. Area of justice internal security
> 7. Area of external security

• the Pan-European Conference of Transport Ministers, the Energy Charter, the EIB and EBRD for the infrastructure and network area;
• Europol for the justice and internal security area;
• NATO and the OSCE for the external security area.

These coordinating groups would facilitate the exchanges between the Pan-European Conference and the sectoral organisations, and so help give coherence, synergies and impetus to the overall Wider Europe initiative. The EU institutions might take the initiative in submitting Green Papers on the each of the policy domains, to be followed no doubt by proposals from Russia and other states of the Wider Europe.

A final dimension to the Wider Europe is that of defining its functional sub-regions. The Baltic, Balkan and Mediterranean regions now have adequate structures for advancing cooperation. The Black Sea region is not yet however working as well as it might, in spite of the comprehensive structure of institutions established around the BSEC organisation. However this regional sea and river basin could become part of a Wider South East Europe regional project. Today there are not even ferryboat services going around the Black Sea. For tomorrow, however, one can think about realising the huge economic potential of the waterway system that sees the Danube, Dniester, Dniepr, Don and Volga rivers all converging on the Black Sea. With half of the Black Sea coast accounted for by EU accession candidates, the prospect of a new arms or hub of economic growth in this region is highly inviting.

4. Concluding remarks

The conclusion that emerges from the above is that the constitutional/institutional toolkit and ar-

chitecture of 21st century Europe is still unsettled. With the EU's present huge enlargement likely to need many years to be digested, the conditions for accession are likely to get tougher. But the demands for inclusion will also become greater, as long as the EU system does not collapse or become paralysed. This means that new models of association with the EU are likely to emerge, especially for the still not stabilised areas of recent conflict, and continuing innovation in European multi-tier governance systems. The idea of a Wider Europe now gathers strength, even if it is not yet well specified. The objective of this Wider Europe project is surely the 'socialising' of all the rest of Europe outside the EU, i.e. eliminating security threats or inclinations towards conflict. It should thus both delimit Europe's definitive frontiers, and the definitive transformation of former conflict situations within these frontiers. South East Europe may regard itself as a special region, with the EU's clear commitment to the ultimate accession perspectives of the whole of it. However the frontiers of this region are not that clear, with Moldova coming at the eastern end, and then Ukraine also likely to be given increasing attention as a new neighbour. The idea of a Wider South East Europe extending into the Black Sea, and up into the major river basins that flow into it, seems likely to rise on the agenda.

NOTES

1 This section draws on an ongoing project of CEPS and Brussels University (VI1B) analysing comparatively four secessionist crises or conflicts of the South Eastern Europe (Serbia-Montenegro, Moldova-Transniestria, Cyprus and Georgia-Abkhazia). See B. Coppieters, M. Emerson et al, "European Institutional Models as Instruments of Conflict Resolution in the Divided States of the European periphery ", CEPS Working Paper No 195, July 2003.

2 European Commission, "Wider Europe - Neighbourhood.' A New Framework for Relations with our Eastern and Southern Neighbours", COM(2003)104 final, 11.3.2003; "Paving the way for a new neighbourhood Instrument ", COM(2003)393 final, I July 2003.

3 Securing Europe in a Better World, document submitted by J. Solana to the European Council, Thessaloniki, 19-21 June 2003.

4 European Parliament, draft report of the Committee on Foreign Affairs (rapporteur: Pasqualina Napolitano), "Wider Europe - Neighbourhood: A New Framework for relations with our eastern and Southern Neighbours ", 2003/2018(INI), October 2003.

5 Only Belarus is temporarily outside.

6 All these spaces are advocated by the EU and Russia at summit level together, except the Democracy and Human Rights Area (presumably because of the shadow of Chechnya for Russia), and a Monetary Area (presumably because of institutional complications on the EU side).

7 'The EU already bas regular Quadripartite meetings with the Council of Europe (EU Council and Commission, Council of Europe Chairman in Office and Secretary General), and this has become a useful development.