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The State Under the New Wars Reality: Perspectives and Repercussions

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Abstract

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The author's objective in this dissertation is to explore the relationship between the "new wars" thesis and the state, showing that "new wars" have an impact on the state's core structure, and vice versa. Accordingly, it is our view the state has an essential input in "new wars". Our central question is: what type of state is more likely to struggle with "new wars"? The hypothesis advances that weak or failed states offer the best conditions and circumstances for "new wars" to develop, primarily because "new wars" affect and rely on the erosion, or complete elimination, of two core elements of the state: legitimacy and the monopoly of force. Although several authors are considered, the main source for information and analyses is Mary Kaldor for being one of the central contributors to the elaboration and defense of the "new wars" thesis: this will be discussed as well.

The dissertation is organized into three chapters which guide the reader through the argument. This dissertation starts with an explanation of what "new wars" are; followed by a reflection on the state- what composes a state, the importance of legitimacy and upholding the monopoly of force, the problem of weak and failed states-; finally tackling the case study of the Bosnian-Herzegovina war, to offer a more practical insight. The motivation to pursue this dissertation surges from the curiosity to find out if "new wars" can depict contemporary warfare reality. If it does, it will be helpful to understand it in order to solve present conflicts. In conclusion the hypothesis, according to this research, is seen as accurate establishing that failed and weak states are primary incubators for "new wars" and that the erosion of the core elements of the state are at the center of the "new wars" dynamic.

Contents

Introduction

"Political ability: It is the ability to foretell what is going to happen tomorrow, next week, next month and next year. And to have the ability afterward to explain why it didn't happen"

Winston Churchill

War has walked hand-in-hand with human evolution. From medieval times to the creation of the modern state, the art of war has played a central role in shaping politics. Students of history unavoidably battle to understand war and its consequences. Those who strive for peace and pursue peace studies find they need to comprehend war in order to recognize peace. The nature of warfare is far from stagnant. With the help of industrialization, urbanization, technological advancement, expanding education, states, organizations and people have restructured warfare and have found themselves reshaped in return. War is dependent on the historical context that envelops it, so academics such as Mary Kaldor, Herfried Münkler and Martin Van Creveld have emphasized that the characteristics that contour our world today are very different from the context that surrounded the Clausewitz era or World Wars One and Two.

Accordingly, classical description of warfare needs adjusting and Kaldor introduces the "new wars" thesis as a more accurate depiction of its current nature. Kaldor's concept attempts to demonstrate that we are no longer dealing with 'old wars' and the character of warfare has undergone transformations. More than a theoretical impact, the "new wars" concept has practical implications, because to address modern-day conflicts effectively, we must first understand their structure and motivations. Kaldor depicts "new wars" as being fought by combinations of state and non-state actors and is usually driven, not for reasons of state or ideology, but for "identity politics".

One key variable which needs to be emphasizing is the state. If the state is weak by lacking a legitimate source of authority or a solid monopoly of force, the tendency for wars to possess the characteristics of "new wars" increases. Regardless of the accuracy of its academic definition – many consider that "new wars" aren't precisely new – it seems clear that there are novel realities that surround and tend to define contemporary conflicts. This distinctiveness of "new wars" is a consequence of general factors such as increased globalization, the rapid technological progress and the increased competition the state faces, from the growing influence of non-state actors, on the international stage. The state's role in addressing, monitoring and resolving "new wars" is indispensable, because the structure of these conflicts relies greatly on the absence of a centralized authority, which allows new players to gain easy access to the monopoly of force and fund themselves by direct access to global markets.

The aim of this dissertation is to consider the relationship between "new wars" and the state. The state is intrinsically coupled with legitimacy, the maintenance of the monopoly of force and ensuring security. Accordingly, one main question came up during our research: What type of state is more likely to struggle with "new wars"? The hypothesis being that weak or failed states offer the most fruitful ground for "new wars" to sprout and be nurtured, and that "new wars" disrupt the basic elements of the state – legitimacy and the monopoly of force– consequently breaking down the guarantee of security. In this sense it is also interesting to consider how "new wars" affect the defining elements of the state according to Max Weber.

For Kaldor, "new wars" are about state disintegration, as throughout their duration the state is further incapacitated. By going unsolved, "new wars" continue to weaken the state and enter a vicious cycle with no end in sight. Given that one of the characteristics

of “new wars” is their global and regional consequences, ongoing conflicts can destabilize international security. This dissertation aspires to join the academic debate on how “new wars” foster state instability, and how tremulous states make easy targets. To give the dissertation a more practical side, the Bosnia-Herzegovina war will be individually considered, as it can be seen as an example of “new wars”. Throughout this reflection, Kaldor’s work, *New and Old Wars(*2012), will be a primary reference, because she is a leading author and defender of the “new wars” thesis; offering clear cut arguments.

It seems vital to try to further the academic debate seeking to comprehend contemporary conflicts. Following a perspective of positive peace, where conflict can never be abolished, only transformed by peaceful means, there is no option but to deal with conflicts and find effective ways of facing them when they rise and explode. Each conflict takes its own shape and requires specific actions, but central common characteristics can be distinguished. Understanding those characteristics and their consequences can have the practical effect of helping to develop more effective conflict-resolution strategies. The motivation to develop this dissertation arose from the curiosity as to whether the “new wars” perspective does depict contemporary reality and can offer future solutions. Moreover, given that the international order is dynamic and constantly evolving, we find ourselves at a time when the state’s role is being reinterpreted. If contemporary conflicts fit the “new wars” reality, then the state is at the center of the question. New paradigms always arise to refute old ones, and the “new wars” expression has surfaced to compete with the classical warfare narrative, but the question remains: does it accurately interpret contemporary reality? Furthermore, what are the implications of “new wars” for states?

The dissertation is divided into three chapters. The first will introduce the characteristics of “new wars”, and reflect on the progress of warfare. The second will introduce Max Weber’s definition of the state, and will present the relevance and significance of legitimacy and the monopoly of force in upholding a viable state. The last will explore the case study of the Bosnia- Herzegovina war, in order to illustrate a practical example of “new wars”. Our goal is to explain and debate what the “new wars” thesis embodies and what characteristics differ from classical warfare; as well as to reflect upon its meaning in our world (dis)order. This equally implies focusing on the state, as the reader becomes aware of the relationship between legitimacy and security that is imprinted on its structure. The project will be concise, but offer extensive information on the “new wars” subject, hopefully adding to the academic debate by motivating others to research, debate and test the topic.

Chapter I: Characterizing "New Wars"

"War is Peace"

George Orwell, *1984*

1.1-Contrasting the Concept of ´Old Wars' and How it Differs from "New Wars"

The theory behind war has always consumed academics as they attempt to mold and define its undomesticated nature. If defining classical warfare wasn't hard enough, now academics are faced with the possibility of having to tackle "new wars".

Before addressing the subject of 'old wars' as Kaldor describes them, it is important to introduce Carl von Clausewitz (1780-1831), who wrote *On War* (published after his death), after the Napoleonic wars. Although the focus of this dissertation is not to determine the validity of Clausewitz's arguments, *On War* offers important insight enduring through time and circumstances. As Colin S. Gray emphasizes in *War, Peace and International Relations,* Clausewitz aimed to explore and describe the nature of war and educate readers, rather than to develop a how-to guide for warfare. Like any book of this magnitude, *On War,* is not infallible. Some "new wars" theorists, such as Van Creveld, have come to deem Clausewitz, *On War,* obsolete, and Kaldor also views "new wars" in a 'post-Clausewitzean' light.[1] Clausewitz had a strong military background having joined the Prussian army in the 34th Infantry Regiment in 1792, and the totality of his military experience was marked by the opposition to revolutionary and Napoleonic France: the Napoleonic Wars deeply altered the perception of warfare in Europe. Having experience combat, Clausewitz was determined to highlight a practical

[1] Another ardent critic of the limitations of *On War* is John Keegan, who in *A History of Warfare* argues Clausewitz's work is very limited by his personal experiences and is highly influenced by the cultural environment of his time, with a vision constricted by two institutions, the state and the regiment. Keegan actually compares Clausewitz to Marx, and attributes him ideological responsibility for the outbreak of World War I. This seems extreme. Naturally, like any author, Clausewitz was influenced by his cultural, social and political environment, but this does not render his vision obsolete, because it still offers great insight into the study of war, in particular European warfare.

side to *On War*. It is worth noting that Clausewitz was influenced by the German Enlightenment which is characterized by its Romanticism; as such he aimed at rationalizing and humanizing warfare. Furthermore Clausewitz was never fully satisfied by his work but was never able to complete his re-writes.

Clausewitz addresses the two aspects of war: objective (the nature of war) and subjective (the character of war). Gray defends the relevance of Clausewitz's work by using this division and stating that "there are no old wars or new wars, at least not with respect to their nature. But assuredly the character of warfare periodically is transformed by socio-cultural, political and technological change" (Gray, 2008:227), and so Clausewitz's rhetoric is relevant to understanding the nature of war even today. Gray explains that at the heart of the ideas about the nature of war lies the trinity of violence: "enmity and passion, chance and opportunity, and reason; the climate of war, comprising 'danger, exertion, uncertainty, and, chance; and friction…" (Gray, 2008:24)[2]. By talking about friction Clausewitz wanted to emphasize the difference between real war and "war on paper" (Clausewitz, 1997:67), which is an important aspect when relating theory with practice, and is extremely relevant for all studies of peace, war and conflict resolution. Reality does not always equate with theory, and theory might not mirror reality. Perhaps the best center of gravity in "new wars" is the reconstruction of order; so in order to successfully 'defeat the enemy', the state has to regain control – a very difficult task. The legitimacy of Clausewitz's arguments are not the main concern of this analysis, which takes it for granted that Clausewitz, *On War,* remains a relevant analytical tool and should not be considered obsolete; however,

[2] This trinity remains controversial because it associates passion with the people, chance and creativity with the army, including the commander of the army, and reason with the government. These direct associations would limit Clausewitz's rhetoric because it binds them to certain anchors.

given the different circumstances in which the book was written, some reflections can no longer be directly applied to today's conflict dynamic.

For Kaldor 'old wars' are predominantly a European phenomenon and intrinsically related to the evolution of the modern state. Michael Howard, in *The Invention of Peace,* describes the Medieval European geographic area as extremely bellicose. It was molded by warrior societies which developed due to the progress of military technology and the increase in the financial cost of war, and which in return were also related with the development of the social order. These variables accompanied the growth of Europe, so from the start we can observe war and social order as two phenomenons that interact and influence one another. For Howard, the 1648 Peace of Westphalia established a change in the world order, as it consolidated the state's position as the guardian of domestic order and the "…legitimiser of external war." (Howard, 2000:16) At the time, kings had absolute sovereignty. Consequently, by the eighteenth century the concept of international order was associated with the 'balance of powers'; "a balance that might have to be constantly adjusted by wars" (Howard, 2000:24). This is the first attempt to rationalize war as a method for preserving state powers. As Kaldor points out, the evolution of the modern state required a process of monopolization of violence, as mercenary armies were replaced by standing armies. In medieval times the *jus ad bellum* and *jus in bello*[3] derived from papal authority; but Van Creveld explains, under the modern state:

> "to distinguish war from mere crime, it was defined as something waged by sovereign states and by them alone. Soldiers were defined as personnel licensed to engage in armed violence on behalf of the state…. The civilian population

[3]" Jus ad bellum refere-se ao princípio de se envolver em uma guerra por uma causa justa, como a autodefesa. Por outro lado, o jus in bello refere-se ao princípio de se lutar uma guerra de maneira justa e, por isso, engloba padrões de proporcionalidade e distinções entre civis e combatentes." (Antoine A. Bouvier, Direito Internacional Humanitário e Direito Dos Conflitos Armados: 2011)

> was supposed to be left alone, 'military necessity' permitting." (Creveld, 1991:40)

In order to wage war externally it was necessary for the domestic order to be regulated, Kaldor characterizes the eighteenth century as a time of clear distinctions, between private and public, civilian and military, and legitimate bearer of arms and civilians or criminals. For Howard, the Enlightenment marked a critical period in the emergence of nation-states; as Europe approached World War I, "war was becoming too serious a business…" (Howard, 2000: 48), evolving into a positive science more than a 'romantic adventure' (Howard, 2000:52). The Hague Conferences of 1899 and 1907 were important landmarks in the construction of the international order, but they soon replaced their aims of preventing war with concerns about making it more humane. The distinctions that Kaldor enumerated concerning the eighteenth century break down in an environment of Total War[4]. During World War II the term 'genocide'[5] invaded the international stage, shattering the separation between military and civilians. Howard illustrates that, "civilian populations, which at the beginning of the century had been regarded as reservoirs of military manpower and in its middle years as producers of the tools of war, were now no more than hostages"(Howard, 2000: 78). In Total War the state directs all its domestic sectors towards the war effort. The application of Total War

[4] Baylis and Smith, in The Globalization of World Politics, define total war: "a term given to the twentieth century's two world wars to denote not only their global scale but also the combatant's pursuit of their opponents' 'unconditional surrender' (a phrase particularly associated with the Western allies in the Second World War). Total War also signifies the mobilization of whole populations – including women into factory work and in auxiliary civil defense units, and as paramilitaries and paramedics – as part of total call-up of all able-bodies citizens in pursuit of victory"(Baylis and Smith, 2005:87)

[5]According to Article 2 of the Convention for the Prevention and Punishment of the Crime of Genocide: "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." (*Convention for the Prevention and Punishment of the Crime of Genocide,1948).* For more information regarding the debate surrounding the definition of Genocide consult United States Institute of Peace: Special Report,*The Genocide Convention at Fifty* (1999) by William Schabas.

led to the internal collapse of the states; as Howards illustrates "now it was the change in the nature of war that transformed the societies who fought it" (Howard 2000: 58).

The justification for going to war in the eighteenth century, Kaldor emphasizes, was mostly prompted by state interests. In World War I, state interests and patriotism continued to play a vital role, but after the war and the devastating consequences for the population, it seems greater ideological incentives were needed to venture onto battlefields. Kaldor points out that in World War II the Allies believed they were entering a war against evil, Nazism, and were fighting to protect their own way of life: Democracy. Consequently, Kaldor depicts, the Cold War as a "…war of the imagination…" (Kaldor, 2012: 28) claiming actual wars occurred in specific situations, such as the Americans in Vietnam and the Russian occupation of Afghanistan. There was a growing concern with the illegitimacy of war and with waging war in exceptional circumstances, which is still mirrored today. As Kaldor references: "nowadays, it does seem to have become widely accepted that the use of force is only justifiable either in self-defense or if it is sanctioned by the international community – in particular, The UN Security Council" (Kaldor, 2012:29). The United Nations rules regarding the right to war, illustrate how states still take upon themselves the responsibility to monitor warfare, and remain vital, in shaping the perception and acceptance of war. This point is also reflected in Kaldor's observation that since World War I the importance of alliances has grown, using the European case as an example and postulating that: "…at least in Western Europe, what was effectively a transnational civil society was extended to a group of nations" (Kaldor, 2012:30). By the end of the 20th Century it seemed states were losing the ability to fight wars unilaterally, and Kaldor references NATO and the Warsaw Pact as examples of how alliances became rigidified and how the multilateral dimension of warfare developed.

To Kaldor, the idea that the distinctions between public and private, military and civil and internal and external are breaking down: "…calls into question the distinction between war and peace itself" (Kaldor, 2012: 31) Kaldor uses George Orwell's *Nineteen Eighty-Four* slogan 'War Is Peace' to reference the Cold War as an example of a permanent war which incorporated a large psychological dimension, especially in Western Europe.[6] However Kaldor is quick to point out that within the Cold War grand design, various wars were fought that Kaldor calls "…irregular, informal wars…" (Kaldor, 2012:31), mostly because they did not fit into the European 'old wars' spectrum. Wars such as wartime resistance movements and guerrilla warfare are for Kaldor the first representations of an emerging form of warfare, which reflected a emerging bellicosity, where: "the actors, techniques and counter-techniques which emerged out of the cracks of modern warfare were to provide the basis for new ways of socially organizing violence" (Kaldor, 2012: 31).

Various forms of warfare-related terminology emerged throughout the history of warfare to try and define specific dynamics of violent conflict; in addition to terms such as 'old wars', we have "civil war", "insurgency", "guerrilla war", "wars of national liberation" to name a few. More recently, new expressions have been constructed, including Colonel John Boyd's "fourth-generation warfare", which is characterized by the elimination of the distinction between war and peace and by not attempting to gain victory by defeating the enemies forces, but "instead via networks, it directly attacks the minds of enemy decision makers to destroy the enemy's political will" (Hoffman and Weiss, 2006:55); and Donald Snow's use of "uncivil wars" to illustrate "…armed practices that appear to be devoid of explicit political meaning" (Hoffman and Weiss,

[6] The society depicted in Orwell's novel was a dystopia where the concept of war and peace morphed into one single distorted permanent state of humanity. Distancing itself from 'old wars' and 'new wars' Orwell's interpretation of a future war was a portrayal of the fall of humanity.

2006: 55). Kaldor's term "new wars", which is referenced by authors such as Mark Duffield and Münkler, has become one of the most popular contemporary terms. However, the fact is that amid so many definitions, understanding warfare is becoming more complex. The following Tables were constructed, to offer a simplified theoretical comparison of 'old wars' and "new wars":

The Concept 'Old wars' refers to a predominantly European phenomenon bound up with the evolution of the modern state	
18th Century- Conventional 'old wars'	**20th Century Wars- Evolution of Conventional 'Old wars'**
Standing armies; distinction between public and private; distinction between internal and external; distinction between the economic and the political; distinction between civil and military; distinction between legitimate bearer of arms and civilians or criminals;	Breakdown of clear distinctions; Total War
Motivated primarily by state interests	Additional ethnic and ideological motivations; introduction of the term 'Genocide'
Calls upon patriotism	Requires deeper motivations for population to go to war- fighting for Democracy, International order, International security.
Mostly fought unilaterally	Wars increasingly fought multilaterally; increased importance of Alliances
Casualties primarily combatants	Dramatic increase in civilian casualties
Minimal propaganda, given the limitations of media and the lack of technological resources.	Increase in the use of the 'propaganda machine' due to the progress made in the Media dimension and the development of communication technology
Conventional weapons are used	Development of weaponry and military technology

"New Wars"
Global Dimension of War: Breakdown of state borders as delimitations of war, and consequently war also becomes borderless; there are less wars between countries and an increase in conflicts and warfare within state borders.
Permanent State of War: Violence takes on a dormant manifestation, but then explodes in sudden intense bursts; conflicts become more complex.
Low Intensity Conflict
Multitude of Actors: States, international organizations, private actors such as local warlords, guerilla groups, mercenaries, private security companies and organized crime agents; increase in multilateral interventions; which also translates into a plurality of overlapping interests.
Economic Motivations: Agents gain great financial benefits from the maintenance of a war environment; globalization opens up new market opportunities for private agents.
Civilians as Direct Military Targets: High civilian casualties as the distinction between combatant and non-combatant blurs; increase in child soldiers; continuous disregard for human rights and International Humanitarian Law; conflicts are fought in the midst of the population.
Impact of Emergent New Military and Communication Technology
Greater Media Coverage and Humanitarian Intervention- gaining public support to enter into military confrontations or manipulating public opinion has increased in importance; people are more interested in being informed and involved in global conflicts

Kaldor, in an interview conducted by Alan Johnson, depicts "new wars" as being "… fought by combinations of state and non-state actors, and (…) usually (…) not for reasons of state or ideology, but for identity. Battle is rare and most violence is directed against civilians…". Peter J. Hoffman and Thomas G. Weiss, in *Sword & Salve,* explain that the departure from the 'old wars' scheme began in the "new wars" of the 1990s,

> "…where most battleground states have minimal power, and often even that is contested by internal armed opposition movements that pay no attention to internationally recognized borders. Many have central governments whose sole existence takes the form of UN membership and control of the capital or the main export industries…In sum, all illustrates a departure from the conventions of sovereign states in terms of authoritative control over populations and resources." (Hoffman and Weiss, 2006:60)

Critics, of the "new wars" concept, tend to focus on pointing out that many of the characteristic of "new wars" can be found at some time or another during warfare history, which is a valid argument. The use of the word "new" can be misleading and hazardous. However, as Hoffman and Weiss acknowledge: "… recent wars have unusual elements that make them particularly dangerous and challenging for the inhabitants of afflicted areas, as well as for outsiders who come to the rescue" (Hoffman and Weiss, 2006:6). Hoffman and Weiss favor the term "changed", because rather than new elements having materialized:

> "…elements thought extinct or tangential have come to the fore or been combined in ways that were previously unremarkable or unknown. Hence, change is quantitatively significant or the elements are combined in such previously unfamiliar ways that many of the current generation of wars can be considered new." (Hoffman and Weiss,2006: 57)

"New wars" are marked by decentralization, unlimited violence and the absence of guidelines. In our view rather than focusing on establishing whether "new wars" are in fact new, it is important to understand the qualities that structure "new wars" in order to address them effectively. The role of the state has changed, there are new players, globalization has opened up markets, facilitating economic funding, conflicts are increasingly related to identity politics, and civilians have become a central target. As a consequence, "new wars" surpass geographic borders, heightening the urgency of dealing with this type of conflict as effectively and swiftly as possible. Beyond the theoretical implications, understanding the dynamics of "new wars" has practical implications[7]. Furthermore, Hoffman and Weiss emphasize the importance of the "s" added to the word "war", which illustrates "…the multiplicity of realities, even within a single armed conflict, because of the differences in violence, political interests, and economic activity that vary by region and over time" (Hoffman and Weiss, 2006:6). They warn that the same conflict can incorporate various wars, so perception becomes critical (consult **Table 1.A** in appendix for a summary of examples of "new wars" and their elements). Although each case has to be tackled individually, certain patterns can be established, namely the importance of state-building. In this case, we consider Mark Duffield's, following remarks, in *Global Governance and the New Wars,* particularly important because they sum up how the security framework has been altered:

[7] Colin S. Gray enumerates a series of practical principles of grand-strategy that should be adopted when dealing with counter-insurgency (COIN) and counter-terrorism: "(1) The civilian, not the military, authorities must be in overall charge;(2) There must be unity of command and therefore of effort over civilian and military authorities;(3) the people have to be protected;(4) the regular belligerent must behave lawfully;(5) intelligence is king;(6) take ideology seriously;(7) the irregular enemy is not the target in COIN; the minds of the people are the zone of strategic and political decision;(8) cultural understanding is highly desirable, even essential;(9) deny the irregular enemy sanctuaries and external support;(10) time is a weapon;(11) undercut the irregular enemy politically" (Colin S. Gray, 2008; 252).

> "conventional views on the causes of the new wars usually hinge upon their arising from a developmental malaise of poverty, resource competition and weak or predatory institutions. The links between these wars and international crime and terrorism are also increasingly drawn. Not only have the politics of development been radicalized to address this situation but, importantly, it reflects a new security framework within which the modalities of underdevelopment have become dangerous. This framework is different from that of the Cold War when the threat of massive interstate conflict prevailed. The question of security has almost gone full circle: from being concerned with the biggest economies and war machines in the world to an interest in some of its smallest" (Duffield, 2001:16)

1.2-Delimitation, Duration and Area of Influence of "New Wars"

The locus of war has gradually morphed and "new wars" are no longer confined to state borders or outlined by a specific time frame. An immediate consequence of this change is that conflicts acquire a global and regional dimension. Although one can see a distinct increase in intrastate as opposed to interstate wars, as shown by the 2011 Conflict Barometer report, which recorded 301 intrastate conflicts versus 87 inter-state conflicts, their radius of influence has expanded with local, regional and global consequences (consult constructed **Table 1.B and Graph 1.C** in appendix). Hoffman and Weiss highlight that in the 1990's, 94% of wars were civil, citing conflicts such as the regional wars in Western and Central Africa (Nigeria, Liberia, Sierra Leone, Ivory Coast, Democratic Republic of Congo, Rwanda, Burundi, Sudan) and central Asia (Afghanistan, Kashmir), and growing unrest in South America (Colombia, Peru, Bolivia) to illustrate the degrees of fragmentation (Hoffman and Weiss, 2006:60). Concluding that wars are no longer framed by conventional borders, "instead, violence gravitates towards resources and opportunities for which borders are meaningless" (Hoffman and Weiss, 2006: 60). Münkler, in his article *The Wars of the 21st Century*, observes that the conventional term 'civil wars' does not fully grasp the present state of conflict, advances the term *transnational war*, hoping to emphasize that:

> "… the boundaries drawn by the states no longer play a role…It is characterized by a constant switching of friends and foes and by a breakdown of the institutional authorities (such as the military and the police) responsible for ordering and having recourse to the use of force." (Münkler, *2003:* 21)

Thus, "new wars" seem to be progressively related to the disintegration of the state's monopoly of war. When the state held the monopoly of force, fighting was concentrated; there was an identifiable enemy and wars had an official beginning and end. World War I and II are model examples of how wars between states were centralized. On the contrary, "new wars" are marked by the dispersion of forces, where it is increasingly hard to identify a "time or place where all threads converge and a decisive result is sought" (Münkler, 2005:12). These wars tend to fall within the guerrilla warfare strategy and follow the lines of Mao Tse-tung's principle of 'protracted warfare'. Accordingly, what could be called weaker players, in terms of technological and military capability, become prominent and have a greater possibility of overpowering stronger adversaries. By adopting a defensive strategy the conflict can be prolonged intermittently into a "long war of endurance" (Münkler, *2003*: 9) with no clear end or beginning. Münkler emphasizes that most of the time physical confrontation recognizable as war isn't even present. Violence takes on a dormant manifestation, but then explodes in sudden bursts of intensive violence, as if to reassure us it still subsists. However, Mao still served as a unifying leader who had a specific goal, and ultimately did want a resolution to war. Nowadays some actors seem determined to challenge the hypothesis that war cannot last forever. Münkler warns that Mao's defensive strategy is being used to guarantee the self-preservation of "new wars" players who seek no resolution. Peace resolutions become increasingly harder to

achieve because, "where there is no state executive powerful enough to impose the will of the majority, the ones who decide on war or peace are those most prepared to resort to violence. They hold the initiative and impose their will on everyone else" (Münkler, 2005:13). On the other hand, Duffield recognizes a merging of war and peace and a blurring of the legal and illegal.

The consequences of "new wars" surpass through geographical borders, Kaldor compares them to a virus (Johnson, 2007:18), making them very hard to contain, and predicts that war can no longer be contained geographically. Hoffman and Weiss note that "…new wars are fought locally (in neighborhoods, villages, and other subnational units), even if modern technologies make external connections easy" (Hoffman and Weiss,2006:60), but the consequences of these conflict go beyond the realm of fighting into regional and global dimensions. Phenomena such population displacement, refugee flows and criminal networks increase the transborder nature of wars. Refugee camps are mounted in neighboring countries, straining their economic and governmental structures, and can become targets for both sides[8]. Criminal Networks propagate drugs, arms and human trafficking and money laundering in countries all over the world[9]. The way new wars diffuse their influence globally results in new security concerns, as Kalevi J. Holsti warns:

> "the major problem of the contemporary society of states is no longer aggression, conquest and the obliteration of states. It is, rather, the collapse of states, humanitarian emergencies, state terror against segments of local populations, civil wars of various types, and international terrorist organizations." (Hoffman and Weiss, 2006:64)

[8] To illustrate this Münkler cites, " …the Turkish state's war on underground Kurdish organizations, the Israeli operations in Lebanon, the West Bank and the Gaza Strip, the wars in West Africa, the frontier conflicts between Somalia and Ethiopia, and the civil wars in Chad or Sudan and, most especially, Congo or Angola" (Herfried, 2005: 89)

[9] Moisés Naím, in his article "The Five Wars of Globalization", highlights how global criminal networks "defy traditional notions of sovereignty" and emphasizes "Al Qaeda's members have passports and nationalities – and often more than one – but they are truly stateless. Their allegiance is to their cause, not to any nation". (Náim,2003:35)

1.3-"New Wars" Agents: States, Organizations and Individuals

Locally, the vacuum left by the dissolution of the state's monopoly of force is filled by a multitude of new actors, who indisputably impose daunting security implications. War is now an open field for private actors, such as local warlords, guerilla groups, mercenaries and organized crime players, who, have autonomous power and diverging interests, which at times are better serviced by sustaining the war. Although non-state actors (NSAs) have always played a significant part in warfare, Hoffman and Weiss highlight two ways in which their overall significance has changed:

> "first, some are in a more prominent position to wage war in an international order principally based on states, certainly since its consolidation as a system in the eighteenth and nineteenth centuries. Second, some are predominant in responding to war, especially IGOs and NGOs…" (Hoffman and Weiss, 2006:57)

The authority of NSAs has not only increased in the international realm. Many NSAs have become dominant local players by supplying local social services to the population, at times usurping the role of the state. To describe this occurrence Stephen Stedman and Fred Tanner go to the extent of using the term "pseudo-states", "…to denote crafty belligerents that manipulate the presence of refugees to attract and exploit humanitarian resources for their political agendas" (Hoffman and Weiss, 2006:65). Hoffman and Weiss cite two examples of the NSAs movement: the Sudanese Liberation Army, which acquired its status as part of the government in 2004, by gradually increasing its local legitimacy and authority by being in command of access and aid distribution; and, also portraying the dual aspect of international and local influence, Hezbollah – a movement that acquired a negative connotation worldwide, but locally polished its image in order to build political support by funding hospitals and schools.

The vacuum that NSAs come to fill often gives them a primary-agent role in conflicts, making them a required presence during negotiations, which makes the conflict-resolution process more difficult: instead of dealing with the demands of one agent, government agencies and other states have to untangle a complex web of diverse needs.

Hoffman and Weiss enumerate three main categories of NSAs groups. First, armed belligerents who privatize the use of force by having autonomous military and political power that is not subordinate to the state and whose political power "…rests firmly on persistent insecurity, fear, and division. They seek not to establish legitimate political order but to provide protection primarily for security or political payoffs and economic gains" (Hoffman and Weiss, 2006:66), reflecting a predatory personality. Second, those whose economic interests are fulfilled by violence, making them advocates for the maintenance of conflict. These 'war merchants' engage in profitable activities such as "…driving up food prices and manipulating markets…pirating; and trafficking in arms, people, drugs and toxic wastes" (Hoffman and Weiss, 2006:67). The third group includes agents that blend military and economic agendas. This is where Hoffman and Weiss classify private military companies (PMCs), while being careful to highlight the distinction between them and mercenaries. To profile mercenaries, Hoffman and Weiss use former British soldier "Mad Mike" Hoare and ex-French-military Bob Denard as examples. The firm Executive Outcomes (EO) is a commonly cited example: "in Angola from 1993 to 1995, EO deployed only five hundred men and yet basically routed the União Nacional para a Independência Total de Angola (UNITA)", and "…in Sierra Leone in 1995, (…) two hundred military contractors from EO pushed ten thousand rebels out of the capital and back into more remote regions of the country"(Hoffman and Weiss, 2006: 67). This growth of the private military sector is correlated with the view that increasing security concerns are finding a "…solid niche in

the strategic doctrine of feeble states…" (Hoffman and Weiss, 2006:67). It is worth noting that PMCs work for clients.

The motivation of each actor will also differ: some act purely for economic purposes, others are fueled by ethnic-cultural tensions, and others are driven by religious convictions. NSAs tend not to answer to liberal values or acknowledge international norms and convections such as human rights agreements. William Reno says that state collapse gives "…a comparative advantage to sociopaths" (Hoffman and Weiss, 2006:66). One can see how the term sociopath is misused in describing the actors in contemporary conflicts. One cannot dismiss the behavior of NSAs as maniacal or irrational, especially when for many, given the collapse of society, war seems like the most rational answer. When the state loses its capacity for vigilance, hidden players rise to escape misery, see an opportunity and take advantage of the new globalised playing field which gives them the capacity to create their own kingdoms under their own rules.

1.4-Globalization and the Role of Economics in "New Wars"

While Clausewitz favored the dictum that politics defined and determined wars, David Keen advances an opinion that illustrates how consuming the economic aspect of new wars have become, by saying: "… war may be the continuation of economics by other means" (Weiss, 2007: 67). Funding wars was always a central concern, which usually fell to states as they considered and balanced the costs and benefits of entering into war. The privatization of "new wars" is partly fuelled by the ability to make a profit, which is enhanced by the 'shadow economy' phenomenon[10]. Duffield says:

[10]"Ideas of non-formal trade and economy, for example, have been qualified by a range of terms including 'informal', 'parallel', 'second', 'black', 'shadow', 'transborder', and so on. These descriptions have attempted to capture economic activity that is non-conventional, extra-legal, unrecorded, unregulated and cross-border in character" (Duffield, 2001:145) These activities in trade can be related to both legal or illegal services and goods.

> "globalization has affected a complex process involving the deconstruction and decentralization of the power and authority of nation states. Through an enhanced ability to forge local-global linkages, market liberalization has increased the ease with which new centers of authority have been able to emerge." (Duffield,2001:164).

These new centers of authority are increasingly associated with economic politics and patron-client relationships instead of traditional political authority. Duffield reflects on the limits of formal economy and identifies that, for example in Angola only 10% of the country's estimated GNP is produced through legally established and publicly regulated economic practices, while in Mozambique it accounts for only half of the country's GNP, and in Kenya and Russia only about 40 percent (Duffield, 2001:141). Duffield uses the coffee trade across Sudan's war zone as an illustration of how complex and mutable transborder shadow economies are, highlighting that the real danger lurking around the corner is that the new non-conventional practices and networks start to rival the authority of the states. Another phenomenon adding to conflict is the way weapons have become cheap to acquire and pursuing war thus less expensive. As Münkler explains

> "two factors play a crucial part in the emergence of the new wars: the ability to finance them from the flow of goods and capital generated by globalization and, more important still, the fact that they have become cheap to wage." (Münkler, 2003 : 17)

No longer is war marked by the steady combat between two well equipped armies on a warfront. Now combat is mostly between tribal groups, militia, armed followers of warlords, who don't need high-powered weapons to interminably sustain violence directed mainly at unarmed civilians. There is an evident asymmetry between the military capacity of great powers such as the United States, and the military capacity of

new war actors. However, Münkler warns that no longer will the military and technological advantage guarantee victory for the United States. Münkler feels the decisive competition will be between high-tech and low-tech weapons, arguing that people are aware that "…mere box-cutter knives, if used to hijack airliners so as to crash them into buildings and cities, can serve to shake a superpower to its foundations"(Münkler, 2003: 10). The media have become a fundamental instrument for attracting attention, spreading fear and ensuring psychological impact. Globalization results in a new level of interdependence and interconnection in which the source of war-funding can be local, regional and global.

The Western concept that peace brings greater economic gains is lost to these new actors for whom "…force has become a source of income" (Münkler,2003:16). The label 'blood diamonds' illustrates how natural resources such as gold, timber and cooper can also be channeled into funding wars: "UNITA garnered $3.7 billion in revenue from diamonds (…) while timber exports to the European Union alone earned Charles Taylor $3.6 million within six months of his initial offensive in Liberia" (Weiss, 2007:60). Münkler highlights that although poverty can lead to unrest and plunge a country into civil war, the conflict will most likely morph into "…protracted transnational wars…" (Münkler, 2005:7), if those who are waging the war to gain political power come to the conclusion that the natural resources of the country can be sold on the world market. According to Münkler: "potential wealth is much more significant than chronic poverty as a cause of wars"(Münkler, 2005:7). Likewise Hoffman and Weiss reflect upon the significance of economic interests as a catalyst for violence, or if it just an adjacent benefit. They conclude that:

> "whereas earlier war was driven primarily by national or imperial conflicts with a long-run perspective, in new wars unusual economic opportunities and predatory practices with immediate payoffs are pervasive. Whatever their explanatory power, the role of rapacious economic interests in driving war and hindering humanitarian efforts has grown dramatically in three ways: a market for protection services, illicit and destabilizing commerce, and aid manipulation." (Hoffman and Weiss, 2006:69)

For warlords, war has become a way of life that: "…provides them with a means of generating considerable income in the short term and of living out blocked fantasies without restrain…" (Münkler 2005:22). The key aspect here is *without restraint.* Münkler warns that warlords "… are mostly found where markets receive no protection from the state and non-violent acquisition of goods, services, and legal titles – which is always the case when the structure of the state has definitively broken apart" (Münkler, 2005:17) and they are capable of acting because there is no control. Failed and weak states offer the best opportunities for non-state actors, because they lack reliable and working institutions, so the civilian population and natural resources fall prey to whichever player gains more control. Hoffman and Weiss note that while control of territory is essential to maintaining political authority, "new wars" actors seek power over the trade in a few resources, such as diamonds and timber, thus focusing instead on political economies. Commercial activity has always played a role in war, but its significance has been amplified with the intensification of globalization, and it is now being used to fuel and give continuity to conflict. Hoffman and Weiss enumerate ways in which commercial activity has been distorted. First, profiteers manipulate markets in order to gain from the high prices, and "necessities such as grain and gasoline are "priced" to account for the expense of production and distribution but have also been inflated to enrich speculators and intermediaries." (Hoffman and Weiss, 2006:70). Second, profiteers tend to explore natural resources to benefit private interests, in such a

way that "…the formal economy of the state is manipulated for private gain – an "economy of plunder" (idem). Quoting Paul Collier, from an oft-cited World Bank study of conflicts from 1960 to 1995, they point out that countries with "lootable resources"[11] were four times more likely to experience war than those without them. Finally, criminals and other actors operating particularly as part of transnational networks, will continue to foster the erosion of state power in order to thwart regulation and taxation. In sum, "new wars" offer a range of enrichment possibilities through both protection and plunder and an aid economy. Lack of central authority will help new players who seek to benefit from the loose-fitting control system. However, state failure can lead to an absence of the rule of law and security that will eventually pose high costs even for the new agents. So to a point, state failure helps the new agents profit from the vacuum, but total state failure holds towering costs even for new agents.

For Duffield, "new wars" can be identified as network wars and are not the expression of breakdown or chaos:

> "in this respect, as far as it is successful, network war is synonymous with the emergence of new forms of protection, legitimacy and rights to wealth. Rather than aggression, the new wars are organically associated with a process of social transformation: the emergence of new forms of authority and zones of regulation." (Duffield, 2001:14)

Looking at "new wars" in a different light than Kaldor, Duffield portrays them neutrally as a form of social transformation.

However, the social costs of wars have not miraculously disappeared. War-torn countries find their infrastructures, lands and population devastated. As Münkler

[11] According to Hoffman and Weiss, the natural resources that have marked the new wars are diamonds, cobalt, bauxite, gold, oil, tropical hardwoods, and certain fruits and vegetables.

remarks, what these new players have managed is to privatize the profit of war while nationalizing its cost. Consequently it is no longer viable to wait for the cost of war to force resolutions. The dilemma remains: when failed states lack the legitimate authority to regain control and limit the collective cost of wars, should outside powers intervene? Given the defense strategy the "new wars" players have created in order to ensure the war can be long-lasting, outside players can be dragged into the conflict without a way to successfully retreat, making the conflict transnational. Consequently, 'winning' "new wars" relying only on military means becomes very implausible.

1.5-How "New Wars" Impact Civilians

"New wars" are marked by the prevalence of civilian casualties, as civilians become direct military targets, war becomes increasingly demilitarized and there is no distinction between combatants and non-combatants. As Hoffman and Weiss acknowledge, the increase in civilian casualties is a direct consequence, as civilians are targeted, but also an indirect one, from war-related fatalities such as famine. If, during World War II, the concept of Total War already represented an increase in civilian casualties, "new wars" are taking the idea of total to the limit. World War I (1914-1918) saw 8.3 million soldiers and 8 million civilians killed; World War II, around 23 million soldiers and over 57 million civilians (Hoffman and Weiss, 2006:73). Hoffman and Weiss emphasize that technology has been a key variable in aiding the rise in civilian casualties, because weapons now can inflict greater damage at long distance. Not only are civilians military targets, but many operatives turn their own bodies into weapons, becoming 'suicide-bombers' and compensating for military inferiority.

Children between the ages of eight and fourteen have increasingly joined conflicts as child soldiers[12]: the UN estimates their number around 3,000,000 worldwide (Münkler, 2005:4). Münkler says they have become a preferential instrument for warlords, partly because they only need a steady supply of drugs or food in return for blind obedience. But as weapons have evolved, their size and weight have decreased, while firing frequency has increased, making them "…specially designed for children rather than adults" (Münkler, 2005: 18). Having youth as a source of recruitment also considerably reduces the cost of waging wars for warlords. For many children the gun is the only way they can secure food for others, or of acquiring status and power; either way, having a weapon enhances their chance of survival. Child soldiers show an increased indifference to both danger and brutality, as guns give them a sense of control. Without military discipline, the result is excessive use of violence and scenarios likes the one Peter Scholl-Latour describes for war victims in Sierra Leone: "These people without arms or legs…are victims of the boy soldiers of the 'United Revolutionary Front'(RUF)…who, high on drugs or alcohol, get their kicks from hacking limbs off civilians completely uninvolved in the war" (Münkler, 2005:79). Fighting these child soldiers is another dilemma for international peacekeeping forces, especially, Western powers that defend children´s rights. The image of innocence associated with children is shattered when one encounters child soldiers who are forced to grow with violence and into violence.

Military violence also becomes associated with starvation and epidemics that become visible in refugee camps. As humanitarian aid workers try to help those in need, both

[12] For more information regarding child soldiers consult the website of, the United Nations, "Office Of the Special Representative of the Secretary-General For Children and Armed Conflict". Having decicated a sub-heading to address the new character of contemporary conflict it states: "Children have become more vulnerable due to new tactics of warfare, the absence of clear battlefields, the increasing number and diversification of parties to conflict that add to the complexity of conflicts and the deliberate targeting of traditional safe havens such as schools and hospitals. Moreover, the increasing use of terrorist and counter-terrorist activities sometimes blurs the line between what is legitimate and what is not in addressing security threats." It is also important to consider that the education system is also weakened and can be distorted given the atmosphere of conflict and insecurity: schools can be seen as a place for recruitment.

they and journalists can become targets themselves; no longer do symbols such as the Red Cross or UN logo serve as armor. Münkler warns that at times, as UN's agencies and other non-governmental organizations try to send supplies to aid refugees, they inadvertently end up supplying warlords. This happens because "new wars" actors have learned to adapt and take advantage of humanitarian interventions to fund their own cause, at times even charging for protecting aid workers. The role of humanitarian interventions in "new wars" is consequently questioned by many.

For Hoffman and Weiss it is important to understand that although civilians have always been viewed as assets for warfare, they now possess a more prominent political rather than military value. Accordingly, the blurring of politics and military that is found within the dynamic of "new wars" results in greater civilian casualties. Moreover, intentionally displacing populations and driving minorities out has become one of the main aims in "new wars". Kaldor explains that "new wars" tend to borrow from the revolutionary warfare strategy and the classic counter-insurgency strategy. One great difference identified by Kaldor between the revolutionaries and the "new warriors" is the method of political control. For the "new warriors" the key method for territorial control tends to be population displacement, which translates into: "…getting rid of all possible opponents" (Kaldor, 2012:104). Kaldor emphasizes that the goals within "new wars" tend to be about identity politics[13] rather than ideological aims, so "new wars" are a political endeavor: "political mobilization on the basis of identity" (Kaldor, 2005:116). Without strong regulatory state institutions, new players take advantage of the parallel economy, and the outcome is an increase in corruption and

[13] Kaldor uses identity politics' "…to mean movements which mobilize around ethnic, racial or religious identity for the purpose of claiming state power" (Kaldor,2012:79)

criminal activity which uses the rhetoric of identity politics to solidify alliances and gain legitimacy. Kaldor concludes that:

> "former administrative or intellectual elites ally with a motley collection of adventurers on the margins of society to mobilize the excluded and abandoned, the alienated and insecure, for the purposes of capturing and sustaining power." (Kaldor, 2012:87)

Control of the environment for "new warriors": "…depends on continuing fear and insecurity and on the perpetuation of hatred of the other." (Kaldor, 2012:104) Techniques for population displacement include: the "systematic murder of those with different labels…" as was the case in Rwanda; "ethnic cleansing, that is to say, forcible population expulsion…", as in Bosnia-Herzegovina or Darfur; or "rendering an area uninhabitable" using physical, economic and psychological methods (Kaldor, 2012:104). Kaldor reports a high increase in the numbers of refugees and displaced persons, (consult **Graph 1.D** in appendix) citing that "according to UNHCR, the global refugee population rose from 2.4 million people in 1975 to 10.5 million people in 1985 and 14.4 million people in 1995… and rose again to 15.4 million in 2010" (Kaldor, 2005:106)

Since "new wars" are characterized by their origins in internal conflicts, it is only natural that those who suffer the most from the conflict are civilians. Given that the country becomes a battlefield, there is nowhere to run, and civilians are consumed by the violence and the atmosphere of insecurity and fear. Furthermore, because "new wars" focus on controlling the allegiance or the submission of the population, it becomes vital for military tactics and grand strategies to take the socio-cultural environment and the importance that civilians now hold in warfare, into consideration.

The humanitarian dimension acquires a growing predominance in dealing with and understanding "new wars".

1.6- The Growing Relevance of International Humanitarian Law

Although it is not within the scope of our work to analyze International Humanitarian Law, it is difficult to fully grasp the concept of "new wars" without considering the growing impact of the emergence of International Humanitarian Law. While the act of war was initially free from any limitations, the history of warfare has been accompanied by a growing preoccupation with drawing boundaries to the horrors of war. It is important to note that nowadays states have legally almost lost the right to war[14] and Articles 2 and 51 of the United Nations Charter limit them to a right to war for collective or individual self-defense. Outside the exception of self-defense, waging war must be monitored and mediated by the Security Council.

Humanitarian interventions have evolved in response to the change in the nature of war.[15] During the Cold War states undertook more unilateral interventions to secure their own interests. Even today self interest remains a backstage motive for humanitarian interventions. There was a global reluctance during the Cold War to advocate intervention for humanitarian purposes, with Rwanda as an example. Hedley Bull justifies this by saying,

> "The reluctance evident in the International Community even to experiment with the conception of a right of humanitarian intervention reflects not only an unwillingness to jeopardize the rules of sovereignty and non-intervention by

[14] In the view of Antonie Bouvier, "jus contra bellum":"Hoje, porém, o uso da força entre Estados é proibido por uma regra peremptória do Direito Internacional4 (o jus ad bellum se converteu em jus contra bellum). As exceções a essa proibição são permitidas em casos de auto-defesa individual ou coletiva,5 nas medidas impositivas do Conselho de Segurança6 e supostamente para garantir o direito à autodeterminação dos povos7 (guerras de libertação nacional)." (Bouvier, 2011: 15)

[15] The United Nations Department of Peace-Keeping provides a table of fatalities suffered by peacekeeping forces in 1948-2014. It indicates a significant rise over time, albeit this is also an indicator that peacekeeping interventions have become more common.

> conceding such a right to individual states, but also a lack of any agreed doctrine as to what human rights are." (Smith and Baylis,2005:563)

In the post-cold war era, as the challenges and the nature of war changed, the human rights culture developed. International Humanitarian Law is a field that has emerged with the goal of "…introducing a minimal level of regulation of the conduct of hostilities, in such a way as to attenuate (not eliminate) some of their most brutal effects"[16] According to Francisco Leandro, in *As Armas das Vítimas: Um novo prisma sobre o Direito Internacional Humánitario dos Conflitos Armados,* International Humanitarian and Armed Conflict Law is a branch of International Public Law, and in times of conflict (not just war) regulates relations between states and between other international-law subjects[17]. This demonstrates a latent concern to humanize war. By evoking the principle of humanity, it becomes perceptible that the maintenance of peace and the consequences of war transcend the borders of single states, and invoke responsibility on the part of humanity as a whole. However, in practical terms the situation is more complex. As Jorge Gouveia points out, parallel to the development of international humanitarian law there has been a debate on when it is legitimate for other states or international actors to breach countries' sovereignty for humanitarian intervention purposes, and whether there is only a right of staging humanitarian interventions, or ultimately a duty to undertake humanitarian interventions.

[16] "(…) é introduzir um nível mínimo de regulação da condução das hostilidades, de modo a atenuar alguns dos seus efeitos mais brutais (não eliminá-los)" (Francisco Da Silva Leandro,2005:34)

[17] Using as a foundation the principle of humanity, its main focus is the protection of individuals who are not directly participating in the fighting, such as civilians and humanitarian aid forces, and curiously enough it has evolved to protect the cultural heritage and the environment. The development of International Humanitarian Law can be divided into three phases: 1899 and 1907, with the Hague Conventions (law of the Hague); 1949, with the Geneva Conventions (the law of Geneva); and within the United Nations organization (Direito de Nova Iorque).

Military intervention is a state's weapon of choice when dealing with cases labeled as threats to global peace and security[18]. Being first-hand defenders and advocates of human rights, consolidated liberal democracies sometimes find themselves in less than ideal positions[19]: they struggle to continuously uphold the ethics of human dignity.

Francisco Leandro interprets that weapons can have a multitude of uses, and states are legitimate in using them to protect their population. However, since weapons can serve different aims in different circumstances, he emphasizes that the potential for using violence in civilized societies must always be regulated by the law. This is an aspect that weak or failed states cannot successfully regulate. For Francisco Leandro the use of military force for peace operations is linked to four principles: necessity, discrimination, proportionality, and not claiming humanitarian reasons as a cover for other illicit activities - "chivalry" (Leandro, 2005:51). The use of force will always incentivize stronger retaliation, so it is important to consider whether the intervention will cause greater damage than good[20].

The dilemma between security and individual rights is not only an internal struggle, but when faced with the possibility of humanitarian interventions, becomes a global one. Advocating human rights becomes an ethical commitment, but at times there is

[18] Attempting to secure greater worldwide concessions regarding when a military intervention should be staged and how, the International Commission on Intervention and State Sovereignty produced a 2001 report, *The Responsibility to Protect*, which emphasizes the responsibility of protecting individuals over state sovereignty.

[19] Documents such as *An Agenda For Peace* highlight the call of organizations like the UN for the development of peacekeeping and peacebuilding methods. "The sources of conflict and war are pervasive and deep. To reach them will require our utmost effort to enhance respect for human rights and fundamental freedoms, to promote sustainable economic and social development for wider prosperity, to alleviate distress and to curtail the existence and use of massively destructive weapons." It is important to note that the report also clearly advances states as indispensable to upholding peace: "The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world." Again we encounter the clash between sovereignty and interests linked to human rights and moral dimensions. (An Agenda For Peace, 1992)

[20] Michael Ignatieff advances the argument of 'the lesser evil' arguing that liberal democracies are not except from the use of force, but they are obliged to limit the use of force. The lesser evil position acknowledges that liberal democracies are based on a constant balance between the security of the majority and the rights of the individual, so "rights may have to bow to security in some instances, but there had better be good reasons, and there had better be clear limitations to rights abridgments; otherwise, rights will soon lose all their value" (Ignatieff,2005:9)

reluctance to exercise that power both internally and externally. Even when choosing a lesser evil, one is making a moral judgment – in the end, "bad consequences are not always predictable, and so in choosing the lesser evil course, we may have to take a shot in the dark, knowing, unfortunately that good intentions cannot exempt us from blame when bad consequences result" (Ignatieff, 2005:5).

Humanitarian interventions are a practical test for human rights defenders and the choice to intervene is a precarious one. Relations between states, international government organizations and non-governmental organizations are easier to control through international laws and conventions, but when dealing with individuals, such as warlords and terrorists, who don't abide by the same rules, negotiating limitations becomes an intrinsic task. Münkler notes that international legal norms are mainly directed at states, so however weak a state is, it is still illegible for punishment if it breaks the rules. On the other hand, networks like Al Qaeda can't be sanctioned in the same way. However, it is also vital to understand that ratified treaties have little importance without a true commitment from the states, organizations and individuals to the defense of human rights and the upholding of the dignity of the human person. Having states answer to international norms confirms that states no longer have 'absolute sovereignty'. However, states remain central when it comes to upholding and developing International Humanitarian Law. As Walzer emphasizes, "collective security depends on collective recognition" (Walzer, 2006: xvi).

As the individual grows in importance in the international arena, the positions of the state is discussed. This also has an impact in the conduct and monitoring of the new conflicts. Francisco Leandro argues that military power is central for solving current crisis and building the international order as well as reaffirming the autonomy,

relevance and position of states. Loss of its ability to employ military means weakens the state's strength and position in the international stage.

The International Committee of the Red Cross has considered some of the contemporary challenges, which echo some of the characteristics discussed in this chapter. Firstly, the fight against terrorism poses a unique challenge for the Red Cross and the application of International Humanitarian Law. Terrorism is seen as a war crime and the term 'fight against terrorism' is meant to illustrate how some ways of combating terrorisms do not amount to a physical declaration of war. Secondly, the increasing direct participation of civilians in hostilities. Some fighters might act as clandestine civilians by day, but be involved in acts of belligerence at night; so: "the contemporary challenge, therefore, is to provide clear criteria for the distinction not just between civilians and the armed forces, but also between peaceful civilians and civilians who directly participate in hostilities."[21] Thirdly, the development of technology and the emergence of new weapons, such as drones and cyber attacks, raise questions regarding the need to clarify protocols or design new ones. Fourthly, in the growing environment of conflict the main concern is not the lack of rules, but the lack of respect for them. To reinforce the importance of respecting rules and protocols of International Humanitarian Law, the Red Cross looks to the states and other parties of armed conflicts: it is important to take into consideration that they name the states in first place. Fifthly, there is a growing concern with the privatization of war and the involvement of private security companies, and how International Humanitarian Law is applied and respected.

[21] Consult *International Committee of The Red Cross: Civilians "direct participation in hostilities" overview* (online)

Because International Humanitarian Law is a fairly recent dimension of international life, it is something novel and exciting and as such its application in the dynamic of contemporary conflicts is also evolving.

Considering all these aspects -how the delimitation and duration of “new wars” is augmented; the multitude of agents involved in the conflict; the economics and the effect of globalization; the way civilians have become direct military targets; and how Humanitarian International Law has grown in relevance- we come to the conclusion that Kaldor’s contribution to the interpretation of the international order is valuable as the concept of “new wars” helps us to perceive crucial transformations in warfare today, and accordingly, in finding fresh solutions in conflict management. The effect of these tendencies on the state is of great importance and shall be considered in the next chapter

Chapter II: State and Governance: Political legitimacy, Monopoly of Force and Guarantee of Security

"Dictators ride to and fro upon tigers which they dare not dismount. And the tigers are getting hungry"

Winston Churchill

2.1- Defining the Concept of State

War has a long history of being identified as a conflict between states, whose birth it accompanied. The discipline, organization and mobilization of force and resources required for states to effectively execute war tactics established and strengthened state sovereignty. Since the Peace of Westphalia in 1648, states have gained a central position in the international order. From then on the sovereignty and importance of states were celebrated and emphasized by authors such as Machiavelli and Hobbes, and more recently by others like Kenneth Waltz and Hans Morgenthau. For Hobbes, without states human beings would find themselves in a constant state of war. Although the importance of organization and individuals has grown, states continue to occupy a vital position in the international order, being considered primary actors by different schools in International Relations theory, for which the regulation and monitoring of war between states remains a central concern. Moreover, war between states remains a crucial motivation and focus of academic works. However, the state has not survived all these years without adapting to different circumstances; the absolute sovereign state described by Machiavelli and Hobbes has undergone alterations to fit new epochs. Political theories are subject to change due to changes in environment, culture and people's behavior. One could question the old state-centered paradigm of international relations and consider the possibility of new emerging paradigms that illustrate a new more complex international system with a multitude of actors.

Proença Garcia defines the international system that emerged at the start of the 21st century as a complex new arena that no longer presents the characteristics of being subject to a stable balance of power between absolute sovereign states, or the umbrella of a bi-polar or uni-polar order, in his work *Da Guerra e da Estratégia*. This author characterizes this embryonic international system as follows:

> "In the present international system characterized by its complexity, nonlinearity, unpredictability, heterogeneity, changeability and dynamism, the threat that maintained well defined spatial and temporal coordinates disappeared, giving rise to a period of abnormal instability, with a broad series of risks and dangers, some new, some old, which only rose in the hierarchy of state concerns."[22] (Proença Garcia,2011:96)

In the mist of this uniqueness, war paradigms were bound to shift. The relationship between the state and war has been a complex one marked by continuous development. The evolution of the liberal democratic state, and the growing emergence of democracy as a guiding principal in the international system, have led to the formulation of a democratic peace theory, which advocates that liberal democracies are less prone to go to war with each other. However, this has not translated into peace in other regions, such as the Middle East or Africa, but instead resulted in a discharge of what could be called low-intensity conflicts[23]. For Charles W. Kegley, Jr, "the disappearance of large-scale war, accompanied by the ascension of small-scale warfare, produced two systems: a stable 'central system', and an unstable 'peripheral system'."[24] "New wars" characteristics are less common in consolidated states, but are conditioned to a specific

[22] "No actual sistema internacional caracterizado pela sua complexidade, não linearidade, imprevisibilidade, heterogeneidade, mutabilidade e dinamismo, a ameaça, que mantinha coordenadas de espaço e de tempo bem definidas desapareceu, dando lugar a um período de anormal instabilidade, com uma ampla série de riscos e perigos, uns novos, outros antigos, que apenas subiram na hierarquia das preocupações dos Estados."(Garcia, 2011:96)

[23] Martin Van Creveld (1999) in his work, The Transformation of War, enumerates the characteristics of low-intensity conflict: they occur in "less developed" regions, they rarely include regular armies on both sides, they do not rely on modern high-technology weapons and numerically the level of civilian causalities tends to be higher. For Creveld low-intensity conflicts since 1945 have become politically the most significant form of war.

[24] "O desaparecimento da guerra em larga escala, acompanhado da ascensão da guerra em pequena escala, produziu dois sistemas, um 'sistema central' estável e um 'sistema periférico' instável". (Dougherty and Pfaltzgraff 2003:4)

environment that can be found in areas marked by a lack of state and governance. To use terms such as ‘central system’ or ‘peripheral system’ reflects a solidified order, while what seems to be emerging is a complex system with no specific center.

Kalevi J. Holsti’s in, *The State, War, and the State of War,* approach offers a more interesting reading of the challenges states in the new regions of conflict are facing. For Holsti, the key war problem in the Third World is not primarily dictated by relations between states, but is dependent on security within states: “the problem of contemporary and future international politics, it turns out, is essentially a problem of domestic politics.” (Holsti, 1996:15) Today what are considered “strong” states of Europe underwent centuries of consolidation and evolution marked by warfare. However, because it was a different epoch, the warfare was primarily between states, although violence within states was also present, as they established their sovereignty. In a contemporary international scenario where war between states has become heavily regulated, internal state problems take on a new dimension. Moreover Holsti emphasizes that although in some countries state and community converge, in several regions of the world state and community diverge, and so within a state there is a clash between communities:

> “the prize is not territory, resources, a crown, or kind of state. The wars are not about foreign policy, security, honor, or status; they are about statehood, governance, and the role and status of nations and communities within states” (Holsti, 1996:21)

Because these are conflicts between communities and not states, the style of warfare also differs from the classical ‘old war’ spectrum. “New wars” become intrinsically connected to questions of statehood and governance.

Here it is useful to keep in mind the attempt to define statehood in a political context which Max Weber advances in *Politics as a Vocation.* To define a 'state' one must not look at the ends, but rather focus on the "…specific means peculiar to it…" (Weber, 1918: 1), in particular the legitimate use of physical force of which the state holds the monopoly, making it, according to Weber, the sole possessor of the 'right' to use of force and Weber clearly states that:

> "…we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. Note that 'territory' is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it." (Weber, 1918:1)

We should note how Weber also establishes a connection between the state and a community, a relationship that according to Holsti is not cemented in many societies. As we have seen above, in "new wars" what tends to happen is that the monopoly of force is not controlled by the state; rather there is a vacuum which is filled by a multitude of new agents such as militia, warlords or criminal groups. If states cannot exercise their control over the legitimate monopoly of force, then by Weber's definition they can no longer fully be called a state. Currently, we have seen an emergence of new terms such as 'weak states' or 'failing states' to define situations in which it is perceived that the state and governance are not up to par with international requisites.

2.2-The Problem of State Erosion

For authors such as Kaldor and Howard[25], one key issue that haunts the present day is that the power/strength of the state seems to be faltering. That there is a patent distinction between the state under the Westphalia order and present times is clear[26], but the danger both Kaldor and Howard fear is that the state is being subject to a process of erosion.

For Howard the danger of losing states as organs central to the international system is that while states make war possible, they also make peace possible, and moreover they "…still remain the only effective mechanism through which people can govern themselves…" (Howard, 2001:103). So the weakening of the state would only weaken the world order. Accordingly, the sovereign state is vulnerable to three kinds of corrosion: from above through the pressure of supranational entities; laterally through multinational corporations; and from below by the lack of support from individuals who lack loyalty to governments and individual commitment. Howard also warns that: "…the weaker the state the more its sovereignty is likely to be challenged" (Howard, 2001: 96). It can be interpreted that this would imply a possible vicious circle: as states grow weaker, they suffer more debilitations, which makes it harder for them to regain their strength. This seems to be consisted with the Kaldor's perspective that "new wars" have a high state-disintegration capability, because unlike old European wars they

[25] Within the scope of this academic work, it is only possible to mention the importance of a selected group of authors in this study field.

[26] Joseph Nye in *Compreender os Conflitos Internacionais*, (2002) offers an interpretation of how the world order is marked by an increasing interdependence at multiple levels where the balance of power is no longer maintained solely by military power. With the merging of soft power, the concept of power is becoming more complex and multidimensional as states become more permeable. For Nye the evolution of translational communications, migration and economic interdependency is eroding the classical Westphalia conception of state sovereignty.

tend to make the state weaker rather than stronger. [27] If this does indeed happen, it will make it harder for states to regain their power and would further blur the lines between peace and war and undermine the ability of states to solve and overcome the constant environment of conflict. Kaldor argues that the state is not yet in demise, but has undergone transformations in the sense that: "the state is changing in different ways and that, perhaps, the most important aspect of that transformation is the changing role of the state in relation to organized violence". (Kaldor, 2012: 203) For Kaldor, the monopoly of violence has been eroded from above by the increasing international rules and institutions and from below by the privatization of violence. This is why Kaldor believes that "new wars" sprout in a context where there has been an erosion of the autonomy of the state, or in severe cases, when the state has disintegrated and the monopoly of legitimate organized violence has been corroded.[28]

We tend to agree with both authors who do not downplay the role of the state, but rather emphasize the importance of state-building. However, both identify that there are some variables that are altering the view and role of the state. It becomes crucial to understand the new pressures and challenges the state faces in order to surpass them. The state has once again to adapt to the new historical context.[29] Although "new wars" have a global impact and dimension, we must keep in mind that they are primarily fought at a local level, and when analyzing these conflicts it becomes necessary to consider the 'quality' of the state. As Hoffman and Weiss put it: "…new wars emerge against a backdrop of distorted order, and state institutions often exhibit signs of distortion, corrosion or

[27] For Van Creveld, the low intensity conflict also undermines the structure of the state. If a state cannot efficiently deal with low intensity conflict, then it will end up undermining itself internally: "either modern states cope with low-intensity conflict, or else they will disappear…" (Van Creveld, 1996: 224)

[28]For Weber, the state relies on a relationship in which men dominate men, supported by means of legitimate violence, so for the state to exist, the dominated have to obey authority (those who govern).

[29] Adriano Moreira, in *A Circunstância do Estado Exíguo,* also reflects on the state sovereignty, identifying that there has always been a clash between the Machiavellian legacy and the humanist legacy. Although the state is far from being dismissed, the complex evolution of the relationship between population, territory, frontiers and sovereignty has resulted in the anarchy of concepts.

incapacity". (Hoffman and Weiss, 2006: 61) It is in this sense we can establish a connection between "new wars" and the state; revisiting the importance of legitimacy, the monopoly of force and good governance.

2.3- Dilemma of Weak and Failed States

A series of names and definitions have emerged to describe states that display a fractured order. The two terms under focus in this dissertation are 'weak states' and 'failed states'. As Hoffman and Weiss explain, weak state is employed: "…to emphasize how the power of states is shrunk or effectively shaped by other actors" (Hoffman and Weiss, 2006: 61). Besides, weak states can be characterized by two elements: firstly, weak states tend to lack the capacity to "…pursue national interests formulated by an effective leader or bureaucracy" (2006: 62). This inability to pursue goals may also be worsened by a lack of necessary financial resources, technology or skilled population. The second element is that they don't have an authority to take credible and obligatory decisions. Both these elements have the detrimental consequence of corroding support from citizens. This is a central concern and poses a critical problem, as Hoffman and Weiss describe:

> "without the support of citizens, such states are therefore not perceived as being legitimate. This lack of authority may in turn further undermine capacity. Disdainful populations can be controlled through violence, fear, and other repressive measures. Yet the ability of the state to govern and manage the resources within its borders can be still further eroded in the process of trying to instill fear and repress dissidents, armed or not." (idem)

In this scenario the state may find itself in a hostile relationship with its own population, a situation that is very delicate, inflexible to manage and hard to overcome. If the state loses its capacity to guarantee security and basic needs, both material and non-material, people start losing trust. Moreover, weak states can find themselves in a spiral of

corruption, or become stuck in a predatory condition by being manipulated by non-state actors. Most of these operate in the criminal realm, such as in drugs and arms trafficking. On the other hand, when referring to failed states the word "…'failed' implies that the illnesses in central authority are so grave as to be politically fatal" (2006:63)[30].

Measuring the 'strength' of a state can be a contested concept. For Francis Fukuyama it becomes essential to distinguish between the scope of state activities and the strength of the state. The scope "...refers to the different functions and goals taken on by governments", while the strength refers to the "…ability of states to plan and execute policies and to enforce laws cleanly and transparently…" (Fukuyama, 2004:7), including:

> "..the ability to formulate and carry out policies and enact laws; to administrate efficiently and with a minimum of bureaucracy; to control graft, corruption, and bribery; to maintain a high level of transparency and accountability in government institutions; and, most important, to enforce laws." (Fukuyama, 2004:9)

It is interesting to compare this point of view with The World Bank who developed six dimensions of governance[31]: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption. Similarly the European Commission has developed a check-list of root causes of conflict to try to identify conflict circumstances and be able to act promptly[32].

[30] The concept of "failed states" and "weak states" remain controversial in International Relations debates. We use this expression according to Hoffman and Weiss.

[31] The World Bank interprets governance as: "…broadly defined as the set of traditions and institutions by which authority in a country is exercised. This includes (1) the process by which governments are selected, monitored and replaced, (2) the capacity of the government to effectively formulate and implement sound policies, and (3) the respect of citizens and the state for the institutions that govern economic and social interactions among them."

[32] European Commission Check-list for root causes of conflict: 1)Legitimacy of the state; 2)Rule of law; 3)Respect for fundamental rights; 4)Civil society and media; 5)Relations between communities and dispute-solving mechanisms; 6)Sound economic management; 7)Social and regional inequalities; 8) Geopolitical situation. The full

In it one identifies indicators for attempting to measure legitimacy, the type of relations within the community and whether there are large social disparities. Indicators like these help assess whether a state can be seen as weak; however, one must always be aware of their limitations. For Holsti, state strength is:

> "…the capacity of the state to command loyalty – the right to rule – to extract the resources necessary to rule and provide services, to maintain that essential element of sovereignty, a monopoly over the legitimate use of force within defined territorial limits, and to operate within a context of a consensus-based political community." (Holsti, 1996: 83)

In the above statement it is worth highlighting the word *loyalty*, which will be linked to the concept of legitimacy discussed later, as well as the phrase *consensus-based political community*, which for Holsti is a fundamental motive behind future conflicts. Moreover it is worth noting that once again the exercise of a monopoly over legitimate use of force is seen as an *essential element of sovereignty*, and as such influences a state's strength.

Holsti claims that "the problem of contemporary and future international politics, it turns out, is essentially a problem of domestic politics. The source of the problem is found in the nature of new states" (Holsti, 1996: 15). If Holsti's interpretation is correct, then understanding the state and studying ways to assess the efficiency of governance is far from being a waste of time, as the state remains a focal point. Moreover, we can consider that the surfacing and development of "new wars" is directly associated with the character and strength of the state. Similarly "new wars" may not employ completely new tactics or personalities, but they differ in form precisely because they are inserted into a new context, marked by a strong globalization effect but also by a

questions considered under each heading can be found on *European Commission Check-list for Root causes of Conflict*,(online)

unyielding local manifestation which relates to the state in terms of both its nature and its strength.

In Western civilization the state has evolved over the years into a more or less stable format, and although each state is marked by its culture and history, there is a common underlying trend. Many developing countries seem to be undergoing a process of trying to establish their state, but face several challenges. During the post-conflict phase, state-building and the transition to democracy is also a very difficult process.[33] Consequently, these days one central aspect of international politics is state-maintenance and dealing with state failures. We will return to the subject of weak and failed states at the end of the chapter.

2.4-Relationship between Bad Governance and Violence: Legitimacy Crisis

Legitimacy is at the basis of government action and is indispensible to ensure a stable society. As Weber notes, in *The Theory of Social and Economic Organization,* an order that is upheld by "…motives of pure expediency…" (Weber, 1964:125) is less stable than an order founded on habit; however, both orders are considerably more unstable than "… an order which enjoys the prestige of being considered binding, or, as it may be expressed of 'legitimacy' " (Weber, 1964:125). It becomes clear that legitimacy is a fundamental variable for ensuring stability within a state. Without a government that enjoys a significant degree of legitimacy, the relationship between government and citizens is weakened. Granted, what one population sees as legitimate may not accord

[33] The theme of democracy and democratic transitions is extensively addressed by Marc F. Plattner and Larry Diamond in the compilation of texts of *The Global Resurgence of Democracy (1996),* and also in Larry Diamond's book, *The spirit of Democracy* (2008) and Marc F. Plattner's work, *Democracy Without Borders?* (2007). This theme goes beyond the scope of this thesis, so the subject of democratic transitions was only consulted during research.

with what another perceives as legitimate.[34] Weber explains that legitimacy may be upheld into two fundamental ways[35]:

> "(I) from purely disinterested motives, which may in turn be (a) purely effectual, consisting in an emotionally determined loyalty; or (b) may derive from a rational belief in the absolute validity of the order as an expression of ultimate values whether they be moral esthetic or of any other type; or (c) may originate in religious attitudes, through the belief in the dependence of some condition of religious salvation on conformity with the order; (2) also or entirely by self-interest, that is, through expectations of specific ulterior consequences, but consequences which are, to be sure, of a particular kind. " (Weber, 1964: 127)

As Weber explains, the adherence to an order can have numerous motivations, and can often result from an overlap of the four bases. We can understand how legitimacy is a complex subject influenced by various variables. Consequently, it is marked by a particular dimension of vulnerability, making the upholding of legitimacy a continuous endeavor.

In a similar approach, Holsti, argues that legitimacy can be divided into vertical legitimacy and horizontal legitimacy: "the first deals with authority, consent, and loyalty to ideas(s) of the state and its institutions; the second deals with the definition and political role of community" (Holsti, 1996: 84). It is worth highlighting, as Holsti does, that legitimacy is a variable and not a constant; its presence and strength can vary depending on many factors.

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[34] Although it is not my aim to discuss specific political systems, it is relevant and worth mentioning that having a sovereign state is a strong prerequisite to maintaining, consolidating, or building a viable liberal democratic state- this argument is developed by Juan J. Linz and Alfred Stepan in their book, *Problems of Democratic Transition and Consolidation.*

[35] In addition Weber enumerates four bases for legitimacy:
" (a) by tradition; a belief in the legitimacy of what has always existed; (b) by virtue of effectual attitudes specially emotional, legitimizing the validity of what is newly revealed or a model to imitate; (c) by virtue of a rational belief in its absolute value, thus lending it the validity of an absolute and final commitment; (d) because it has been established in a manner which is recognized to be legal. This legality may be treated as legitimate in either of two ways: on the one hand, it may derive from a voluntary agreement of the interested parties on the relevant terms. On the other hand, it may be imposed on the basis of what is held to be a legitimate authority over the relevant persons and a corresponding claim to their obedience" (Weber, 1964: 130)

In our view, these definitions are completed by Kaldor's understanding of legitimacy as: "…both consent and even support for political institutions, as well as the notion that these institutions acquire their authority on the basis of operating within an agreed set of rules- the rule of law" (Kaldor, 2012: 122). This understanding is particularly useful to our work because, Kaldor, identifies that the relationship between the process of governance, legitimacy and forms of security is complex, highlighting that guaranteeing the physical protection of citizens and territory, maintaining the rule of law, and cultivating a secure environment, are vital for a government to uphold legitimacy. However, without some form of already established legitimacy, government cannot perform these tasks efficiently. This creates a difficult conundrum that each government has to balance in order to enjoy a fairly stable environment and avoid a subverting internal conflict. Ensuring security (established order, physical protection, and administrative security) requires the state to hold an organized monopoly of force: by providing security, legitimacy can be reinforced. However, this takes state resources to control the population, as well as the ability to foster trust. In particular, trust, is a major qualifier in state building and its absence might facilitate the emergence of alternative actors "entrusted" to take over the state's role. This gives room for "new wars".

As Holsti points out: "in most modern states… legitimacy is performance-based. The state has to earn and maintain its right to rule through the provision of services, including security, law and order, justice, and a varying range of welfare measures." (Holsti, 1996: 91). However, "new wars" conflict is inserted into a context where the modern state lacks the necessary autonomy and legitimacy to exercise the monopoly of organized force. Thus, conflicts tend to take on the characteristic of "new wars" in places where the state is short on autonomy or even undergoing disintegration. Once the

monopoly of force starts to crack and new players appear to fill the vacuum, the state continues to lose its autonomy and its ability to protect, leading to a legitimacy crisis.

An example of this might be a trend highlighted by Münkler: for this author the growing environmental degradations have direct implications for resource distribution, generate an imbalance in demographic rates and foster instability in international market inequality. Furthermore, environmental degradations also influence educational and living opportunities. Consequently, in some regions of the globe, given the fragility of the state, "…in the twenty-first century large sections of the population may well see their sole chance for the future in waging wars and emerging successful" (Münkler, 2003:11). One might argue that absence of hope for peaceful development and reliance on violent change may find justification in the lack of trust in government – to put it plainly: because in weak states and failed states there is no reliable authority and people feel the need to take matters into their own hands.

Furthermore, the groups who have the capacity to impose violence tend to add to the grievances rather than offer a viable way out. This can help explain why "new wars" players are ready to give up their lives for their cause, as Münkler warns: "…the use of force for a better future will become a key element of their political reasoning and they will be ready not only to fight for vital resources but also to begin asymmetrical wars with superior adversaries" (Münkler, 2003:11). Without a reliable state that is able to provide security and offer the population non-violent ways to acquire a profitable future, people will seek other sources, as we have seen before regarding the increase in child soldiers who enter warfare with goals of status and survival.

Therefore we come to the conclusion that legitimacy plays a primary role when it comes to dealing with "new wars" and agree with Kaldor and Hannah Arendt[36] that "the key to the control of violence is the reconstruction of legitimacy"(Kaldor, 2012:122). The legitimate monopoly of force exercised by the state allows for a better organization and monitoring of violence. When the state's legitimate monopoly of force is broken down, as it is the case with "new wars", violence becomes harder to control. According to Kaldor, in "new wars" " the strategy is political control on the basis of exclusion – in particular, population displacement – and the tactics for achieving these goals are terror and destabilization" (Kaldor, 2012:122). This leads her to conclude that: "violence may be controlled sporadically through uneasy truces and ceasefires, but in situations in which the moral administrative and practical constraints against private violence have broken down, they rarely last long" (Kaldor, 2012: 123).

In a time where conflict management and conflict resolution are central aspects of international security, relying on legitimate governments to control violence would facilitate the task. However because most states that are experiencing high levels of conflict lack the ability to uphold a legitimate monopoly of force, limiting violence becomes a difficult undertaking when one has to deal with a multitude of actors and interests.

Reconstructing legitimacy becomes a central aspect of the re-establishment of the monopoly of force, which can only effectively be restored through not just a political process, but a legal and civil one too. An interesting notion is that within warzones one

[36] Hannah Arendt, in *On Violence,* clearly distinguishes between power and violence. Kaldor quotes Arendt to illustrate that no government founded solely on the use of violence has ever been possible. Arendt clearly states that "even the totalitarian ruler, whose chief instrument of rule is torture, needs a power basis… single men without others to support them never have enough power to use violence successfully" (Arendt,1970*: 50)*. Taking it one step further, Arendt also states that power and violence are opposites and when one of these rules is absolute the other is absent, thus: "violence appears where power is in jeopardy, but left to its own course it ends in power's disappearance" (Arendt, 1979:56).

can still find what Kaldor depicts as 'islands of civility'. She gives the examples of the town of Tuzla in Bosnia-Herzegovina and the self-defense units created in Southern Rwanda, among others. Moreover, although for many violence is the only way out, there are those who seek alternative routes. However, in a nutshell, this is the basic challenge of state-building. For Kaldor, "new wars" are about state disintegration, and at the end of "new wars" the state is further incapacitated; "new wars are wars of un-building rather than state-building" (Johnson,2007:16).

2.5-Asserting the Might of the State

While the multitude of actors may weaken the legitimacy of the state and break down its monopoly of force, this does not necessarily mean that all non-state actors are attempting to replace the state. Duffield acknowledges that: "warlord and strongman entities, while they may exist outside of the state, and can be in open conflict with it, are usually not attempting to live apart from it or, indeed, to replace the state altogether" (Duffield, 2001: 176). Given that the state is still the key player in the international system.

So, although the legitimacy of governments can be questioned by international organization, the importance of the concept of the state as the sovereign entity is not[37]. Moreover, it is also important to consider that although governments and non-state actors can find themselves in competition or even at war, they are also quick to enter into mutually beneficial agreements. These can take the shape of commercial-military trade networks and create parallel systems, as Duffield demonstrates:

[37] Nye in, *Compreender os Conflitos Internacionais*, dedicates a chapter to interdependence, globalization and the era of information. The growing interdependence Nye identifies in the international system, causes national and foreign issues to be blended together and create more complex patterns of conflict. This interdependence brings both benefits and costs. One cost seems to be that of subjecting the state to a new vulnerability. No longer are states the sole international actors and force is no longer the dominant instrument. Nye concludes that although states as a geographic basis will continue to structure politics, the political process within state structures will undergo deep changes.

> "In terms of what the parallel system requires of the state, the single most prevalent demand is for legal paperwork that falsifies the origins and status of goods, people, modes of transports, ports of entry, and so on. From Angolan diamonds to ivory from the Central African Republic and Nigerian petrol, border officials, customs officers and government functionaries across the continent are engaged in a huge process of reclassification and falsification without which the shadow economy would not be possible" (Duffield, 2001: 177)

At this point we can question to what extent do governments, in certain cases, become just another actor worried about their personal interests rather, than looking out for the welfare of the state? For Duffield: "…the nation state is no longer in its ascendancy. Among other things, its power has been reconfigured and transformed through the growing influence of the non-state and non-territorial relations of global liberal governance" (Duffield, 2001:257). This has a particular effect on organized violence, which according to Duffield now operates: "… at a lower destructive level, it appears to assume more systemic, intrusive and non-controllable forms" (idem). When the monopoly of legitimate force is controlled by the state, it seems violence can be subject to greater control. As violence disperses throughout the various sectors of society it creates an atmosphere of uncertainty and a new challenge, because:

> "from security-conscious airline operators to armed African cattle herders, in different ways the threat or actuality of pervasive violence now affects all of us most of the time. The challenge for global liberal governance is to equal or better the relative security that existed for much of the Cold War when nation states had a greater regulatory influence." (Duffield, 2001: 257)

Given Kaldor's and Duffield's arguments, we can interpret that the way violence is organized is a key alteration that has a crucial role in "new wars" and is of fundamental relevance to the prevalence of the states. Having the state uphold a legitimate monopoly of force allows warfare to be subject to regulations which can enhance the ability, to attempt, to control violence. Once the monopoly of force is broken, the organization of violence becomes complex, given the various non-state actors who

surface to fill the vacuum and are concerned with channeling violence to achieve their own interests. One central aspect becomes how the state can regain control within an atmosphere of multiple and simultaneous outbreaks of violent conflict.

2.6-"New wars" as Promoters of State-Disintegration?

Fukuyama highlights that from the fall of the Berlin Wall in 1989 to the September 11, 2001 terrorist attack on the United States territory, the great majority of international crises revolved around weak or failed states[38]. Citing examples such as Somalia, Haiti, Cambodia, Bosnia, Kosovo, Rwanda, Liberia, Sierra Leone, Congo, and East Timor, Fukuyama concludes that: "since the end of the Cold War, weak or failing states have arguably become the single most important problem for international order" (Fukuyama, 2004: 92). Consequently, these also pose new security dilemmas beyond the humanitarian dimension, as Fukuyama explains:

> "the possibility of combining radical Islamism with weapons of mass destruction (WMD) suddenly meant that events going on in a distant, chaotic parts of the globe could matter intensely to the United States and other rich and powerful countries. Traditional forms of deterrence or containment would not work against this type of non-state actor, so security concerns demanded reaching inside of states and changing their regime to prevent future threats from arising" (Fukuyama, 2004: 93)

This statement reinforces the global dimension "new wars" now exert, not only for human rights reasons and by calling on the responsibility of liberal democracies to respond, but also for security reasons, as situations in a region on the opposite side of the globe can have menacing effects on other states.[39] The increased need to intervene inside other countries, which can seemingly be a breach of sovereignty, has been exasperated by a growing fear, due to the rise in the level of difficulty of controlling up-

[38] Consult *The Failed States Index 2012*, (online) http://ffp.statesindex.org/rankings-2012-sortable retrieved on 15/12/2013

[39] Creveld warns that although low-intensity conflict is now mostly confined to the developing world, it is very contagious.

and-coming threats. There is a growing tendency, as Fukuyama notes, of *reaching inside states*, and this transforms conflicts. Parallel to this trend is the demand for liberal democracies to continue to diffuse democratic values and strengthen democratic legitimacy. Fukuyama emphasizes that "weak governance undermines the principle of sovereignty on which the post-Westphalia international order has been built" (Fukuyama, 2004: 96), because outside powers will find reasons to intervene and solve the problems that are jeopardizing their own security. Following this line of reasoning one can interpret that weak and failed states are another source aggravating erosion of sovereignty, the position of the state and consequently a possibility of peace. This is why dealing with weak of failed states is of the most importance.

Solving the problems of weak states poses a great challenge not only to outside powers but for the weak state itself particularly when it comes to peacebuilding.[40] It is necessary to acknowledge that each state is outlined by its specific troubles, this makes dealing with weak states a complex task, as each state may require different solutions. As Holsti points out hostilities in weak states, much like legitimacy, are also a variable and not a constant. So it's important to understand that not all weak states will display the same levels of hostilities, although in many cases several communities exist within a state, they are capable of co-existing peacefully, but hostility arises:

> "…from a variety of sources, among which are extended dominance of one group over another, exploitation, inequitable allocation or division of resources, and forced assimilation. Most "ethnic wars" are not the result of primordial hatreds but rather of state policies. Some states are weak precisely because they have (sometimes following colonial practice) established systems of social, economic, and political domination and injustice" (Holsti 1996:107).

[40] Creveld highlights that shifts in warfare can result in profound shifts in politics: "extensive conflict of this nature will cause existing distinctions between government, armed forces, and people to break down. National sovereignties are already being undermined by organizations that refuse to recognize the state's monopoly over armed violence. Armies will be replaced by police-like security forces on the one hand and bands of ruffians on the other, not that the difference is always clear even today. National frontiers, that at present constitute perhaps the greatest single obstacle to combating low-intensity conflict, may be obliterated or else become meaningless as rival organizations chase each other across them. As frontiers go, so will territorial states." (Creveld, 1991:225)

However, as mentioned above, weak states tend to find themselves trapped in a vicious circle, facing what Holsti deems the state-strength dilemma. Holsti compares weak or failed states to sinking ships:

> "…some states may survive while others will founder and sink. It is not the weather on the sea – foreign predation or aggression – that is the cause of disaster, **but the destructive actions of a country's rulers and population.** Foreign agents, however, are more than mute onlookers. They provide advice and material aid. **They are actors in the contest for the state.** And that contest frequently spills over into other jurisdictions. The state-strength dilemma leads to war within states; but sometimes it results in war between states as well. And, **at a minimum, weak and failing states demand some sort of international response.** The killing involved in "wars of a third kind" is not a matter of indifference to the onlookers. Genocide, wars of secession, communal war, and various forms of violent rebellion begin as national events but they soon transformed into **international problems**." (Holsti, 1996, 122)[41]

Because the government can't deliver the services and security needed to receive legitimacy, it attempts to cultivate strength by following predatory or kleptocratic practice or even tries to play upon the social tensions between the existing communities, and so: "everything it does to become a strong state actually perpetuates its weakness" (Holsti, 1996: 117). In a way, "new wars" can give out a sense of state disintegration because they tend to be inserted into an environment of weak states and thus are subject to the vicious cycle. So it is not clear whether "new wars" cause the state-disintegration or if state-disintegration paves the way for "new wars".

To overcome "new wars" it is indispensable for a civil society to re-emerge. One option could be to take advantage of the 'islands of civility' which offer a means of consulting civil society. In our view this concept should be explored because of its access to civil

[41] The bold format is of my authority in order to enhance the importance of these concepts.

society, which can constitute a starting focal point to develop important values such as trust and a sense of community and develop areas which offer a secure atmosphere: in hopes that in time the values will take root and spread. Here we agree with Kaldor, who considers these groups to offer the best solution, because they can serve as a basis for starting the arduous task of reconstruction. Reconstruction entails not only a rebuilding of political institutions, but of civil society itself, through: "…disarmament, demobilization, protection of the area, capture of war criminals, policing and/or establishing and training local police forces, and the restoration of the judiciary"(Kaldor, 2012: 146). It is an arduous task because one has to remove the atmosphere of fear and rebuild the sentiment of security[42]. By working closely with groups within the 'islands of civility', one can acquire firsthand knowledge regarding the situation and the necessities of the population. However, civil society will always require a state; without the building of a state those small areas will remain simply islands.

Re-establishing peace inevitably requires a process of conflict resolution; however, given the multitude of players and interests, it can be hard to establish common ground or find a compromise[43]. Post-conflict reconstruction is not necessarily peaceful, and can be marked by a continuum of violence. Since the end of the Cold War and given the demands for peace-monitoring and peacebuilding, the United Nations has developed frameworks for the post-conflict environment[44]. The immediate priority and a great

[42] There are a few attempts at describing the life-cycle of conflict using a graph-like illustration. The description of the life-cycle of conflict consulted for this dissertation was a diagram of the escalation and de-escalation of conflict from *Contemporary Conflict Resolution* by Oliver Ramsbotham, Tom Woodhouse and Hugh Miall (which can be consulted **Diagram 2.A** at the appendixes) It is important to understand that violence does not erupt spontaneously, but is rooted in context; thus, it is possible to identify 'symptoms' that lead to physical violence.

[43] Charles Webel and Johan Galtung in *Handbook of Peace and Conflict Studies,* tackle the complexity of defining peace, managing conflict resolutions, negotiating the end of conflicts and reconciling societies after conflicts. After the end of a conflict there is much to do in order to rebuild society; namely there is a need to rebuild trust and reconstruct relationships in order to prevent future recurrences.

[44] Tatiana Moura and Mónica Rafael in the magazine JANUS2005 reference a framework model used by the UN to tackle peace consolidation after an agreement has been established. This table can be consulted in the appendix **Table 2.B**

challenge is the military and security dimension, which involves rebuilding the monopoly of force while the government's legitimacy is not yet restored. However, in order to build legitimacy a secure environment must be re-established, and this requires a demilitarization of society and the consolidation of a national army. Building legitimacy is also a hard task that requires political and constitutional rehabilitation. When it comes to state-building, there are no quick fixes[45].

This increases the blurring of lines between legitimate interventions and interventions brought on by personal interests, raises several questions. No longer is, what Fukuyama refers to as the international community, simply labeling situations, such as Somalia, Cambodia, Bosnia, Kosovo and Afghanistan as distant threats, by now take "…on a palpable presence as the effective government of the country in question" (Fukuyama, 2004: 97) Furthermore, no longer can perpetrators of crimes against humanity hide under the cloak of principles of sovereignty. This illustrates that, brought on by the growing relevance of human rights, there has been a shift from an order that stressed state rights and adhered to a principle of non-intervention. Lawrence Freedman, *In War,* raises an important Western concern: "if the Western states acquire a reputation for hesitation when it comes to intervention, then weak states which feel vulnerable to external threat must look to stronger local powers to protect them" (Freedman, 1994: 361). This can result in an alteration of alliances or the formation of new ones that might further increase tensions and alter the order established in a given region.

In order to understand and develop state-building or nation-building mechanisms[46], it becomes crucial to deal with the new realities of conflict. The main concerns in weak

[45] For further insight into the challenges of peacebuilding, consult online *UN Peacebuilding: an Orientation.*
[46] Fukuyama notes that there is a distinction between state-building and nation-building: "… nation-building in the sense of the creation of a community bound together by shared history and culture is well beyond the ability of any

states become how to uphold governance, construct self-sustaining institutions and, for those interested, generate democratic legitimacy.

As Holsti had pointed out, in several cases it is the lack of unison between state and community that started the breach. State-building requires several stages which vary according to the nature of the conflict and instability affecting the country; but the question remains whether it is truly possible for outside powers to provide security, legitimacy and governance in weak and failed states. Fukuyama warns that the withering of the state is paving the path for disaster and what is needed is not the building up of extensive states but of effective states. Rather than simply relying on traditional military forces and components, present conflicts require a further understanding of the state and governance, which is what makes battling "new wars" so multifaceted. An outside power does not simply have to defeat the 'enemy', but has to rebuild the 'enemy's' home in order to make him a possible future friend.

This is the reason why Lawrence Freedman concludes that:

> "As much as by technology, war has been influenced by the changing character of the state system, including colonization and the rise of mass society, and then by decolonization and the integration of trade and finance in the West… But in a state system so complex and diverse and with such inequalities in wealth and territory, stability is no more than a fond hope. Things will never settle down, and that is why we are unlikely to be able to stop worrying about war" (Freedman, 1994: 363)

In order to engage in successful conflict resolution, it is thus indispensable to know the society. This includes how society operates, how the communities within that society

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outside power to achieve… only states can be deliberately constructed. If a nation arises from this, it is more a matter of luck than design" (Fukuyama, 2004: 99).

deal with each other; understanding the patterns of authority within that society and how significant actors interact with each other. Mediators need to interact with the society at its core civil society level by working with the population, because the probability of conflict resolution being effective rises if mediators are able to find allies within the society. Accordingly "new wars" might have the potential to catalyze state-disintegration, but, the outcome of the conflict might lead to state-building and in a long term create a stronger state: but for this to occur "new wars" must be dealt with effectively.

The state is facing new circumstances and threats, in the present world context, and its stability as we have known since the Westphalia is being questioned. Although it seems the foundations of the state are being challenged and some authors advocate the phenomena of state erosion, at the present time the state remains a solid reference in the international state acting as a crucial puzzle piece in upholding international security. Weak and failed states are at the center of the international agenda and pose captivating new challenges, as they bring to light legitimacy crisis, problems of bag governance and lack of strong institutional infrastructures. These concerns are intrinsically related to the character of conflict under "new wars" rhetoric. But state demise is far from being an inevitable outcome, as "new wars" can also be an opportunity to dedicate international efforts towards state-building.

Chapter III: Case Study Bosnia-Herzegovina

"The war in Bosnia-Herzegovina could be considered one of those defining events in which entrenched political assumptions, strategic thinking and international arrangements are both challenged and reconstructed."

Mary Kaldor, *New and Old Wars*

3.1- Why Explore the Bosnia-Herzegovina Case?

The war in Bosnia-Herzegovina from April 1992 to October 1995 was chosen as the case study for this dissertation for three reasons. Firstly, Kaldor perceived it as the "… archetypal example, the paradigm of the new post-Cold War type of warfare"(2012:32). and defends that it was a defining event which mobilized a vast international effort and weighed on global consciousness, and in which: "…entrenched political assumptions, strategic thinking and international arrangements are both challenged and reconstructed" (2012;33). Secondly, Bosnia-Herzegovina is part of a European region which holds great significance for the European project; geographically it is placed between East and West, and could be used as a strategic bridge. Finally, Portugal was involved directly in the peacekeeping missions, sending Portuguese soldiers into the field to monitor the situation for several years.[47] Having Portuguese forces stationed in Bosnia also illustrates and represents the magnitude of international involvement in the local conflict. Our reflection will be based primarily on Kaldor's analysis of this conflict, because the view she presents is a good defense of how the Bosnian conflict is an excellent example of "new wars". This case study is important to understanding "new wars" because it shows how increasingly conflicts require more than military

[47] For more information regarding the influence of the Portuguese military in an active involvement in monitoring the conflict consult the journal JANUS 2005,*Portugal e as Missões de Paz na Ex- Jugoslávia*. In 1992 Portugal had assumed the Presidency of the European Community, being compelled to alter its external policy from a more detached position to a stronger involvement in international and European affairs: sending from January 1996 to August 2000 the total of 7.451 soldiers to the field.

victory to be solved. Instead, they require a mobilization of different state dimensions, in order to address the issues underlying the tensions driving the conflict, which tend to be more complex. The ceasefire only managed to stop the fighting by partitioning the country, but did not solve the roots of the conflict, and to date Bosnia requires a vast involvement of international forces to endure.

3.2-The Long-term and Short-term Causes of the Bosnian-Herzegovina War

The Balkans is a region known for its plurality of ethnicities, which mix into a complex puzzle of ancient clashes, divisions and rivalries. The term 'Balkanization' is used to describe the unique nature of this region, which is marked by different cultures that throughout history were subject to fluid borders which shifted – examples are the Ottoman and Austro-Hungarian empires. This is the view that prevailed among the European outsiders looking in, so it was with this perception that the war was understood. It was seen as being caused by the ancient ethnic divisions and by the inherent peculiar aggressive nationalism the Balkans seemed to nurture. Bosnia-Herzegovina was the state with the largest ethnic assortment. In 1991, the country was composed of Muslims (43.7 %), Serbs, (31.4%), and Croats (17.3%)[48]. The main difference between the ethnic groups was religion: the Serbs were Orthodox and the Croats were Roman (consult **Map 1** in appendix). Ethnic differences are referenced as being the cause behind the conflict, but Kaldor highlights that the war was also fought because of political goals. The main parties behind the conflict were the nationalists who controlled the National Assembly, having received 70% of the votes in the first election in 1990: the Party of Democratic Action (SDA) which was the Muslim nationalist party, the Serbian Democratic Party (SDS), and the Croatian Democratic

[48]Numerical information referenced by Kaldor from a 1991 census. (Kaldor, 2012:33)

Party (HDZ)[49]. Kaldor is quick to point out that it is not enough to blame nationalism, because this does not explain why there are long periods of peaceful coexistence followed by waves nationalism triggered at specific times. For Kaldor, the reason behind the outburst of nationalism which triggered the war was constructed for political purposes:

> "The emergence of virulent nationalism, which did indeed construct itself on the basis of certain traditional social divisions and prejudices… has to be understood in terms of the struggle, on the part of increasingly desperate (and corrupt) elites, to control remnants of the state combined with growing economic insecurity and the loss of self-worth associated with that insecurity that made people vulnerable to ideas about national identity" (Kaldor, 2012: 36)

One word that stands out is *insecurity*. The breakdown of Yugoslavia was fundamentally a disintegration of the state on a federal level, and in the cases of Bosnia-Herzegovina and Croatia, at the republican level[50] (consult **Map 2** in appendix**)**. Following Weber's definition of what makes a state, what happened then was that both legitimacy and the monopoly of legitimate force broke down as the Yugoslav National Army – JNA – stopped being the bedrock of Yugoslavia in 1991. The environment of insecurity that surrounds the breakdown of states is very dangerous because it leaves the population vulnerable, scared and at times desperate. Kaldor points out that this form of nationalism was associated more with state-disintegration than with state-building, as other spurts of nationalism had been. Bosnia-Herzegovina was recognized by European States as independent on April 1992. But for Kaldor, "the state was recognized at the

[49] Each party had its own goals, ranging from political and ethnic division to partition, and for some authors even 'ethnic cleansing'- 'Ethnic Cleansing' is defined by the UN Commission of Expert's as: "Considered in the context of the conflicts in the former Yugoslavia, 'ethnic cleansing' means rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area. 'Ethnic cleansing' is contrary to international law." *Final Report of the Commission of Experts Pursuant to Security Council Resolution* 780 (1992), S/1994/674, 27 May 1994, vol.I, annex IV, par. 84.

[50] Yugoslavia was divided into six states: Serbia (within Serbia there were two autonomous provinces, Kosovo and Vojvodina), Montenegro, Croatia, Bosnia- Herzegovina (the only one without a dominant nationality), Slovenia, and Macedonia.

very moment of its disintegration" (2012: 45). This is an interesting notion of a state's formation being marked by the initial loss of legitimacy and with no legitimate monopoly of force. For Kaldor: "…the war could be viewed as a war of exclusivist nationalist against a secular multicultural pluralistic society" (Kaldor, 2012:45) Charles G. Boyd, in "Making Peace With the Guilty: The Truth About Bosnia"(1995) goes even further claiming that the: "war in Bosnia and Croatia was not the inevitable product of centuries of ethnic hatreds. It was created from ambition, fear and incompetence – local and international."

As seen in previous chapters, the origins of this case strongly connect with the breakdown of the state; thus the conflict fits the characteristics that have been associated with "new wars".[51] The conflict was fostered in an environment where the state was weak – in this case it had disintegrated – and there was a great loss of legitimacy and a total breakdown of the monopoly of violence. Thus the vacuum that was left was filled by a multitude of parties with independent and clashing political goals. As a result society was left at the mercy of parties that did not represent the views of society, but rather those of individual groups. Although Bosnia-Herzegovina was recognized as a state, within it there were various communities that did not identify themselves with the designed state.

3.3-Fighthing "New Wars"

Kaldor notes that the Bosnia-Herzegovina war was also a product of the collapse of the Yugoslav military and industrial compound. Outside the Soviet Union, Yugoslavia was the most militarized country in Europe, with military spending until 1986 at 4% of GNP, a Yugoslav National Army (JNA) made up of 70,000 regulars and 150,000

[51] It is worth differentiating between 'breakdown' and 'erosion'. Erosion is a gradual, slow progress; breakdown a rapid collapse that results in a break with the previous setting.

conscripts, and each republic and autonomous province its own Territorial Defence Units (TOs) (Kaldor, 2012:46). From 1986 to 1991, military spending decreased from $US2,491 million in constant 1988 prices to $US1,376 (Kaldor, 2012:46), the Yugoslav National Army broke down as the Yugoslav symbol into several regular and irregular forces (1991), and so did the Territorial Defence Units.[52] When the war broke out in 1992, Bosnia had no national army, but a "bewildered" assortment of military and paramilitary forces[53]. Territorial defense was organized locally, which shows how the monopoly of force was not present:

> "Sarajevo was defended by a motley crew of patriotic leagues and other paramilitary groups, largely organized by the Sarajevo underground. Tuzla was defended by the local police force augmented by a locally organized patriotic league. Although Izetbegović announced the formation of a regular army in May 1992, it was not until Silajdžić became prime minister in the autumn of 1993 that the various gangster groups were controlled and the army command was centralized" (Kaldor, 2012:47)

In addition to the three regular forces – BSA, HVO and ABiH – eighty-three paramilitary groups were identified by the United Nations Commission of Experts: fifty-six were Serbian, with an estimated size of 20,000-40,000; thirteen Croatian, with an estimated size of 12,000-20,000; and fourteen were Bosnian, with an estimated size of 4,000-6,000 (Kaldor, 2012:48). Two of the best known Serbian groups were Arkan's Tigers[54] and Šešelj's Chetniks. On the Croatian side the best known paramilitary groups were the HOS (paramilitary wing of the Croatian Party of Rights-HSP), and the

[52] Data information from Stockholm International Peace Research Institute, SIPRI year book 1992: World Armaments and Disarmament. (Kaldor, 2012:46)

[53] Towards the end of the conflict, each party's forces became more centralized and organized, giving way to three main regular forces: Bosnian Serb Army (BSA), Croatian Defence Council (HVO), Army of Bosnia-Herzegovina (ABiH)

[54] Arkan's real name was Željko Ražnjatović. They were a well-armed group with access to tanks and were initially active in Croatia. Šešelj's Chetniks also began operating in Croatia. Both groups are said to have worked together with the JNA.

'Wolves'[55]. On the Bosnian side there were groups called Green Berets or Muslim Armed Forces (MOS), which are said to have worked under the administration of ABiH. Other paramilitary groups were the Black Swans, Yellow Ants, Mosque Pigeons, Knights, and Serbian Falcons. In addition to paramilitary forces, there were also foreign mercenary groups and local police forces in unison with armed civilians. Two known gangsters were Caco and Celo, who operated in Sarajevo until 1993.

From day one, the multitude of military forces were dependent on outside assistance, through support from other governments, 'taxation' of humanitarian assistance and payments from individuals, and with regular forces equipped by sponsor governments. During the war, the regular economy collapsed, and combined with a sense of insecurity, this left individual people to battle for their own survival:

> "For the most part, people faced a painful choice: they could live insufficiently of humanitarian aid; they could volunteer for the army or become criminal or both; or they could try to leave." (Kaldor, 2012:51)

The choices people had reflected the method the irregular forces were adopting: using political control through violence and the diffusion of fear and hate to ensure territorial gain by controlling populations. The main method was not military offensives. The war was directed at the civilian population, so there was no continuous front, but a "… 'chequered' military map" (Kaldor, 2012:52).

The Bosnian Serbs, who wanted an autonomous Serb territory within Bosnia, aimed at establishing 'Serb autonomous areas', but since the only area where they were

[55] The 'Wolves' leader was Jusuf Prazina. They worked with the ABiH until August 1992, and thereafter with the HVO.

numerically dominant was Banja Luka, they decided to engage in ethnic cleansing[56]. The typical pattern of taking over an area was as follows:

> "First, regular forces would shell the area and issue frightening propaganda so as to instill a mood of panic. Reports of terror in neighboring villages would add to the panic. Then the paramilitary forces would close in and terrorize the non Serbs residents with random killing, rape and looting. Control over local administration would then be established. In the more extreme cases, non-Serb men were separated from the women and killed or taken to detention centers. Women were robbed and/or raped and allowed to go or taken to special rape detention centers[57]. (Kaldor, 2012:53)

Like Kaldor, Bell-Fialkoff highlights there were massive population transfers and from the start it was fear itself that generated a large number of refugees. It was not only ethnic groups who were seen as targets, but anyone who refused to engage in the mindset of hating, as for example the moderates who tried to help opposing ethnic group individuals. According to Bell-Fialkoff, at the start of 1992 there were 158,000 refugees in Serbia; within one month of Bosnia's declaration of independence around 420,000 people fled from Bosnia or were forced out[58] (Bell-Fialkoff, 1993:118). It is useful to look at **Table 3.A** in the appendix, which illustrates the effects of ethnic cleansing, showing how population figures were affected.

Apart from fanatics with nationalist motivations, paramilitary groups were largely motivated by economic aims. Warlords organized, many criminals groups, expanded their networks, and paramilitary groups were closely linked to black-market activities, at times cooperating across supposed confrontation lines in order to gain greater

[56] As Andrew Bell-Fialkoff, in "A brief History of Ethnic Cleansing", puts it, "…a population must move or die" (1993 111)

[57] According to Bell-Fialkoff the number of women raped is estimated to range from 30,000 to 50,000. (Bell-Fialkoff, 1993:119) " …As the stigma of rape was seen to be effective in driving away women and their families from the lands that Serbs sought to conquer, rape indeed became a new and gruesome weapon in ancient quiver of ethnic cleansing" (bell-Fialkoff, 1993:120). Rape is not an uncommon phenomena in wartime, but it is deplorable and repulsive to see how in this case rape was organized, to the extent that women were deliberately sent to rape camps.

[58] Bell-Fialkoff introduces a concept of "voluntary" refugees, but given that they left out of fear, one can not consider their move voluntary.

benefits. Again, economic gains are seen as a motivation for prolonging the state of war by: "…creating a self-sustaining logic to the war both to maintain lucrative sources of income and to protect criminals from legal processes" (Kaldor, 2012:56). The areas in which the situation was better were the places where the local state apparatus managed to survive – Tuzla is an example.[59]

The multitude of players that entered the warfare scheme mirrors the vast number of sides that can be found in "new wars". Moreover, there is a breakdown of the economic sector, which is replaced by irregular markets and allows for individuals, and certain groups, to benefit from the continuation of warfare. The main target becomes civilians, who can't find security and have to struggle to survive by adapting to the state-of-war environment. With no isolated battlefront, there is no place to hide, except perhaps what Kaldor has called 'islands of civility', which try to remain grounded in the midst of chaos – in this case Tuzla, which benefited from having a semi-functioning state apparatus. Population displacement and the increased number of refugees are also known as consequences of "new wars", which add to the international dimension. As Kaldor emphasizes, ethnic cleansing weighs on global consciousness and requires an international response. This is how such local conflicts make for an international crisis.

3.4-What was the Level of International Participation?

The international involvement was extensive, ranging from an official level to civil society, attracting media attention and the focus of humanitarian and civic institutions. For Kaldor these were two types of international participation: one at the high level of political talks and missions; the other as a new form of humanitarian intervention.

[59] Kaldor explains that Tuzla: "…was defended by the local police and local volunteers, who later became a local brigade of the Bosnian army, and an ideology of multicultural civic values was vigorously promoted. Throughout the war, the city maintained local energy sources and some local production, including mining." (Kaldor; 2012:56)

Although Kaldor praises the innovation at the humanitarian intervention level, given the scale of mobilization and the magnitude of cooperation between international institutions and civil society. This was hampered by the lack of consistency in the high-level political talks and the simultaneous misconceptions about the political and military nature of the Bosnian war. It is worth noting that the increased presence of international organizations and institutions as new actors in "new wars" conflicts is also a growing trend.

In an article written for *JANUS 2005*, Carlos Branco, points out how important it is to know societies before engaging in peacekeeping or peace building missions. Moreover, he echoes Kaldor's criticism that the Bosnian conflict was not correctly understood. In particular the multitude of players and the different views were disregarded, which led to the exclusion of relevant non-political actors during peace talks.[60] For Kaldor, international agents lacked the necessary knowledge of why and how the war was fought. The view that persisted was that it was a conflict between competing nationalisms, but this approach failed to understand how it was a war against the civilian population itself and that fear and hate was endemic to Bosnian society, rather than tactics used by nationalists. Nationalists were seen as representing society, so to 'solve' the conflict it was necessary for international negotiators to compromise with the various nationalist factions. In military terms the war was seen as a clash between the different nationalist groups where civilians were just caught in the crossfire.

In this context it is helpful to take note that Bell-Fialkoff points out, ethnic cleansing was mostly carried out by irregular civilian forces, so the fighting was deeply rooted in the core of civil society and civilians directly participated in the war. Kaldor argues that

[60] See Carlos Branco,*A Gestão de Conflitos intra-Estados:A Necessidade de Novas Abordagens*,JANUS 2005

ethnic cleansing was seen as a side-effect and not as a goal of war. However, a Report submitted by Mr. Tadeusz Mazowiecki (Special Rapporteur of the Commission on Human Rights) we are reminded that: "ethnic cleansing does not appear to be the consequence of war but rather its target."[61]

Even though ethnic cleansing evoked strong moral responses from international observers, Kaldor highlights there was a preoccupation with international forces getting dragged into conventional warfare, so from the start a clear distinction was drawn between peacekeeping and war-fighting. Kaldor points out that the approach that guided high-level political talks was a *realpolitik* perception, which assumed the leaders spoke for the rest of the population, and so the conflict was understood as a problem of borders and territory rather than one of political and social organization. After a long, arduous and tumultuous negotiation process, the result was the Dayton Agreement[62]. Thus, although international agents could not turn a blind eye to the situation, they wanted to refrain from getting engulfed in the warfare, and wanted to solve the problem as fast as possible through negotiation with the nationalist parties.[63]

Charles G. Boyd, in the Foreign Affairs article "Making Bosnia Work", advances that The Dayton Agreement did not stop the fighting in Bosnia, but instead froze an uneasy

[61] The same paragraph goes on: "The Special Rapporteur shares the view of other observers that the principal objective of the military conflict in Bosnia and Herzegovina is the establishment of ethnically-homogenous regions…This goal, to a large extent, has already been achieved through killings, beatings, rape, destructions of houses and threats. Such practices have intensified in recent weeks and there is less resistance on the part of the non-Serbian population, increasing numbers of whom are ready to abandon everything and to flee their homeland. Recent events observed in the region of Prijedor, Doboj and Kotor Varos prove that Serbian leaders in Bosnia and Herzegovina are not ready to desist in their plans. The Muslim and Croatian populations, in the territory controlled by Serbian authorities, live under enormous pressure and terror. Hundreds of thousands of people are being forced to leave their homes and to abandon their belongings in order to save their lives". *Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights,* (online) United Nations, E/CN.4/1992/S-1/10, 27 October 1992, par.6

[62] In an interview to *Foreign Affairs*, David Owen[62] clearly states that the ethnic cleansing in Bosnia posed: "…the biggest moral problem for the world since the Holocaust (1993:4). However, "it was clear by the end of August 1992 that there was no will in any of the major Western nations to take up arms against Serbian expansionism" (idem,1993:2), so the only option was negotiations.

[63] By "*offering*" them "*peace packages*" (idem, 1993:3 and 5).

cease-fire in place to prevent the resumption of hostilities.[64] Behind the successful implementation of the agreement, Boyd attributes much of the success to the Stabilization Force (SFOR). Moreover, a number of organizations and institutions were involved in implementing the agreement: United Nations, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), NATO, and the Western European Union (WEU).

Kaldor concludes that if the war had been understood from the start as one of genocide, the priority would have been the protection of civilian populations and not partition. The massive humanitarian effort represented a potentially new form of humanitarianism, but at the same time not all measures were effectively implemented, and Kaldor criticizes the way humanitarian aid was persistently blocked and taxed by warring parties, the safe areas remained insecure refugee camps, and war crimes were continuously committed, with some of the worst instances of ethnic cleansing performed in the last few months of war. For Kaldor, the best alternative in this situation would have been the implementation of humanitarian law-enforcement[65].

In order to successfully address levels of conflicts, it is important to understand the latter's nature. The multitude of players and interests make an accurate reading difficult and negotiations more challenging. Balancing the level of military and humanitarian interventions has become a crucial dilemma, as peacekeeping, peace-building and peace-monitoring become daily realties on the international stage. Humanitarian assistance is a new, dynamic and engaging dimension of "new wars", and international

[64] "Dayton was a brilliantly negotiated agreement to support a dubious objective: the creation of a nation where no common sense of national community existed" (G. Boyd, 1998:43).

[65] "It requires new strategic thinking about how to counter strategies of population control though ethnic cleansing – how to develop support and promote alternative sources of legitimacy among the local population, new rules of engagement and norms of behavior, appropriate equipment, forms of organization and command structures" (Kaldor, 2012:68) 'Ethnic Cleansing' is of course a very complex issue we cannot analyze in the limited context of our work.

participation which translates into the presence and involvement of an array of institutions in local conflicts is a recurring issue.

3.5-After The Dayton Agreement: The Challenge of State-building

For Kaldor, the nationalists were the winners of the war. The Dayton Agreement divided Bosnia into three statelets[66] (see appendixes for **Map 3)** and committed the parties and the international agents to adhere to human-rights clauses, the prosecution of war criminals, return of refugees, freedom of movement and economic and social reconstruction. As Ivo H. Daalder and Michael B.G Froman emphasize, in " Dayton's Incomplete Peace", the post-Dayton Bosnian reality is very intricate, and although the country has overcome a lot of challenges, it has done so and continues to do so because of the international input from other states:

> "Whatever progress has been achieved in Bosnia is due to the untiring efforts of foreign soldiers, diplomats, and aid workers to provide security for all individuals, to cajole and persuade the country's leaders to move forward one small step at a time, and to assist in the rebuilding of the physical and psychological infrastructure that was devastated … Instead of moving toward self-sustaining peace and economic growth, the country's economy, politics, and even its security remain firmly dependent on foreign, rather than Bosnian, efforts" (Daalder and Froman, 1999: *107)*

The level of international participation in post-war Bosnia was so deep that authors such as Gerald Knaus and Felix Martin, in "Travails of the European Raj", criticize the wholesale interference of international agents at all levels of the country's internal political life, including shaping and imposing the political agenda and imposing

[66] "Formally, Bosnia was divided into two entities – Republika Srpska and the Federation of Bosnia and Herzegovina – but the latter was partitioned between the Croats and the Muslims" (Kaldor, 2012: note 59)

sanctions on those who don't implement it[67], all of which they see as a breach of sovereignty.

The military dimension was more effective than the civilian dimension, as militaries were able to control the logic of partition. Building up civil society is always the hardest part, has taken years, and is still under reconstruction today. Kaldor explains that the civilian side started its slow build-up with an attempt to integrate the three communities through the integration of armies, police reforms, creating a common currency and flag, the dismissal of extremist politicians, support for moderate democratic or civic politicians, and ensuring freedom of movement. However, the economy has never fully recovered and democratic structures remain very weak, as Kaldor explains: "the trauma of the war left a trail of fear and insecurity, guilt and mistrust – emotions that cannot easily be allayed but which seek reassurance in the apparent certainties of ethnic identification." (2012:70)[68]

One clear way in which daily life in Bosnia drastically developed was the way the sense of insecurity no longer dominates daily life, even though ethnic divisions remain. Recovering a sense of security, which usually involves restoring the monopoly of violence, is seen as a short-term goal and one of the first priorities of state-building. The increased sense of security leads to the return of refugees. However, Dayton's long-term goal of creating a multiethnic, democratic and economically sustainable country remains a challenge.

[67] "The experience of Bosnia shows the ease with which a state-building mission may start out with unlimited powers to meet extraordinary circumstances and end up as an uncomfortable caricature of a Utilitarian despot… Any post-conflict mission that aims to establish democratic governance and the rule of law must institutionalize checks and balances on the use of extraordinary powers at the very outset." (Kanus and Martin, 2003:73)

[68] Authors such as Philippe C Schmitter, Stephan Haggard and Robert R. Kaufman, who analyze the transitions to democracy have also considered how important and influential a country's economy is in successful transitions.

Freedom House, Nation in Transit 2012 data (**Table 3.B**, **Graph 3.C and Graph 3.D** found in the appendixes**)** show how Bosnian society still scores poor results in relation to certain key elements of a democratic society. Ethnic and ideological differences continue to mark political life and corruption is still strongly institutionalized.

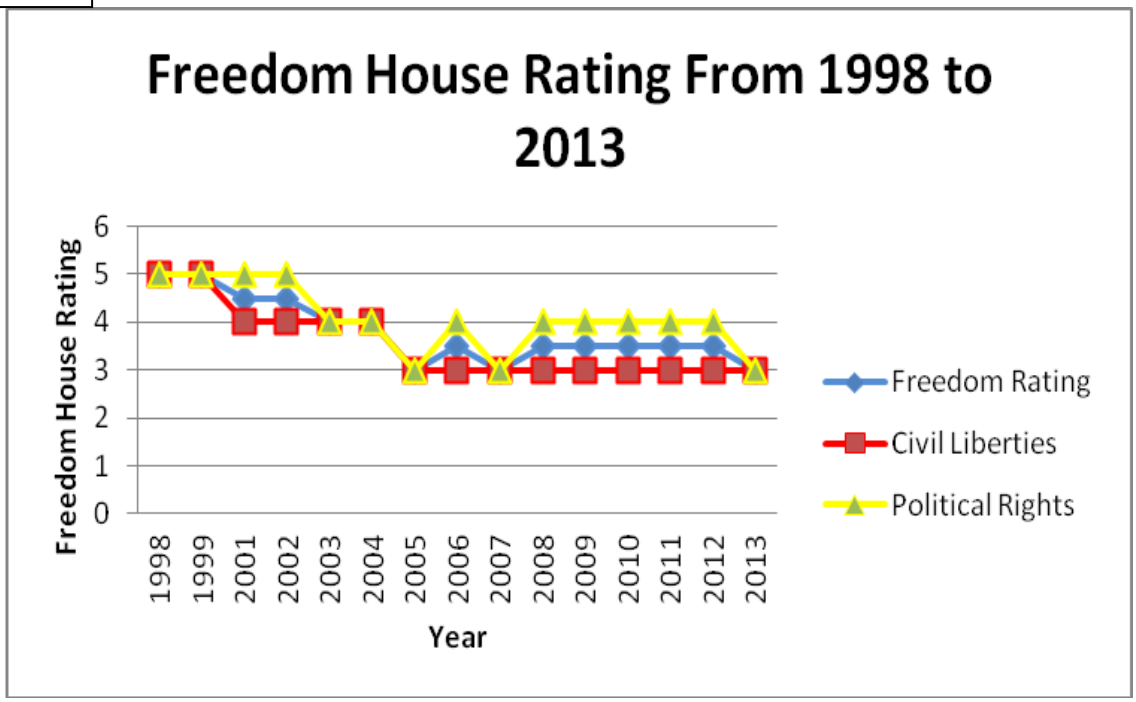
As Boyd argues, building trust is an arduous task and takes a long time. To develop trust within Bosnian society, it must itself take a hands-on approach and stop relying on international support.[69] Bosnians need to take their future into their own hands, because it is by themselves that they can create a multiethnic democratic and economically sustainable state.

In terms of measuring freedom ratings, civil liberties and political rights there has been slow progress, with Freedom House awarding Partly Free status – an improvement from Not Free, (see **Table 3.F** in appendix). **Graph 3.G[70]** below shows that Bosnia has conserved its status as a *Partly Free* country, but with no real significant improvements in political rights or civil liberties: the scores continue to fluctuate between five, four and three. This graph was constructed and included to show that progress until the present time remains limited, even though the ceasefire was implemented several years ago:

[69] For Professor Dieter Senghaas, in order to build peace and rebuild a society, one has to follow what he called the 'Civilizing Hexagon'. Senghaas depicts peace as a civilizing process, and his 'Civilizing Hexagon' is composed of six concepts; monopoly of aggression, Constitutional State System, Democratic Participation, Culture of Conflict, Social Justice and Interdependency and Control of Emotions. The image of the Hexagon can be found in the appendixes (**Illustration 3.E)**

[70] Which is of my doing using numerical information from Freedom House Reports.

Graph 3.G:



State-building is a laborious task, but has become an intrinsic dimension of "new wars". In a small box reflection entitled *Bosnia, Nine years after Dayton*, in his article "*A Gestão de Conflitos intra-Estado: a necessidade de novas abordagens*", Carlos Branco, concludes that the end of violence does not determine that the conflict is indeed resolved. Bosnia is a unified state more in theory than in practice, as the core problems were never truly addressed and territorial partition only appeased hostilities. Military intervention in post-Dayton Bosnia helped ensure security and fulfilled some necessary short-term goals, but long-term needs are work in progress. This means that we still don't know if the international forces might reconcile the three communities.

We could sum up by saying the Bosnia-Herzegovina war is a good example of "new wars" because it had global, regional and local consequences; there were a multitude of players involved who pursued their own interests; there was a practical and moral international involvement; it was a conflict directed at civilians, where "ethnic

cleansing" had a significant influence; the causes of the war where linked with problems of governance and state-disintegration; even though the fighting stopped in 1995 it is undergoing a long process of state-building and attempting to reconcile the different communities within the state. Furthermore, to date, Bosnian society requires a major input from the international dimension in order to remain functional and stabilized.

Conclusion

"Dear Teacher,

I am a survivor of a concentration camp. My eyes saw what no man should witness: Gas chambers built by learned engineers; Children poisoned by educated physicians; Infants killed by trained nurses; Women and babies shot and burned by high school and college graduates. So, I am suspicious of education. My request is: help students become human. Your efforts must never produce learned monsters, skilled psychopaths, educated Eichmanns. Reading, writing, arithmetic and history are important only if they serve to make our children more human."[71]

War should not be perceived as a blunt instrument, and it is an illusion to see it as a precise device that can inflict surgical political damage, because conflict is very hard to control. The character of warfare is transformed by socio-cultural, political, economic and technological progress. "New wars" can be depicted as a contemporary paradigm of war, but one should not disregard past knowledge and focus merely on present conflicts. The reasons Thucydides enumerated as motivations for going to war – fear, honor and interest – are still relevant and can be identified within "new wars". Similarly, although some authors' claim that Clausewitz's teaching is no longer relevant, it is nonetheless important to understand that new theories arise from the foundations of previous ones, and we cannot exclude historical experience. *On War* may not be infallible, but remains a good source from which to educate and investigate the complex subject of warfare.

"New wars" is a highly controversial theory. One of the main criticisms is that they are not new. Although the characteristics found in "new wars" have occurred in some way or another, at one time or another, the way these characteristics are presenting themselves gives "new wars" a specific dynamic and structure. Still, describing them as Contemporary Conflicts/Wars could work better, rather than falling prey to the word

[71]Quote retrieved from GCSE Modern World History, A letter written by a Holocaust survivor to the United Nations explaining the importance of students studying history. (Ben, Walsh, 2001:182)

new. "New Wars" can be interpreted, as Matt Killingsworth does, as a continuation of modern conflict. Moreover it is important to emphasize, the way Hoffman and Weiss do, that the "s" in "new wars" can serve to illustrate the multitude of realities within a single conflict.

As was explored in Chapter I, "new wars" are characterized by having a greater delimitation, duration and area of influence, in which warfare loses its militarily defined contours; a multitude of actors participate in the conflict; there is a greater influence from globalization, which translates into new economic effects among others; civilians have become direct military targets and children are increasingly dragged into war as child soldiers. In parallel to the development of these characteristics it is worth emphasizing the impact of the dramatic changes in technology and how the new global media and scrutiny have gained increased influence over the conduct of and response to conflicts: this is a recent global phenomenon, which requires a certain level of adaption as the socio-cultural dimension expands in importance to match the weight of the political context of conflicts.

A number of essential points can be emphasized from Chapter I. Military superiority does not ensure victory. When the state leaves a vacuum, new actors quickly surface to take its place. In addition to political and social motivations, new actors are also driven by economic stimuli, placing greed over grieve. At times, warlords can be depicted as businessman of war. The combination of warlords' interests and people's need to survive gives rise to expanding forms of economic activity: shadow globalization. As Duffield identifies, the outcome is that the whole society suffers for individual gain. This makes finding resolutions harder, as conflicts have a greater privatization and commercialization dimension, as war feeds on war. Also, criminal actions that would be

punished in peacetime go unpunished, and one can identify how the lines between war and crime become blurred. So war continues as long as particular benefits persist. Distinct transnational characteristics are present in "new wars", which are marked by regional networks of trade/refugees, which link different countries and bond official and unofficial actors together. It is important to understand that war economies are not self-sustained and there is a need for external factors/support.

Kaldor identifies the promulgation of fear and hatred as the key methods of political control that then allow for a rapid spread of violence. The result is the consolidation of an insecure environment that leaves people vulnerable, and in the absence of a protective state, individuals feel they have to fend for themselves. Consequently, individuals turn to violence for a better future, as with child soldiers. Others are forced out of their homes or flee in fright, which leads to an increase of refugees, causing "new wars" to entail major population displacement. Lastly, Chapter I reflected on the International Humanitarian Law, which is a developing dimension and has a practical need to adapt to "new wars", as people think about how to monitor "new wars" and to apply established international laws.

Kaldor sees "new wars" as wars of state-disintegration, while Duffield portrays them as network wars and associates them with a process of social transformation and an emergence of new forms of authority and zones of alternative regulation. It is clear that "new wars" is a very multifaceted form of conflict, nurtured by a series of variables and is prolonged by a multitude of factors. "New wars" is a product of an array of elements (presence of different communities, which fell threatened; ethnic tensions as different groups want to advance their economic, political and social interests), in a specific context (weak or failed states, where there is an erosion of the legitimacy of the

government and of the monopoly of force, and a growing incapacity of the government to provide a sense of security, be it social, political or economic), which allows new actors to fill the vacuum left by the government's failings. The difficulty lies in the fact that once "new wars" start, they create an environment that becomes hostile to the rebuilding of the state, as the monopoly of force and legitimacy break down further. Insecurity rules the lives of individuals, who struggle to survive as new actors target civilians to maintain a context of disorder for their own benefit. One can thus consider "new wars" as more political than military confrontations, because they are about the fracture of legitimacy and security (the state).

The state was the central theme in Chapter II, which explored the erosion of sovereignty. One can establish that state is still indispensable, it can make war and chaos, but it also makes peace and brings order. With the growing presence of new international actors, the state needs to continue to reassert itself as a central entity. This can be done by individual states upholding legitimacy, the monopoly of force and meeting societies' needs for protection. Only through successful practice can the state defend itself against external and internal dangers. Moreover, as Van Creveld warns, weak or failed states need to overcome their internal conflicts in order to fruitfully endure. Holsti emphasizes that war has increasingly become related not with problems between states, but security concerns within states: states do not automatically equal community. Conflicts arise out of issues of statehood, governance and the status of communities: state stability. Problems of legitimacy cannot be ignored, because they are central to the perpetuation of the state. Furthermore, trust cannot flourish in environments governed by fear, and criminal violence blooms best in a social context of disorder. It is also worth remembering that clashes between communities do not occur

in a vacuum; they are nurtured by political, social and economic contexts when interests are threatened.

Weak and failed states are a source of conflict and human rights-abuse and are potential ground for proliferation of terrorism, so state-building is vital to international security. At the center of today's international agenda are the problems of state-maintenance and state failure: peacekeeping, peacemaking, peace-enforcement, peacebuilding. It is important to remember that acquiring freedom does not immediately make a state viable – the various problems with democratic transitions are examples of this. In addition, the sovereign state can be seen as a prerequisite to institute democracy.

State-building is a possible way of overcoming "new wars". The population needs to feel protected and this requires a sense of security brought about by restoration of the monopoly of force. It becomes more imperative to shield civilians than to kill belligerents. Because there is no longer a specific battleground, the whole of the civilian population is involved in the battlefield. To rebuild a society, it is necessary to understand how that society works. It is not only strategic and military intelligence that matter, there is a need to comprehend historical, cultural political roots: there is a need to develop some sort of civil society strategy. When it comes to battling "new wars", it seems more effective to fight them by adapting to their character rather than using tactics for other type of warfare. One of the most interesting state-building ideas advanced by Kaldor is the concept of 'islands of civility', which seems like a gateway into civil society. In the end "new wars" can be promoters of state-disintegration but they can also be an opportunity to revisit state-building and the state from a new perspective.

The Bosnia-Herzegovina case study in Chapter III is a conclusive explanation for the idea that the clashes between participants do not occur in a vacuum; they are nurtured by political, social and economic contexts. Bosnia is also a great example of how a state is not necessarily one community, and how conflicts arose from issues of statehood, governance and the status of communities. Moreover it portrays that the end of warfare does not solve the underlying tensions that lead to its outbreak. To effectively deal with "new wars" ending the violence is just the first step of a long and arduous process.

The aim of this dissertation was to reflect upon the impact "new wars" have on the state, with the focus on one key questions: What type of state is more likely to struggle with "new wars"? The hypotheses was that weak or failed states offer the most fruitful ground for "new wars" to sprout and be nurtured, and that "new wars" disrupt the basic elements of the state, according to Max Weber,– legitimacy and the monopoly of force – consequently breaking down the guarantee of security. This seems accurate in the light of research and conclusions gathered throughout the dissertation.

At first glance the reader might presume he/she has just read a thesis about war, which in part is true. Nonetheless, this exposition is concerned with the search for peace. In an invigorating venture this dissertation wanted to investigate the "new wars" thesis, to explore the possible contemporary character of warfare, but, always with the reasoning that the greater comprehension of "new wars" could lead to more proficient ways of fashioning peace. George Orwell portrayed a world where the state (The Party and Big Brother) was absolute as it destroyed humanity to propagate internal power. In "new wars" the state is disintegrated at the wishes of individuals who want to achieve their own interests and desires, sometimes at the expense of whole populations, without

regard for human dignity. Both realities offer a bleak image of humanity, but these are not the only choices.

The state remains a central entity for the political and social organization of communities and as such holds an indispensable place in the international system. As “new wars” strive in weak or failed states, it is vital to focus peace efforts directed at state-building: it is not about placing the state above individuals, but for individuals to use the state as an instrument for order, security and peace. Freedom does not have to equate slavery, and slavery does not have to equate freedom. War can present an opportunity to destroy or a chance to create it is not about abolishing war. It is about fighting for civil society, peace and tackle conflicts in a more humanitarian conduct.

Appendixes

Chapter I: Characterizing "New Wars"

Table 1.A: Practical Examples of "New Wars" and their Individual Characteristics

	Locus	**Agents**	**Economics**	**Targets and Victims**	**Technologies**	**Media Tools**
Somalia	Internal civil war	Militias, warlords, U.S.	No state taxes; extortion; aid economy	Civilians	Small arms	
Liberia	Internal but crosses borders	Warlords	Plunder	Civilians	Small arms	
Sierra Leone	Internal but crosses borders	Militaries, rebels, UN, mercenaries, militias	Plunder	Military personnel, many civilians	Small arms	
Bosnia	Breakdown of state led to civil war	Yugoslav military, Serb militia, Bosnian militia	Aid economies	Military personnel, mostly civilians	Some heavy weapons, mostly small arms	Widespread propaganda
Rwanda	Civil war with genocide, cross-border violence by neighbors	Tutsi rebels, Hutu militias	Plunder in Congo; aid economies	Mostly civilians	Small arms, machetes	Hate radio
Kosovo	Secessionist region, part of civil war	Yugoslav military, Serb militia, Kosovar guerillas, NATO	Trafficking in illicit goods financed Albanian rebels	Military personnel, a large proportion of civilians	Heavy weapons (Serbs), small arms (guerillas), hi-tech munitions (NATO)	Serbian media

Note: This table is simply a thumbnail sketch to offer an overview. It is by no means exhaustive. But it does illustrate how, although each conflict was different, there were common characteristics that fall within the "new wars" structure.

Source: (Hoffman and Weiss,2006:79)

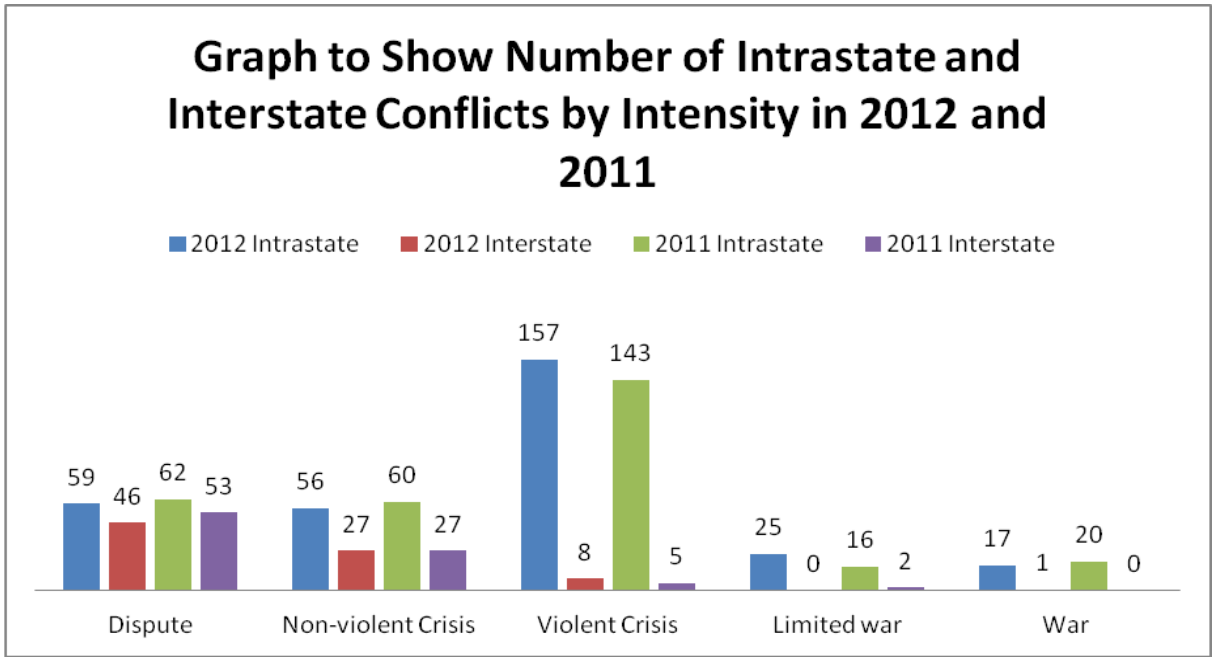
Table 1.B: The number of Intrastate and Interstate Conflicts by Intensity from 2010 to 2003 (excluding 2006)

	2010		**2009**		**2008**		**2007**		**2005**		**2004**		**2003**	
Type of conflict	Intra state	Inter state	Intra state	Inter state	Intra state	Inter state	Intras tate	Inters tate	Intras tate	Inters tate	Intras tate	Inters tate	Intra state	Inters tate
Latent Conflict	57	52	58	50	41	41	42	38	31	34	37	40	34	41
Manifest Conflict	64	36	78	36	87	42	72	46	52	34	43	23	34	29
Crisis	120	6	106	6	88	7	93	6	71	3	48	3	9	9
Severe Crisis	**22**	**0**	**24**	**0**	**30**	**0**	**25**	**0**	**22**	**0**	**33**	**0**	**2**	**2**
War	**6**	**0**	**7**	**0**	**8**	**1**	**6**	**0**	**2**	**0**	**3**	**0**	**1**	**1**

Note: This table is of my authority. The year 2006 was excluded from consideration because a new term was added only in that year (transnational), seeming ambiguous and could interfere with the results.

Source of numerical information: Conflict Barometer

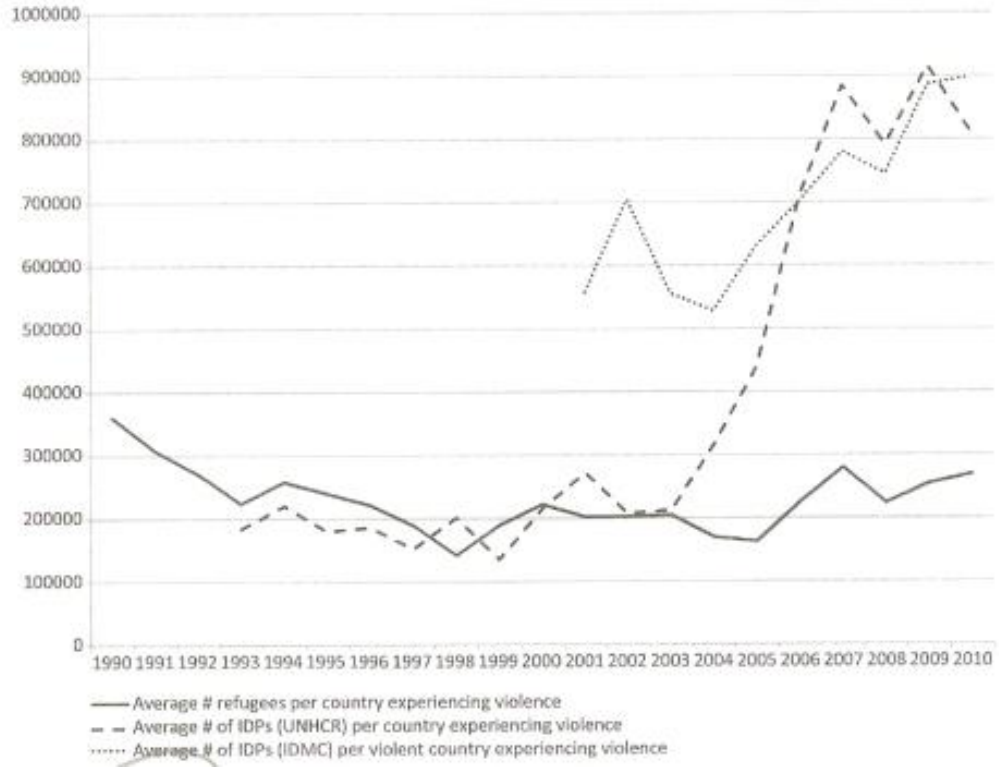
Graph 1.C: The number of Intrastate and Interstate Conflicts by intensity from 2011 and 2012



Note: This graph is of my authority.

Source of numerical information: Conflict Barometer

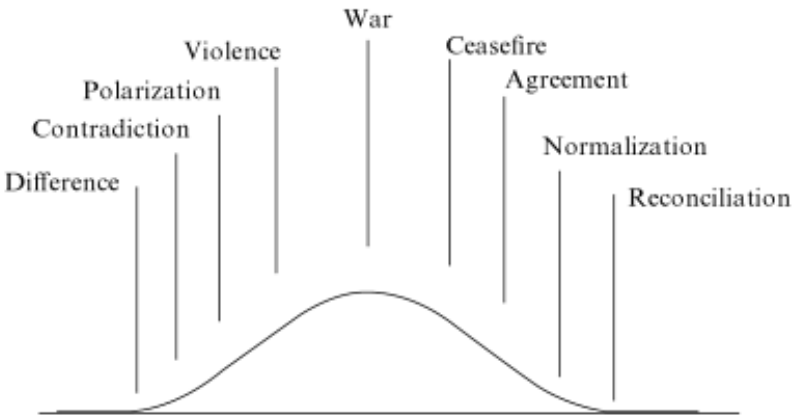
Graph 1.D: Graph to Show the Numbers of Refugees and Internally Displaced Persons in Countries Experiencing Violence from 1990-2010



Source: (Kaldor,2012:107)

Chapter II: State and Governance: Political legitimacy, Monopoly of Force and Guarantee of Security

Diagram 2.A: Conflict Escalation and De-Escalation



Note: We can see from the diagram above that although the peak of the conflict is during the stage of war, conflict starts when there is an environment of unstable peace (contradiction; polarization). Thus, the process of escalation of violence is very complex and dynamic. Peace is not a consequence of stopping the fighting (war stage); rather, durable peace after the conflict can only be achieved by accepting that one has to deal with the de-escalating stages of the conflict. De-escalation can also be paved with several setbacks. For each stage of the conflict, there are tools that can be used to prevent conflicts from escalating into the stage of war.

Source: (Ramsbotham, Woodhouse and Miall,2011:13)

Table 2.B: The European Commission Checklist for Root Causes of Conflict

Early Warning Indicator	**Question that Should be Asked**
Legitimacy of the State	• Are there proper checks and balances in the political system? • How inclusive is the political/administrative power? • What is the overall level of respect for national authorities? • Is corruption widespread?
Rule of Law	• How strong is the judicial system? • Does unlawful state violence exist? • Does civilian power control security forces? • Does organized crime undermine the country's stability?
Respect for Fundamental Rights	• Are civil and political freedoms respected? • Are religious and cultural rights respected? • Are other basic human rights respected?
Civil society and Media	• Can civil society operate freely and efficiently? • How independent and professional are the media?
Relations between Communities and Dispute-Solving Mechanisms	• How good are relations between identity groups? • Does the state arbitrate over tensions and disputes between communities? • Are there uncontrolled flows of migrates/refugees? •
Sound Economic Management	• How robust is the economy? • Is policy framework conductive to macro-economic stability? • How sustainable is the state's environmental policy?
Social and Regional Inequalities	• How are welfare policies addressed? • How are social inequalities tackled? • How are regional disparities tackled?
Geopolitical Situation	• How stable is the regional geopolitical situation? • Is the state affected by external threats? • Is the state affecting regional stability?

Source: The European Union & Peacebuilding, The EU's Role In peacebuilding, http://www.qcea.org/wp-content/uploads/2011/04/bp-peacebuild1-eurole-en-nov-2004.pdf retrieved on 5/03/2014

Chapter III: Case Study Bosnia-Herzegovina

Map 1: Ethnic Diffusion During the Summer of 1992

Source: (Boniface, 2009: 76)

Map 2: The Geographic Area of Former Yugoslavia (1989) and the Geographic Division after its Breakdown (2008)

Source: (Boniface, Pascal, 2009: 77)

Table 3.A: The Change in Population Figures In Bosnia-Herzegovina

	1991 Census				Estimates November 1995			
	Serbs	**Croats**	**Muslims**	**Total**	**Serbs**	**Croats**	**Muslims**	**Total**
Bihac	29,398	6,470	202,310	238,178	1,000	5,000	174,000	180,000
Northern Bosnia-Herzegovina	624,840	180,593	355,956	1,161,389	719,000	9,000	13,000 [38,000 in Dec 94]	741,000
Zenica	79,355	169,657	328,644	577,656	16,000	115,000	439,000	570,000
Tuzla	82,235	38,789	316,000	437,024	15,000	19,000	659,000 [629,000]	693,000
Sarajevo	157,526	35,867	259,085	432,478	n/a	n/a	n/a	455,000
Enclaves	20,000		80,000	100,000			50,000 [115,000]	50,000
West Herzegovina/ West-Central Bosnia	43,595	245,586	111,128	400,309	5,000	320,000	160,000	485,000
East Bosnia/ South Herzegovina	304,017	40,638	261,003	605,658	450,000	4,000[2]	See previous column	454,000
Total	1,340,966	717,600	1,655,300	**3,972,692**	1,206,000(-Sarajevo)	470,000	1,497,000	**3,628,000**

Notes: Figures in square brackets show numbers in November 1994

[2] This figure refers to both Croat and Muslim communities.

n/a Not available

Source: (Kaldor, 2012: 55)

From the table above, one can identify how each community's population numbers were affected during the war. Moreover, we can see that the total population was lowered from 3,972,692 to 3,628,000. The community which showed the most significant total decrease was the Croats, from 717,600 to 470,000. Another population figure worth noting is the total population from Tuzla, which increases significantly from 437,024 to 693,000: as previously mentioned, Tuzla managed to retain some state foundations that helped sustain itself and its population during the war. Although this table does not offer deeper information on the reasons behind the increase or decrease in the presence of communities in each place, and like any source, the numerical information has its limitations, the table does illustrate how the conflict affected population figures. Furthermore, it serves as an example of how "new wars" have an impact on communities and deeply alter population figures.

Map 3: Illustrating the Dayton Agreement, 21 November 1995

Source: (Boniface,2009:77)

Table 3.B: Nation in Transit Ratings and Averaged Scores from 2003 to 2012

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	3.75	3.50	3.25	3.00	3.00	3.00	3.00	3.25	3.25	3.25
Civil Society	4.00	3.75	3.75	3.70	3.50	3.50	3.50	3.50	3.50	3.50
Independent Media	4.25	4.25	4.00	4.00	4.00	4.25	4.50	4.50	4.75	4.75
Governance	5.25	5.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	4.75	4.75	4.75	5.00	5.00	5.25	5.25	5.50
Local Democratic Governance	n/a	n/a	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Judicial Framework and Independence	5.00	4.50	4.25	4.00	4.00	4.00	4.00	4.00	4.25	4.25
Corruption	5.00	4.75	4.50	4.25	4.25	4.25	4.50	4.50	4.50	4.50
Democracy Score	**4.54**	**4.29**	**4.18**	**4.07**	**4.04**	**4.11**	**4.18**	**4.25**	**4.32**	**4.36**

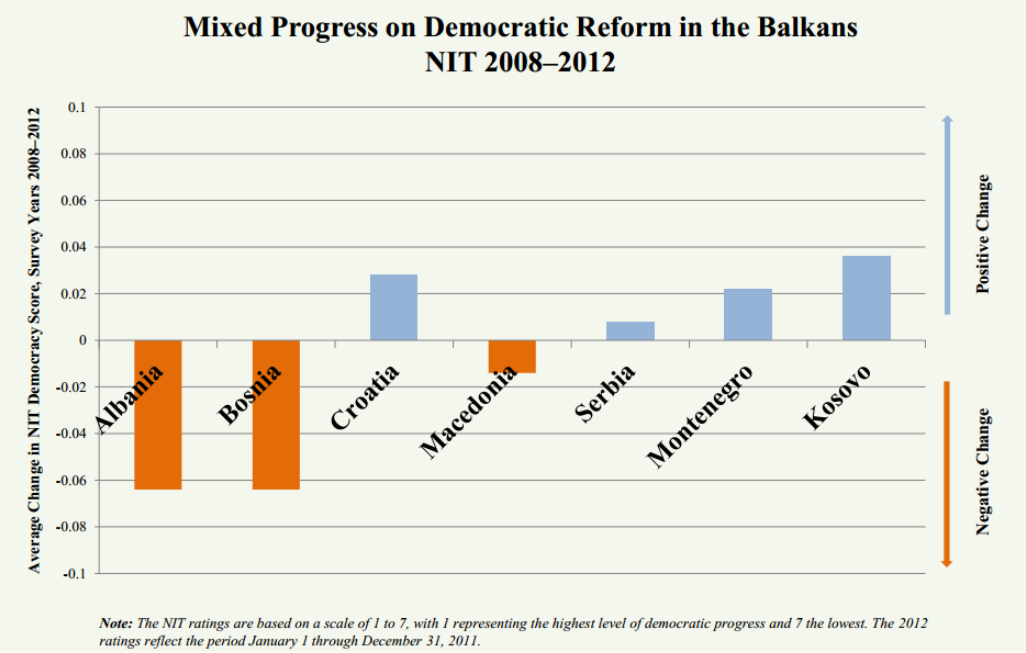
Notes: The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The nations-in-transit ratings reflect the period from January 1 through December 31 of the year preceding publication.

Source: Freedom House

Table 3.B highlights that civil society remains weak, with slow progress and how slow and gradual the rebuilding of society after a conflict is. Although Bosnian society has

gradually done better in some areas, the change in ratings is not drastic. The electoral process and civil society show slow improvements, but the independent media seems to have slightly worse ratings. From 2003 to 2012, the democracy score went from 4.54 to 4.36, which is fairly disappointing. This table illustrates how "new wars" have long-lasting effects, and because the conflicts have their roots in problems of governance, two key components of dealing with "new wars" and preventing old conflicts from re-starting are the rebuilding of society, and dealing with structural government problems. Solving "new wars" is about more than ending violence; it is about rebuilding society.

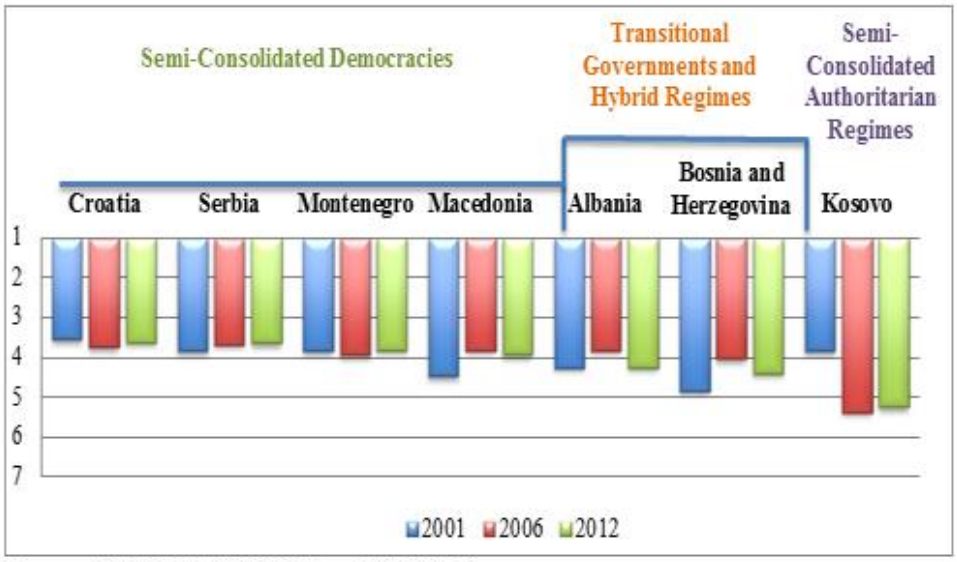
Graph 3.C: The Progress of Democratic Reform in the Balkans



Note: Graph 3.C shows how the democratic process is not always smooth, but a path filled with advances and retreats

Source: Freedom House: *Nations in Transit 2012 Eurasia Findings: Overall Democracy Scores,* (online) http://www.freedomhouse.org/sites/default/files/Graphs%202012.pdf , retrieved on 29/12/2013

Graph 3.D: Democracy Score changes in 2001, 2006 and 2012



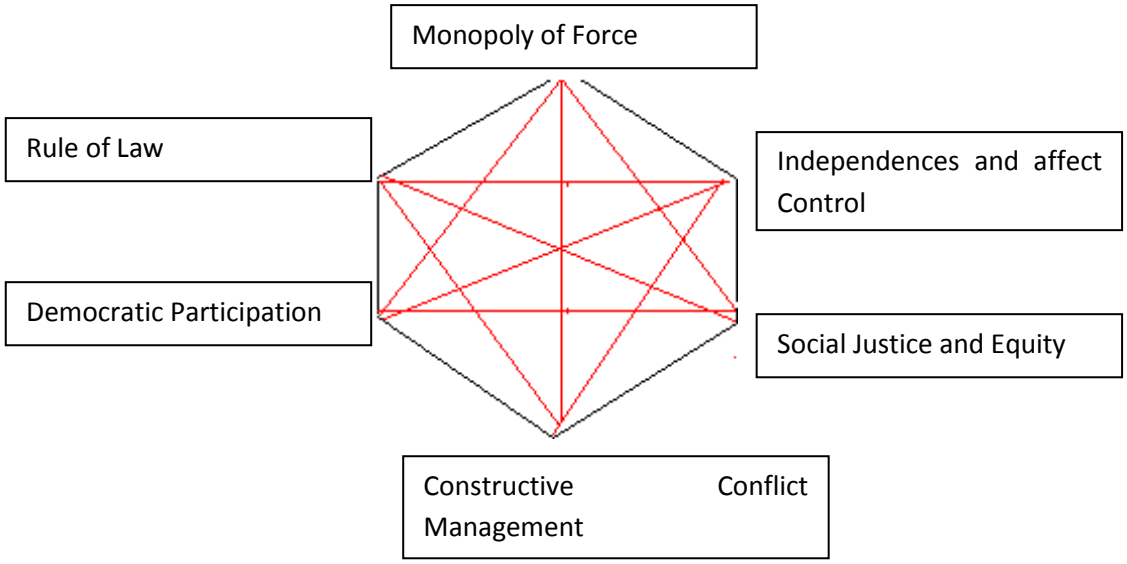
Source: NIT 2002, NIT 2007, and NIT 2013.

Note: The NIT ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The NIT ratings reflect the period from January 1 through December 31 of the year preceding publication. In NIT 2004, Serbia, Montenegro, and Kosovo started to be examined in separate reports; in previous editions, ratings were for the Federal Republic of Yugoslavia.

Graph 3.D shows how Bosnia is categorized as having a transitional government and a hybrid regime, in part due to the elements of shared sovereignty with international forces.

Source: Freedom House: Pinna, Alessandra, *A Democratic Scorecard for the Western Balkans*, (online) Freedom House, June 26, 2013, http://www.freedomhouse.org/blog/democratic-scorecard-western-balkans retrieved on 29/12/2013

Illustration 3.E: Civilizing Hexagon by Dieter Senghaas



Source: (Senghaas, 2004: 6)

Table 3.F: Freedom Ratings in Bosnia from 1992 to 2000

	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
Political Rights	6	6	6	6	5	5	5	5
Civil Liberties	6	6	6	6	5	5	5	5
Status	Not Free	Not Free	Not Free	Not Free	Partly Free	Partly Free	Partly Free	Partly Free

Source: Freedom House: *Nations in Transit 1999-2000: Civil Society, Democracy & Markets in East Central Europe & the Newly Independent States*,(online) Edited by Adrian Karatnycky, Alexander Motyl, and Aili Piano, Freedom House, Transaction Publishers, 2001, http://pdf.usaid.gov/pdf_docs/Pnacn550.pdf retrieved on 29/12/2013

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