
STUDENT CONTRIBUTIONS

Coordination and International Institutions in Post-Conflict Situations

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Abstract: In recent years, there has been a continuous attempt to describe changes in the possibilities for international action in relation to conflict situations. How does the coordination and management of international involvement in post-conflict situations contribute to a lasting peace? The article examines the principle texts associated with peace implementation in the former Yugoslavia, and extracts from these some of the elements of the coordination of multilateral activities. The article places this analysis in the context of past and current research on the question of the coordination of multilateral institutional activities as a first step in the grounded study of the organization and management of international involvement in securing peace in post-conflict situations.

1. INTRODUCTION

Practitioners of international law struggle constantly to fit the law to the changing circumstances of international relations. International involvement in the attempts to secure a resolution of conflicts in Angola, Cambodia, the occupied West Bank and Gaza Strip, Haiti, El Salvador, South Africa, Mozambique, Namibia, the former Yugoslavia, and most recently, Guatemala, to name a few, have involved state and international institutions in an entire spectrum of activities: from sewerage construction and

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election monitoring, to peace-keeping and military intervention. These activities have fuelled a continuous reassessment of notions such as preventive diplomacy, conflict resolution, humanitarian assistance, peace-keeping, peace-making, peace-building, and more recently, peace implementation.¹ These reassessments have sought to describe the changes in the international system that altered the possibilities for international action in relation to conflict situations. But what of the organization and management of these activities? How does the organization and management of international assistance in post-conflict situations contribute to a lasting peace?

As a first step towards developing answers to this question, the present article focuses on peace implementation in the former Yugoslavia. In the former Yugoslavia, peace implementation consists of one of the largest ever peace-keeping interventions, twinned with a reconstruction programme comparable to the Marshall Plan.² For students of public international law, the starting point for analysis of the organization and management of peace implementation should be the text, in this case, the General Framework Agreement for Peace in Bosnia and Herzegovina (GFA),³ including its attached Annexes and Side-Letters.⁴

This article sets out, first, to describe and analyze the organization and management of peace implementation as established by the texts, which initiate international involvement in peace implementation in the former Yugoslavia. Second, this paper suggests an analytical approach which might assist in further study. I begin by mapping the terrain of research interest in international coordination, a central dynamic of the organization and

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1. See the Conclusions of the Peace Implementation Conference, Lancaster House, London, 8-9 December 1995, obtained from the Office of the High Representative, available at www.ohr.int/docu/d951208a.htm. Narrowly defined, the term 'peace implementation' refers to the implementation of peace agreements. In practice, peace implementation has encompassed the structures and processes of domestic and international economic, social, political and security activities to promote peace and development in immediate post-conflict situations. Peace implementation also entails functions similar to post-conflict peace-building: see, e.g., the Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN Doc. A/50/60-S/1995/1, at paras. 47-53 (1995).
 2. See T. Cullen, *Bosnia's 'Marshall Plan'*, 16 *Transition* 52-56 (1996).
 3. General Framework Agreement for Peace in Bosnia and Herzegovina and Annexes, done at Dayton, Ohio, 21 November 1995, as reproduced in 35 *ILM* 75 (1996), with Introductory Note by P.C. Szasz.
 4. The Side-Letters stipulate that the initialing of the texts in Dayton committed the parties to sign the respective texts and expressed their consent to be bound by them. The Side-Letters further provide for automatic entry into force upon signature; see Szasz, *id.* at 77.

management of multilateral activities. In sections two and three I describe coordination as found in the texts which initiate peace implementation in the former Yugoslavia: section two identifies the framework of institutions and jurisdictions of coordination, and section three analyzes the coordination rules and mechanisms. By way of conclusion, I attempt to draw out the principle characteristics of coordination as found in the texts; suggest some areas for further study of peace implementation; and, finally, present some theoretical perspectives which might contribute to the research into international institutions and the international relations of multilateral assistance activities in post-conflict situations.

2. COOPERATION AND COORDINATION

Peace implementation efforts are multilateral in nature. To ensure unity of purpose or efficacy of implementation, multilateral efforts place coordination at the core of their organization and management. Coordination has been a mantra of post-war multilateral diplomacy. Despite constant repetition, the demand for improved coordination has not produced practical policy options for the designers of international institutions. The rhetoric of coordination has been driven by the common sense dictum of public administration that:

[c]o-ordination between the different branches of public policy must be secured at some level [...] [because] political, economic and social objectives which are mutually incompatible cannot be successfully pursued simultaneously for indefinite periods.⁵

International relations research on the subject has retained the assumption, inherent in the above statement, that state agreement on policy should lead more or less automatically to implementation, through state or international institutions.⁶ As a result, coordination has tended to be defined as

5. See W. Jenks, *Co-Ordination in International Organization: An Introductory Survey*, 29 BYIL 30 (1951); see also A. Lewin, *La Co-Ordination au Sein des Nations Unies: Mission Impossible?*, AFDI 9-22 (1983).

6. On multilateral institutions of economic cooperation see, generally, P.B. Kenen (Ed.), *Managing the World Economy: Fifty Years After Bretton Woods* (1994); B. Colas, *Global Economic Co-operation* (1994); W. Guth (Ed.), *Economic Policy Co-ordination* (1988). See also R. Cox, *Global Political Economy and Social Choice* (1991); and R. Cox & T. Sinclair, *Approaches to World Order* (1996).

policy coordination.⁷ In so far as the implementation of decisions requires multilateral cooperation, the implementation of coordinated policy decisions has been understood as a function of the design and administration of multilateral institutions, with coordination grouped into either 'positive' or 'negative' coordination.⁸ The designers of multilateral institutions, by assuming state cooperation through policy coordination, have relegated the problem of the coordination of implementation to the pursuit of negative coordination in administration and budgeting in particular.⁹

Where coordination has been viewed as integral to implementation, a definition of such *operational* coordination has proven illusive.¹⁰ A manual of the United Nations High Commissioner for Refugees (UNHCR), written for the military in respect of humanitarian emergencies, states that:

[i]n the UNHCR, operational co-ordination has involved: taking the lead in policy-making, planning and information sharing; acting as the main point of contact for other UN agencies, UN military and political components, NGOs and parties to the conflict; allocating tasks according to sectoral expertise and interests of beneficiaries; co-ordinating funding efforts and consolidated appeals to donors. In the field it involves: providing guidance, policy advice and information; co-ordinating field activities to avoid duplication of efforts; providing administrative and logistic support to humanitarian actors; acting as an interface between political and military components of UN operations and NGOs.¹¹

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7. For a survey of research into co-operation among states, see, e.g., H. Milner, *International Theories of Cooperation Among Nations*, 44 *World Politics* 466-496 (1992).
 8. See H.G. Schermers & N.M. Blokker, *International Institutional Law* 1067, at para. 1705 (1995). The authors distinguish between positive coordination (e.g., the harmonization of policies, definitions, data reporting and the integration of projects and programmes), and negative coordination (e.g., ensuring against duplication, overlap and working at cross-purposes).
 9. Nowhere has this orientation been more obvious than at the UN. See, e.g., *Coordinating a Comprehensive Strategy*, Report of the Secretary-General on the Work of the Organization, UN Doc. A/51/1 (1996); *Co-ordination Questions*, Report of the Committee for Programme and Co-ordination, UN Doc. A/51/16 (1996); and *Co-ordination Questions: Report of the Co-ordination Bodies*, Annual Overview of the Report of the Administrative Committee on Co-ordination for 1994, UN Doc. E/1995/21 (1995). See also S. Samtsas, *Les Statuts Juridiques des Organes Communs des Nations Unies en Matière de Co-ordination et la Dimension Juridique de la Notion du Système des Nations Unies*, 22 *Revue Belge de Droit International* 339-362 (1989).
 10. In the field of humanitarian assistance, Cunliffe & Pugh find that "Co-ordination has not been properly defined in the UN secretariat" and go on to point out the need for a minimum of negative co-ordination, and that coordination inevitably involves an exercise of authority and leadership in order to create a level of integrated effort which avoids unnecessary duplication; see A. Cunliffe & M. Pugh, *The UNHCR as Lead Agency in the Former Yugoslavia*, *Journal of Humanitarian Assistance* 7 (1996).
 11. S. Wolfson & N. Wright, *A UNHCR Handbook for the Military on Humanitarian Oper-*

This description of operational coordination combines general activities (such as providing guidance and facilitating information exchange) with more specific tasks (such as logistical support and military-political-NGO liaison), as well as functions common to policy coordination and/or donor coordination *fora*. The definition is so broad that it attracts the immediate criticism that it promises everything but, as a practical definition of operational coordination, it delivers little.

In the coordination of assistance to developing countries, policy and operational coordination have often taken place in aid or donor coordination groups (for example, the World Bank Consultative Group meetings or United Nations Development Programme (UNDP) Round Tables).¹² Within the UN system, the 'in country' responsibility for coordinating social and economic development activities of UN agencies and programmes has traditionally fallen to the Resident Coordinator. The post is most often assumed by the UNDP Resident Representative to a country, a practice which has had some coordination success: the channeling of donor country funds to projects of the specialized agencies through UNDP has provided UNDP Representatives with opportunities to seek better coordination.

However, whether within or without the UN, the coordination of development assistance has remained a 'hit and miss' process,¹³ which explains in part why it has remained on the agenda of the various administrative committees of the UN for so many years. More recently, terms of reference developed for the Resident Coordinator have provided a better explanation of operational coordination of assistance to developing countries.¹⁴ In addition, the Secretary-General has begun appointing Special Representatives as UN Special Coordinators to areas which, for reasons unique to the particular context, require political weight added to the task of development coordination.¹⁵ However, the terms of reference devel-

ations, as cited by Cunliffe & Pugh, *supra* note 10, at 24 (1994).

12. The World Bank has issued a specific directive on aid coordination: see Aid Co-ordination Groups, OD 14.30 (March 1989), updated March 1994, available at www.worldbank.org/html/opr/opmanual/ods/1430.html.
13. See, e.g., R. Cassen and Associates, *Does Aid Work?* 219 (1986).
14. See the Consolidated Draft Statement on the Role and Functioning of the Resident Coordinator System, Consultative Committee on Programme and Operational Questions, Fifth Session, UN Doc. ACC/1995/POQ/CRP.1 (1995).
15. E.g., the Special Coordinator in Sarajevo (March 1994), the Special Coordinator in the Occupied Territories (June 1994), and the Special Coordinator in Bosnia and Herzegovina

oped for the Resident and Special Coordinators do not provide specific powers *vis-à-vis* other UN agencies or programmes, nor do they clarify the location of responsibility for policy or operational coordination.¹⁶

The delivery of humanitarian assistance by the UN has involved a separate institutional framework and different organizations from the development field. Each of these has been marked by their attempt to come to grips with coordination problems. The Disaster Relief Organization (UNDRO) was founded in 1971, “but its limited operational capacity was subsequently exposed in complex emergencies, notably in dealing with the exodus of peoples as a consequence of the Gulf War.”¹⁷ The Department of Humanitarian Affairs (DHA), a part of the UN Secretariat, was created out of pressure placed on the UN to review its coordination of humanitarian assistance as a result of the problems encountered after the Gulf War. While the DHA contributed to the development in the coherence of UN responses to complex emergencies, the DHA was hampered by its limited powers: it was not endowed with the institutional authority *vis-à-vis* other UN agencies in a manner that would permit anything approaching, for example, the command and control of military operations.¹⁸ The establishment of the DHA did result in the establishment of the conceptual link between international activities in emergency situations, post-emergency reconstruction, and development efforts; furthermore, its mandate linked coordination to the mobilization and control of funding requirements and included aspects of information gathering and dissemination. However, despite consolidating a number of coordination functions under the DHA, the mandate does little to clarify what precisely is involved in operational coordination.

(March 1996).

16. The Consolidated Draft Statement locates policy authority with the recipient government and simultaneously identifies the need for ‘enhanced collaboration’ between the policy and coordination functions of the Bretton Woods and other financial institutions and the UN development agencies; see Consolidated Draft Statement, *supra* note 14, at para. 18(d).
17. See Cunliffe & Pugh, *supra* note 10.
18. See J. Dedring, *Humanitarian Co-ordination*, in J. Whitman & D. Pocock (Eds.), *After Rwanda: the Co-ordination of United Nations Humanitarian Assistance* 47 (1996). Furthermore, Cunliffe & Pugh note that the DHA mandate entailed a dilution of powers in comparison to UNDRO’s formal capacity. Unlike UNDRO, the DHA mandate did not include the power to “direct and co-ordinate the relief activities of the various organizations of the United Nations”; see Cunliffe & Pugh, *supra* note 10, at 2. For the DHA mandate, see UN Doc. A/46/182 (1991); for the UNDRO mandate, see UN Doc. A/26/2816 (1971).

In addition to attempts directed at creating specific coordination institutions, the UN developed the concept of 'lead agency'. Different specialized agencies have mobilized their emergency response units with the intention of acting as 'lead agency'.¹⁹ In 1992, the UNHCR was referred to by the Secretary-General as the 'lead agency' in the delivery of humanitarian assistance in the former Yugoslavia,²⁰ and as such became responsible for coordinating the efforts of other UN agencies active on the ground in the former Yugoslavia. The delivery of humanitarian assistance by UNHCR in cooperation with the UN Protection Forces (UNPROFOR) is generally recognized to have saved many lives, but the overall international effort was not well coordinated.²¹

More recently, and in response to the increasing number of complex emergencies, coordination has been taken up by multilateral policy coordination *fora*, seeking more effective international organization in addressing these emergencies.²² In addition, the UN has taken a number of initiatives aimed at coming to grips with the need to formulate mechanisms for operational coordination. The Lessons Learned Unit²³ and the Open Ended Working Groups of the General Assembly,²⁴ have approached the question from two ends of a continuum: from peace-keeping and humanitarian assistance to development aid coordination, on

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19. For example, UNICEF in Sudan and Cambodia and the WFP in Angola; see Cunliffe & Pugh, *supra* note 10, at 1.
 20. Although not specified in his initial request for the participation of UNHCR, the Secretary-General subsequently referred to this status in his report on the situation in former Yugoslavia in May 1992; see Secretary-General Report, UN Doc. S/23900, at para. 16 (1992). See also Cunliffe & Pugh, *supra* note 10, at 2-3.
 21. See Cunliffe & Pugh, *supra* note 10, at 7, where it is stated that "[i]n theory, a co-ordinated approach would lead to a more efficient and cost-effective utilization of humanitarian resources. In reality, a well orchestrated and common effort was slow to materialize."
 22. In June 1995, in the Communiqué issued at the Halifax Summit, the leaders of G7 group of states agreed to ask "the Bretton Woods institutions and the UN to establish a new co-ordination procedure, supported as necessary by existing resources, to facilitate a smooth transition from the emergency to the rehabilitation phase of crisis, and to cooperate more effectively with donor countries"; see Communiqué, Halifax G7 Summit, at para. 34, 15-17 June, 1995, available at <http://utl1.library.utoronto.ca/www/g7/95prev.html>.
 23. See, e.g., Lessons Learned Unit, *Co-ordination*, The Comprehensive Report on Lessons Learned from United Nations Operation in Somalia (UNOSOM) (1995), available at www.un.org/Depts/dpko/llu.htm.
 24. Since January 1996 there have been five of these Working Groups dealing with UN reform. The Open-Ended Working Group on an Agenda for Peace included sub-groups on post-conflict peace building and coordination, examining the coordination of both humanitarian and development assistance. See, *General Assembly Adopts Working Group Reports, Defers Other Agenda Item*, Press Release, UN Doc. A/9084 (1996), at 1.

the one hand, policy coordination and UN reform on the other. Other recent works have sought to understand the significance of coordination with regard to NGOs,²⁵ as well as in the context of economies in transition²⁶ and post-conflict situations.²⁷

3. THE PEACE IMPLEMENTATION FRAMEWORK IN THE FORMER YUGOSLAVIA

At the initialing of the GFA in Dayton, the Paris signing ceremony, and the multilateral London Conference,²⁸ the parties²⁹ to the conflict in the former Yugoslavia agreed the terms of peace, invited the international legal (and political) sanction of the Security Council,³⁰ and received the financial (and political) backing of a multilateral conference of states.³¹ The agreements and decisions transformed the international institutional involvement in the former Yugoslavia and shifted the focus from attempts at multilateral conflict management to conflict resolution through multilateral peace implementation. Peace implementation in the former Yugoslavia had as its strategic objective the facilitation of a loose political union and economic - as well as infrastructural - integration across a number of different sectors, with the objective of the creation of a federal state between two

25. See, e.g., C. Ritchie, *Co-ordinate? Co-operate? Harmonise? NGO Policy and Operational Coalitions*, 16 *Third World Quarterly* 513-524 (1995).

26. See, e.g., *International Networks: The Case of Co-ordination of Economic Assistance to the CEEC and the NIS*, Project in Brief, University of Leipzig (1996), available at www.uni-leipzig.de/politik/project.html.

27. For example the author is presently engaged in research into the organization and management of peace implementation in post-conflict situations, a joint project of the Centre for International Studies (FAFO) and Forvarets Forskningsinstitutt (FFI), both of Norway.

28. Five days prior to the signing of the GFA, the London Peace Implementation Conference addressed 'civilian implementation structures'; see Art. 6 of the 1995 Conclusions of the Peace Implementation Conference, *supra* note 1.

29. The parties to the GFA proper are the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia. The Republika Srpska (the Bosnian Serb entity) was a party to annexes of the GFA as were the Bosnian Muslims (Bosniacs) and the Bosnian Croats. Under the Dayton accord (Ann. 4, 'Constitution of Bosnia and Herzegovina') the Republic of Bosnia and Herzegovina consists of the two 'Entities', the Federation of Bosnia and Herzegovina and the Republika Srpska; see Szasz, *supra* note 3, at 77.

30. See Art. I(a) of Ann. 1A and Art. I.2 of Ann. 10 to the GFA, *supra* note 3, at 92. This provided by UN Doc. S/RES/1031 (1995).

31. See the 1995 Conclusions of the Peace Implementation Conference, *supra* note 1, at paras. 3-43.

'entities' and three peoples in Bosnia and Herzegovina. In addition to a federal constitution and the creation of obligations of the parties in a number of areas, the GFA established a framework for the agreement's implementation, consisting of two pillars of peace implementation; the military and civilian. To this framework, the GFA integrated a number of international multilateral institutions, with capacities to pursue or support a range of activities in both the military and civilian pillars, such as peace-keeping, arms reduction, regional stabilization measures, the return of refugees and displaced persons, the holding of elections for new political structures, the promotion of human rights, technical assistance to nascent government institutions and NGOs, and a wide range of economic development cooperation programmes in a number of private and public sectors.

To the extent that states institutionalized the management of their attempts to find solutions to the conflict in the former Yugoslavia, the International Conference on the Former Yugoslavia (ICFY) and its working groups had been the principal *fora* for policy coordination concerning the former Yugoslavia. In the year prior to the signing of the GFA, the five-nation Contact Group (Britain, France, Germany, the United States, and Russia) took over from the ICFY aspects of policy coordination concerning peace and/or negotiation initiatives. Since Dayton, the Contact Group countries have distributed the political and diplomatic tasks of peace implementation across the political bodies of a number of institutions in which they participate, such as the G7 (plus Russia), the Security Council, the North Atlantic Council (NAC), donor country meetings, and Peace Implementation review conferences.

On the ground, peace implementation involved a reorganization of the multilateral institutional context in the former Yugoslavia, from a UN framework constructed around the provision of humanitarian assistance, to a GFA-created institutional framework.³² The Joint Military Commission (JMC) was established as the central multilateral institution of the military pillar of peace implementation. The JMC was made responsible for mediating information exchange, liaison, consultation, monitoring, and dispute settlement between the parties, as well as between the multilateral implementation force (IFOR) and the parties.³³

32. See, e.g., E.B. Eide & P.E. Solli, *From Blue to Green - The Transition from UNPROFOR to IFOR in Bosnia Herzegovina*, NUPI Working Paper No. 539, at 23 (1995), available at www.nupi.no/UN/trans.htm.

33. In December 1996, IFOR changed its name to SFOR to reflect the completion of imple-

Under Article II of Annex 1B of the GFA, the Organization for Security and Cooperation in Europe (OSCE) was mandated to facilitate talks between the parties, aimed at long-term military force management and regional stabilization. The agreements reached³⁴ called for the establishment of a Joint Consultative Commission, consisting of a senior political representative of each of the parties, and chaired by the Personal Representative of the OSCE Chief-in-Office. The Joint Consultative Commission was the principal forum for assessing implementation of the regional stabilization agreement and for the 'trouble-shooting' of its various protocols concerning exchange of information, communications, military liaison, verification, and so forth.

The civilian pillar of peace implementation was structured around the Office of the High Representative (OHR) as the coordinator of the Joint Civilian Commissions (JCC). Distributed on a regional basis, the principal JCC working groups covered such areas as journalism, telecommunications, civil aviation, customs, refugees and displaced persons, mine clearance policy, freedom of movement, social security, and personal documentation (health insurance, education, pension funds, work, and employment), and the 'unaccounted for'. The Sarajevo JCC had working groups in areas such as infrastructure (railroads, water and sewers, gas, electricity, roads and traffic, mobile capacity), telecommunications, federation constitution, police affairs, accommodation, refugees, and social welfare. The regional JCCs operated working groups covering economic reconstruction as well as refugees and displaced persons. The JCCs subsumed many of the functions of the pre-existing coordination structures³⁵ into the task of overcoming obstacles to the implementation of the provisions of the GFA, and facilitating military-civilian coordination on the ground.³⁶ In addition

mentation of security aspects of the GFA and its transition to a 'stabilization force'. The NATO designation for the operation also changed from Operation Joint Endeavor to Operation Joint Guard; see *Bosnia and Herzegovina 1997: Making Peace Work, Conclusions of the Peace Implementation Conference*. Lancaster House, London 4-5 December 1996, available at www.nato.int/ifor/general/d961205b.htm.

34. See, e.g., the OSCE Agreement on Confidence and Security Building in Bosnia-Herzegovina, available at <http://www.fsk.ethz.ch/osce/docs/bosag.htm>; see, in particular, Ann. 5 (Protocol on the Joint Consultative Commission), concluded on 26 January 1996.
35. UNHCR, which chaired the Humanitarian Issues Working Group of the ICFY, called a special meeting for 16 January 1996, four days before the ICFY and its working groups were dissolved to set the agenda for the working group "under the Peace Implementation Conference, in close liaison with the High Representative"; see the Statement by Sadako Ogata, United Nations High Commissioner for Refugees at the Humanitarian Issues Working Group of the International Conference on Former Yugoslavia (1996).
36. For example, the IFOR Civil Affairs (CIMIC) personnel participated in the JCCs at the

to the various peace implementation coordination commissions established by the GFA, there were a number of *fora* established to coordinate the work of multilateral organizations.³⁷

Coordination of the economic reconstruction effort associated with peace implementation took place in donor coordination *fora*, which were formally separate from the GFA framework of joint commissions. The substance of this reconstruction effort fell very much within the sectors of JCCs,³⁸ but formally the coordination activities of the JCCs had little to do with actual implementation of projects designed under the reconstruction programme. While reconstruction assistance was understood as a large part of the peace implementation initiated by the GFA, the means to pay for reconstruction and development as well as the modalities of implementation of projects and programmes were not discussed by the GFA. The development and reconstruction issues were organized under the Peace Implementation Conference (PIC), first held in London in December 1995. Formally, the London Conference placed ultimate responsibility for reconstruction and development of the “economic and physical infrastructure of Bosnia and Herzegovina”³⁹ in the hands of the government, and simultaneously offered international support. The London Conference reiterated the GFA’s approach to coordination,⁴⁰ and created a Peace Implementation Council Steering Board⁴¹ with the High Representative as its chair. The World Bank and EC, along with the European Bank of Reconstruction and Development (EBRD) and the International Monetary Fund (IMF), in cooperation with the parties, were commissioned to formulate a

regional level, including JCC/Sarajevo, and many of the regional JCCs have shared offices with the CIMIC offices.

37. For example, the Expert Group on Exhumations and Missing Persons (EGEMP), established by a number of organizations which included the ICRC, UN Special Rapporteur on Human Rights, UN Expert on Missing Persons, OHR, ICTY, OSCE, UN and IFOR. The Human Rights Task Force, chaired by the OHR, included international and local NGOs, UNHCR, the UN Special Rapporteur, the UN Expert on Missing Persons, UNMIBH, the Office of the Ombudsman, OSCE, ECMM, Council of Europe, ICRC, UNHCR, ICTY, and the EC; see s. 3 of the Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations, UN Doc. S/1996/542, at para. 3 (1996), available at www.ohr.int/reports/r960170a.htm.
38. See paras. 22-25 of the Report of the High Representative, UN Doc. S/1996/542 (1996).
39. *Id.*, at para. 40.
40. The Conference reiterated the GFA formulation of the mandate of the OHR (Art. 17 of the GFA) and concluded among other things that the parties must meet their commitment to cooperate with the High Representative; see Art. 19 of the 1995 Conclusions of the Peace Implementation Conference, *supra* note 1.
41. *Id.*, Art. 21 of the Conclusions.

report on the “urgent reconstruction needs”,⁴² to develop a priority program to address these, and to present them to donors in aid coordination *fora*.

4. THE DAYTON RULES FOR COORDINATION

Coordination between the OHR and IFOR, the ‘in theatre’ institutional leaders of the civilian and military pillars respectively, is described in some detail by the GFA. Identical and reciprocal provisions for liaison and information exchange are made with regard to OHR-IFOR liaison under Annex 1A (Agreement on Military Aspects of the Peace Settlement), and Annex 10 (Agreement on Civilian Implementation of the Peace Settlement).⁴³ In addition, the OHR is explicitly incorporated into the work of the JMCs.⁴⁴

Under the military pillar, operational coordination was provided with significant enforcement powers. The parties to the GFA agreed detailed provisions and underlined their commitments by providing IFOR with the power to ensure compliance, if necessary through the use of force.⁴⁵ The powers of interpretation, dispute settlement, and enforcement of military peace implementation were placed solely in the hands of Commander of IFOR (COMIFOR).

Similarly, in the field of elections, Annex 3 (Agreement on Elections) of the GFA, empowers the OSCE with a similar authority as provided for IFOR under the military pillar: both are empowered to determine whether the parties are in compliance with the provisions of the agreement, to settle disputes within their field of coordination.⁴⁶ They are further empowered to act to enforce provision of the agreement within their jurisdiction. However, as important as these powers are, the conditions of free and fair elections or disputes over election preparation and conduct are a much more diffuse area than, for example, the substance of military peace imple-

42. *Id.*, Art. 41.

43. See Arts. 5-7 of Ann. 10 to the GFA (Agreement on Civilian Implementation of the Peace Settlement), *supra* note 3; see also Art. VIII of Ann. 1A, *supra* note 3.

44. *Id.*, Art. VIII of Ann. 1A.

45. *Id.*, Art. I.2(b) of Ann. 1A to the GFA authorizes IFOR to take “such actions as required, including the use of necessary force, to ensure compliance with this Annex”.

46. *Id.*, Art. III.3 of Ann. 3 to the GFA reads: “[i]n the event of disputes within the Commission, the decision of the Chairman shall be final”.

mentation. The means to ensure compliance are, for the OSCE, limited to a one-time three-month delay of the election date.

Coordination of civilian peace implementation is most clearly defined in Annex 10, Article I.2, which provides for the appointment of a High Representative

[t]o facilitate the parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below.⁴⁷

Under the heading 'Mandate and Methods of Co-ordination and Liaison', Article II of Annex 10 sets out the principal responsibilities of the High Representative.⁴⁸ The OHR is set the task of ensuring coordination in order to ensure "efficient implementation".⁴⁹ Here coordination should bring the elements of monitoring, liaison, guidance, and facilitation together in order to organize and manage the implementation process. Short of a process which integrates the activities of the various institutions, the OHR should ensure that it is able to 'facilitate' solutions to obstacles to implementation. The objective of this formulation is to promote positive coordination while at the same time ensuring that, at worst, negative coordination should be possible.

The tasks of promoting full compliance and ensuring efficient implementation, are responsibilities intended to provide the OHR with a measure of control or influence over civilian peace implementation, if not quite the authority that COMIFOR enjoys within the military pillar. In this sense, the High Representative is providing coordination leadership, a role backed up by his status as the "final authority in theatre regarding interpretation of this agreement (Annex 10) on the civilian implementation",⁵⁰ as well as his responsibility to report to the Secretary-General and the PIC, and his power to recommend the resumption of economic sanctions.⁵¹ While the OHR may be able to recommend the resumption of sanctions, it is not within its power to directly enforce compliance with the terms of the GFA, only to coordinate implementation.

47. See Ann. 10, *supra* note 3.

48. See Art. II of Ann. 10 to the GFA, *supra* note 3.

49. *Id.*, at 147 (emphasis added).

50. See Art. V of Ann. 10 to the GFA, *supra* note 3.

51. See UN Doc. S/RES/1022 (1995).

Explicit in Article II of Annex 10 is the assumption that coordination takes place between entities in possession of some level of 'autonomy'. Autonomy is precisely that element, which is restricted in the military implementation institutions of the GFA, where ultimate authority is invested in IFOR.⁵² In contrast, the OHR is not empowered to direct or instruct but only guide the institutions active in civilian peace implementation, while for their part these institutions are 'requested' to provide information. This formulation accurately describes the decentralized context of coordination: by definition, coordination takes place in the absence of any formal obligation upon institutions to participate, and with express notification to the coordinator, that this individual institutional autonomy must be respected. In other words, the primary responsibility to ensure 'efficient implementation' is placed upon the OHR, while the notion of coordination locates implementation authority with autonomous institutions, not the coordinator. The autonomous authority of the institutions is not boundless: Article II of Annex 10 adds the phrase 'within their spheres of operation', setting the boundaries of decentralization at the limits of separate institutional functions. That is, organizations remain autonomous only within the terrain of their responsibilities as defined by their mandates.⁵³ If they decide to cooperate with other institutions, they should engage in some level of bilateral or multilateral coordination. The coordinator (the OHR) is built into the agreement between the parties, and backed up by a Chapter VII Security Council Resolution, in a manner intended to provide international legal weight to the OHR's formal status as coordinator.

The Security Council's Chapter VII endorsement of the High Representative⁵⁴ introduces technical inconsistencies that could give rise to some confusion as to the scope of the OHR's coordination mandate. For example, the wording of Resolution 1031 fails to integrate Annex 10 of the GFA properly. It reads that the Security Council

endorses the establishment of a High Representative, following the request of the parties who, in accordance with Annex 10 on the civilian implementation of the Peace Agreement, will monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and co-ordi-

52. See note 46, *supra*.

53. For a more detailed description of the 'finality of function', see the discussion of Virally's notion of function and international organization by Schermers & Blokker; see Schermers & Blokker, *supra* note 8, at 9-14.

54. See Art. I.5.26, UN Doc. S/RES/1031 (1995).

nate the activities of, the civilian organizations and agencies involved, and agrees the designation of Mr. Carl Bildt as High Representative.⁵⁵

The wording and placement of ‘in accordance’ appears to obligate the OHR under Annex 10, rather than integrate Annex 10 into Resolution 1031 in such a way as to vest with Security Council authority the duties of the OHR provided in Annex 10. While in other situations, or in the performance of other functions, an obligation might carry more weight than an authorization (for example, IFOR is authorized to detain persons indicted for war crimes, but is not obligated to do so). In this case the reverse is true. Obligating the OHR to coordinate autonomous international and state institutions would have no effect, but empowering him under Chapter VII would provide some measure of international legal weight to the coordination mandate.⁵⁶

The OHR is then charged with the management of multilateral relations relevant to implementation of the GFA. This characterization is confirmed in a provision of the GFA, which describes coordination not from the perspective of the coordinator, but from the perspective of the organization participating in coordination. Annex 11 (Agreement on International Police Task Force), states that the “IPTF Commissioner shall receive guidance from the High Representative”.⁵⁷ It appears that ‘guidance’ in this context, is intended to apply to those aspects of the work of the IPTF which affect the work of other institutions. Notably, Annex 11 is the only place in the civilian provisions of the GFA where an international institution is specifically obligated to coordinate with the OHR, an exception which proves the rule of the autonomous status of participants in coordination.

Beyond the specific establishment of coordination mechanisms such as the OHR, coordination of the civilian pillar has been strengthened by a common rule expressed in all relevant annexes. In six out of the nine annexed agreements governing civilian peace implementation, provisions are made explicitly obligating the parties to ‘cooperate’ under ‘arrangements’ established by the GFA. These ‘cooperate and access’ provisions,⁵⁸

55. *Id.*

56. *Id.*, Res. 1031; on the other hand, *see* para. 29, where the Security Council does not obligate international organizations to cooperate with the OHR.

57. *See* Art. II.3 of Ann. 11 to the GFA, *supra* note 3.

58. Beyond the general obligation to “fully respect and promote fulfillment of the commitments” made in the GFA, the use of a common phrase included in Ann. 4 (Constitution),

permit the peace implementation institutions working under the OHR to operate on the basis of an intrusive power of information gathering.

The coordination of civilian implementation of the peace agreements was provided for in detail in the GFA. However, in the field of development and reconstruction, the practicalities of coordination were not well developed by the GFA. As already mentioned, the GFA maintained the implementation of the peace agreement as institutionally separate from the reconstruction effort thereby creating a distinction between the management of peace implementation *per se* and the management of reconstruction as well as development associated with securing the peace. Coordination across the military and civilian pillars of peace implementation was explicitly built into the GFA. However, the coordination between civilian implementation and the reconstruction and development efforts was not. The promise that coordinated donor concerns will 'inform'⁵⁹ the work of the Steering Board does not amount to a formal provision for integrated coordination to take place. The delegation of responsibility to the World Bank and EC for the reconstruction effort presents challenges of cooperation between these two institutions in addition to coordination challenges presented by the complex institutional context on the ground.

5. THE LOGIC OF COORDINATION

The GFA established a framework for coordination in which various functions of peace implementation are distributed over several institutions and across many sectors at varying political, diplomatic, and operational levels. The civilian and military pillars of the peace implementation framework established by the GFA, came together in a proliferation of new policy coordination meetings (donor's meetings, the Peace Implementation Con-

Ann. 6 (Agreement on Human Rights), Ann. 7 (Agreement on Refugees and Displaced Persons), Ann. 9 (Agreement on Establishment of Bosnia and Herzegovina Public Corporations), Ann. 10 (Agreement on Civilian Implementation), and Ann. 11 (Agreement on International Police Task Force), is used to define cooperation in a manner which compromises the sovereignty of the parties. Specifically, 'cooperation' is twinned with 'access': "The parties shall give full and unrestricted access" or "shall cooperate with and provide unrestricted access" or "shall cooperate fully" with all international institutions and/or institutions established by the Annex itself and/or "any other organization authorized by the United Nations Security Council"; *supra* note 3.

59. See Art. 21(d) of the 1995 Conclusions of the Peace Implementation Conference, *supra* note 1.

ference, its Peace Implementation Council, and the PIC Steering Board) combined with pre-existing policy coordination *fora* (the 'G7+1', the Security Council, the NAC). The peace implementation framework was held together by the obligations of the parties to cooperate with the institutions of peace implementation, the institutions created by the GFA itself,⁶⁰ and the international multilateral institutions given specific tasks under the GFA.⁶¹

From this confusion of coordination functions and institutions, it is possible to extract the elements of a multilateral coordination framework. First, the GFA initiated a dynamic of coordination leadership through the establishment of coordinators (for example, the COMIFOR, the OHR, the OSCE), with explicit powers, clearly delimited competences, and defined relationships with the other institutions involved. Second, the GFA created informational obligations and pathways, such as consultation, liaison, monitoring, reporting, facilitating, guiding, and so forth, from the parties and participants in peace implementation to the coordinators. Finally, coordination mechanisms were established (such as the JMC and JCC), with defined objectives, internal rules of authority, and with functions characterized by a certain amount of constructive ambiguity, aimed to permit the processes of formal and informal dispute settlement (negotiation, facilitation, mediation) to find creative solutions to unforeseen obstacles to implementation.

There is, within the structures and processes of this coordination framework, an institutional or organizational logic. First, coordination is regulated. Coordinators, coordination *fora*, and information pathways, require rules to define relationships, determine efficient as well as effective ways and means of information exchange, and the manner in which obligations are created, met, and enforced. For example, the process by which information was to be gathered and used by the OHR, was regulated by clear powers and responsibilities established by the GFA. Coordinators also require the international legal capacity - not to mention the authority - to participate in the diplomacies of external relations with states and international organizations.

Second, coordination is functional. Functionalism groups states around a common objective or interest; it establishes a purpose (or function), and

60. E.g., IFOR, OHR, JCCs, JMC, *et al.*

61. E.g., UNHCR, OSCE, ICRC, ICTY, *et al.*

creates a multilateral institutional framework through which they may cooperate towards attaining that objective, and to which they trade elements of their sovereignty in exchange for effective institutional action. Decentralization of implementation along functional lines is an attempt to address the demands of international interdependence in a manner which recognizes the sovereign state as the basic unit of the global political system. Operational coordination extends that functional logic to implementation. In this sense, the GFA's distribution and limitation of coordination and implementation capacities is essentially functional.

Third, coordination is informational. Information is the currency of coordination, the 'stuff' of institutional relationships. It is the basis for detecting problems and assessing implementation and determining compliance. Information is central to transparency. Transparency, in turn, is crucial to the credibility of coordination in general, and the proper functioning of coordination leadership in particular. In coordination, transparency permits participants to remain accountable to one another. If coordination is effective, enforcement should be a function of transparency. Whether gleaned from reporting, monitoring, or 'cooperate and access' obligations, information was an essential part of the diplomacies of coordination of peace implementation as established by the GFA. For example, the ability of the OHR to guarantee transparency to all parties involved in coordination, should create the sense that the coordinator is essential to maintaining a 'level playing field'. This should prove to be a basic incentive for the parties to participate in coordination. Furthermore, these enforcement powers of the OHR are based on the ability to determine (non-)compliance of the parties, which is only possible if the OHR has access to information. Information gathered through reporting, monitoring, liaison, consultation, updating, and other informational relationships, is therefore central not only to ensure efficient implementation, but as the basis for what control or influence the coordinator may exert over the compliance of the parties. Furthermore, the effect of the obligation to 'cooperate and provide access', is to provide civilian peace implementation institutions with a right to seek information that would otherwise be at the legal discretion of a sovereign state.

Finally, coordination is political. Politics (here defined as referring to power, its structure, distribution, exercise, application, and negotiation, i.e., from one centre to another), is at the heart of the logic of coordination. Ultimately, coordination of peace implementation is a series of processes

initiated by political actions, taken in the context of political-economic (global and local) structures. Coordination, by definition, takes place in the absence of definitive central authority and it necessitates negotiation between the various participants and/or centres of implementation capacity. Coordination seeks to provide the participants with relative measures of control over events and institutions through, for example, the leadership of coordinators and or coordination *fora* ensuring predictability and accountability between the participants in coordination. Given the weak domestic state institutions present in most conflict or post-conflict situations, coordination in such situations takes on a significant political dimension, in direct contradiction to state sovereignty. Under the GFA framework, for example, international institutions possessed intrusive powers of determination and enforcement in security matters and elections.

Post-conflict situations or other complex emergencies are not the only challenges facing international institutions. Increasing global economic and environmental interdependence, the strategic changes initiated as a result of the end of the Cold War, and increasingly tight fiscal constraints faced by many donor governments, have combined to reveal multilateral institutional design as inadequate. If it is true that the “mechanisms for the coordination of activities are a substitute for the lack of central authority”⁶² in the global system, then coordinated responses to these challenges may provide clues so as to improve the organizing and managing of international multilateral relations.

To date, research into international coordination has focused on policy coordination among states. This focus has in part taken place because it was the most obvious area for international relations research into state cooperation: policy coordination is in many ways unique to international cooperation, a dynamic in which the various actors (states), are sovereign in ways which lend themselves easily to quantitative analysis or game theory approaches.

The analysis presented here suggests that an understanding of emerging patterns of international cooperation requires an examination of coordination among state and international institutions in specific political and economic contexts. In so far as coordination breaks down into relationships and processes, qualitative research grounded in case-studies should provide a basis for understanding different coordination practices. Theor-

62. See Schermers & Blokker, *supra* note 8, at 1181-1182.

izing on this basis will enable practitioners and researchers to apply perspectives on the problem of coordination from other disciplines (such as systems analysis, network analysis, organization theory, political-economy), in the development of alternative coordination designs or principles. There are, at present, a number of research opportunities: where peace processes are underway, students of public international law have the opportunity to assess the organization and management of multilateral efforts to move an agreement, through a peace process, towards a lasting peace.