

Peacekeeping and Intervention in the Former Yugoslavia: Broader Implications of the Regional Case

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The author

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I Introduction

The 1990s witnessed in the former Yugoslavia two cases of international intervention and of post-conflict rehabilitation (in Bosnia and Kosovo), three cases of international peacekeeping (in Croatia, Bosnia and Kosovo) and one case of international preventive force-deployment (in the Former Yugoslav Republic of Macedonia). Intervention, post-conflict rehabilitation, peacekeeping and preventive force-deployment were caused by regional instability in the Balkans, driven mainly by the violent destruction of the former Yugoslav federation.

The former Yugoslav leaders, especially those of Serbia, chose a most ineffective way of adapting their nations and new states to a thoroughly changed international environment. Their method was war – intrastate and interstate. The new environment was a democratic, civic and security space expanding eastwards, including to South-eastern Europe, i. e. to some of Serbia's neighbours and to Serbia itself.

Another feature of the new international environment was that international security was becoming more dependent on regional organisation and order, due to the increased number of regional conflicts, arms races, and ethnic and religious tensions.

The need for security called for an increased regional responsibility of the national actors that were involved in the conflicting relationships, as well as for a new role of the United Nations (UN), of its security council (UNSC) and of the latter's permanent members. The post-Cold War rivalries of the great powers, though specific and varying at particular occasions in this decade, had a specific impact on regional and international security, especially in the cases of opportunistic and adventurous local dictators' behaviour.

All these issues require new thinking on the international legal regulation (norms and institutions) of international affairs and on conflict and post-conflict management issues like prevention, intervention, peacekeeping and peace building. Former Yugoslavia is a local case of post-Cold War regional conflicts whose model might never again be repeated, but still it stimulates the outlining of some broader conclusions about the conduct of international relations and dealing with conflicts. The aims of this research report are:

First, to substantiate the meaning of the terms "intervention" and "peacekeeping" in the cases of Bosnia and Kosovo and how this may influence the broader interpretation of these activities in the post-Cold War period.

Second, by learning from intervention and peacekeeping, as well as from conflict prevention and post-conflict rehabilitation in former Yugoslavia, to draft the prerequisites of a fundamentally new and more effective approach to international legal regulation of international relations, including to the timely management of regional conflicts.

Third, to present some of the other interests beyond the moral and humanitarian ones that motivated the intervention, the peacekeeping and the strenuous peace building efforts in the post-Dayton and the post-Kosovo periods.

The realisation of these tasks may facilitate theoretical and political work for shaping a more secure post-Cold War world.

II Intervention and Peacekeeping – Specific Contents of the Terms in the Case of Former Yugoslavia

Although intervention and peacekeeping in former Yugoslavia have specific terminology aspects, the real issue is that the broader context of the terms displays a thoroughly different approach and treatment of the problem situation by those who engaged themselves actively in the conflicts from what is traditionally conceived.

Both in the case of Bosnia and Kosovo, the North Atlantic Treaty Organisation (NATO), the European Union (EU) and others did not just intervene for the cause of keeping the peace afterwards. The treatment of the pathological situations of Bosnia and Kosovo did not simply provoke interventions, peace-enforcement and peacekeeping. The initial approach in both cases was on the preventive side: preventive diplomacy tried to start a repair mechanism. Unfortunately, the effort was futile in both cases – for

diplomacy to have worked effectively, the consent of all parties that were engaged was needed.

It is extremely important when discussing the intervention and peacekeeping in former Yugoslavia that we remind ourselves of the initial preventive activities. This explains, in an important way, the meaning of the interventions and the peacekeeping activities that followed. Both intervention and peacekeeping were preceded by peaceful diplomatic efforts to get the positive auto-correct processes started and to get the warring factions to reach agreements in a constructive way. Before intervention and the enforcing of peace, there were no imperial intentions to divide and push the conflicting sides one against the other for the sake of making the task of a conquest easier. Both intervention and peacekeeping in Bosnia and in Kosovo were elements of a larger range of tools for treating "clinical cases", alongside conflict prevention, peace building or post-conflict reconstruction.

No less important for understanding the nature of the interventions and the peacekeeping operations in former Yugoslavia are the post-conflict activities of the interveners and peacekeepers. These activities are post-conflict rehabilitation and peace building for the particular territories. This includes providing massive humanitarian assistance, monitoring human rights, training police, establishing a judicial system, regulating elections, overseeing the repatriation of refugees, re-building schools, the electric system and the water-supply system, etc. In some cases post-conflict peace building involves nation building. In the aftermath of the Kosovo conflict, an encompassing activity was undertaken of accelerating the integration of the broader region of South-eastern Europe in an established, prosperous and stable Euro-Atlantic security community – a peculiar feature of the particular post-conflict rehabilitation effort.

One can conclude that while conflict-prevention, intervention, peace-enforcement and peacekeeping are the short- to mid-term instruments for healing the most troubled parts of the Balkans, the post-war restructuring and the integration of countries from the region are the longer term instruments for coping with a conflicting, underdeveloped but yet evolving South-eastern European region.

The broader considerations of the particular case lead us to the understanding that whenever the various configurations of the international community – within the UN, the OSCE, the EU, NATO, etc. – need to deal with similar conflicts elsewhere, the eventual popular expectations will be that the whole range of instruments that were used in former Yugoslavia are employed, including conflict prevention and post-conflict rehabilitation/reconstruction.

Though not easy and rather expensive, this model of finalising conflict situations here and there in the world already exists and will tend to become a standard.

III Effective International Legal Regulation of International Relations: the Lessons of Former Yugoslavia

Many observers and analysts, though admitting the existence of ethnic slaughter of Albanians by Serbs, and to a lesser extent of Serbs by Albanians, have not yet been able to answer the question of why NATO intervened in former Yugoslavia when there was no threat to NATO territory.

In 1994 – when NATO stepped into the breach of the war in Bosnia and Herzegovina – the alliance was mandated to do so by the security council after UN peacekeepers proved unable to keep the warring sides apart; but in 1999 the 19 members of the North Atlantic Pact could not earn the privilege of being deputised by the same legally entrusted institution for permission to use military power in certain contingencies. In the first case the UNSC acted coherently. In the second, it was too fractious to issue the mandate to the alliance.

The price of reaching the 1995 coherence of the UNSC was the overwhelming of the UN "safe haven" of Srebrenica by Serb forces, who massacred Muslim civilians while impotent UN peacekeepers from a NATO country stood by. The second element of that price was that hundreds of thousands were killed and millions were displaced.

The issue in the Kosovo case was whether the expedience to act should have been sacrificed to the time needed by the UNSC permanent five to reach coherence, i. e. to bargain their great power stakes, while a pre-planned ethnic cleansing campaign was going on in the troubled province.

The questions of legality versus morality and humanitarian intervention have been extensively studied, especially in the 90s.¹ The issues of international law relative to the Kosovo crisis and the attack of the alliance on Serbia were studied during and after the end of the war, too.² The judgements of international legal experts span from a legitimate action due to the formation of some case law of using force without UNSC sanctions, especially when human rights legislation is violated, to violations of international law in a positive frame.

An under-studied issue continues to be that of international legal and institutional effectiveness in the midst of a developing conflict with a loss of human life and with human suffering. It is very likely that if NATO had

waited for UNSC authorisation, it would still be waiting, and very probably ethnic cleansing would have succeeded in Kosovo. At the same time, however, while might may be right, democratic countries and their people need to be sure that their concept of rightness and lawfulness is the backbone of their power in international relations, including of their military force.

We must not blind ourselves to the fact that the effective international legal mechanism, including that for the case of the use of military force, is highly dependent on the respective UNSC-based institutional mechanism of decision-making. This mechanism, its participants and especially the five permanent members of the UNSC have experienced a fundamental change in the structure of their relationships in the past 10 years. The international legal stability on the use of force in international affairs during the 45-year Cold War was guaranteed by the unanimous will of the permanent five – when, of course, it was achieved. The institutional and legal normative effectiveness of the international system was designed for the Cold War type of bipolar relations. The threat of nuclear annihilation very strongly backed the lofty imperative norms and principles of UN Charter-based contemporary international law. Likewise, the stability in that period was a Cold War type of stability and a Cold War type of international legal effectiveness.

With the end of the Cold War, much changed in the world's power structure and in the configuration of relations of the permanent five members of the UNSC. While the bipolar confrontation and the danger of a global nuclear war ended, little was made to tune the relations of the permanent five nuclear powers and UNSC members to the major substitute of the Cold War conflict – various and scattered regional conflicts around the globe. The dramatic shift in the need for international legal and institutional regulation did not lead to a reconsideration of the effectiveness of the existing international legal norms and principles to make them practically applicable to the many new regional contingencies.

The Cold War way of thinking on nuclear military issues remained the actual thinking in the post-Cold War period. While the needs for regulation of international relations were evolving in the direction of finding effective ways of dealing with ethnic and religious tensions and clashes, the tools designed by the UNSC permanent five for answering these needs ultimately remained in the domain of nuclear deterrence bargaining among them. The responsible five great powers of the UNSC neither initiated nor formulated those human rights norms and principles whose implementation would lead them to an agreement in times of drastic and big violations of these rights in different places on the planet.

The less powerful multitude of countries and people began, after the end of the Cold War, to measure the responsibility of the five great powers and permanent members of the UNSC by their ability to effectively induce order in the many newly troubled regions of the world. In the case of Kosovo, one saw a lack of will of great powers like Russia and China to influence, jointly with the other big three, a dangerously escalating situation at the **preventive stage**. Official Belgrade's refraining from a clear and strong position against the already developing practices of ethnic cleansing in Kosovo did not mean just blocking the implementation of the strategy of the USA, the UK and France in the conflict. It meant disappointment for the world public as to the ability of these two countries as great states to responsibly undertake obligations regarding issues beyond their own national ones. This meant practically withdrawing from the obligation of big powers to involve and take responsibility in preventing violent conflicts from happening – one of the aspects of their great-power status. But putting off forming joint positions with the other three big powers also meant unwillingness to be involved in giving the institution of the "permanent five" within the UNSC the functions that would make this key international instrument of peace practically responsive to the real needs of the world today. What was demonstrated by both Russia and China in the course of the war in Kosovo was an urgent review and change of their nuclear doctrines and strategies, i. e. a search for answers to 21st-century issues in the darkness of the worst Cold War experience.

It is obvious that an effective international legal and institutional system through the UN will be possible only when the permanent five UNSC members stop reminding other countries that they can at any moment bring the world back to the edges of the balance of nuclear horror. An effective UN-based international legal system means first of all the consensus of five like-minded, responsible great powers – permanent members of the UNSC, ready to employ their power to restore peace in regional conflicts and free themselves from their own nukes.

Ineffectiveness of the UNSC and the UN in general to build consensus during the Kosovo crisis should not distress the further activity of the institution. New international legal norms on human rights and their protection may need to be adopted and their implementation guaranteed by all legal means, including the military power of the permanent five. Next, the difference in positions of the permanent five regarding the overriding of national sovereignty when there is evidence of abuse of basic human rights must start to be discussed more widely, in order to understand the arguments of opposing opinions. A larger forum of people and analysts should be able to discuss the consistency of the arguments of the five great powers of the UNSC. What is very much expected by the UNSC, the UN system and all international institutions in general, relative to particular conflicts, is not just

finding a way to use the force needed to restore minimum order. The restoration of the rules of coexistence, mutual respect of the conflicting sides, stability and post-conflict reconstruction become important ingredients in the concept of managing and resolving a particular conflict. The war in Kosovo showed how important a working multilateral framework for providing legitimacy is – an issue as important as the operational effectiveness of military measures.³ Guido Lenzi wrote recently that "For any peace-support mission to succeed, regardless of which institution undertakes it, its effectiveness and ensuing sustainability relies not only on operational efficiency of the coalition that may be put together, but also on the institutional legitimacy that it can obtain, and on its resulting overall political credibility."⁴ To reach these objectives the UN requires basic reforms and more vigorous commitment from its member states, especially from the permanent five of the UNSC.

There are some positive steps in that direction in the post-Kosovo period. France and Great Britain agreed in June 1999 to put troops on standby for rapid deployment as UN peacekeeping forces. Though France and the UK will maintain a veto over the use of their forces, their steps strengthen the UN commitment to play a global military role – an extension of the UNSC mandate potential. No doubt, this bolsters the two countries' roles as permanent members of the security council.

If the UN knows exactly what forces could be available, a fundamental deficiency of its effectiveness will be improved, mainly the ability to react quickly, to respond decisively and to deploy rapidly for the sake of saving lives.

IV Reasons Beyond Humanitarian Disaster Motivating Intervention, Peacekeeping and Post-Conflict Rehabilitation in Former Yugoslavia

There have been several efforts to define interests beyond the need to intervene on humanitarian grounds that made USA and NATO involvement possible.

During the campaign against Yugoslavia it was said that a "Clinton doctrine" had taken shape. The United States would intervene in Kosovo-type contingencies when three requirements were met: first, there was not only a drastic violation of human rights but also a case of ethnic cleansing; second, fundamental US interests were at stake; and third, there would be no predictable casualties for US servicemen and women.

It is premature to state that this "doctrine" exists and is the adequate answer to the needs of waging humanitarian wars in similar contingencies. But considering the interests that were at stake for the various participants in

Bosnia, and especially in the Kosovo crisis, may bring us closer to understanding the motivations of intervention, peacekeeping and post-conflict peace building.

Joseph Nye wrote recently that there are three levels of threat to US national security: "A" is the kind of threat that the USSR once presented to the USA. "B" represents imminent threats to US interest but not to its survival, such as Iraq and North Korea. "C" threats include important contingencies that indirectly affect US security but do not directly threaten US interests, such as in Kosovo, Bosnia and Somalia.⁵

The interventions and peacekeeping activities in former Yugoslavia were motivated by a combination of strong national and humanitarian interests. According to Nye's criteria, the Kosovo case was part of the "C" list of interests, migrating to the "B" list, meriting the use of force. It only tangentially touched an "A" list issue: the credibility of NATO.

A more comprehensive analysis of the interests involved during the Bosnia and the Kosovo crises, interventions and other conflict management activities shows that strong interests of NATO, the USA and the countries of the region were at stake and that these overlapped or were identical.

First, the interest in maintaining NATO unity was needed for the sake of preserving the credibility of NATO and of worldwide US security commitments. The violation by Serbia of formal agreements with NATO, the OSCE and the USA of 1998 and promises from Belgrade that body-bags with NATO soldiers would soon be flown back to their homelands – these acts were aimed at splitting the alliance politically and at compromising the credibility of both the organisation and of the USA.

Second, there was the interest in restoring and preserving the stability of South-eastern Europe, the territory that includes NATO's South-eastern region. For less than 10 years the Federal Republic of Yugoslavia (FRY) and Slobodan Milosevic generated violence in Slovenia, Croatia, Bosnia and Herzegovina and, lastly, in one of its own ethnically troubled provinces, Kosovo. If the escalating violence in Kosovo was not stopped, the Dayton peace process in Bosnia would be endangered. This was one of Belgrade's strategic aims after the launch of the NATO air operation in March 1999. Albania, a neighbouring country to Kosovo with ethnic brethren, could easily be brought back to chaos, as often happened throughout the 90s. The eventual chain-reaction of geopolitical destabilisation could continue and encompass the FYROMacedonia, where a big Albanian minority lives. This was another strategic target of Serbia during the Kosovo war.

The proliferation of the conflict could continue on to Bulgaria and Greece. The danger that the rivalries between two NATO countries from the region, Greece and Turkey, intensified was real, if instability in the region persisted.

Third, the interest in stopping the dismemberment of states in the Balkans was a motivating factor both in Bosnia and Kosovo. Throughout the 90s regional efforts were made to bring South-eastern Europe closer to European integration activities. The countering tendency was for disintegration, re-drawing of borders and creating "great" states – Serbia and Albania. The peace building in Bosnia and Herzegovina continues, and the future status of Kosovo will depend on the way the post-conflict reconstruction evolves. However, Europe has engaged on a long-term basis, together with other major factors external to the Balkans, to work for bigger aims: integrating the countries of the region into the European Union.

Fourth, there was an interest in preventing the collapse of new democracies in South-eastern Europe. Stabilising the region was crucial to preserving the results of the political and economic transformations in countries like Bulgaria, Romania and Slovenia, which gained much experience in adapting to the criteria of EU membership. The three countries are associated to the union and definitely contributed to maintaining stability throughout the long and painful period of Yugoslavian disintegration. They are also applicants for NATO membership, alongside Albania and FYROMacedonia.

The interests of these countries from the region coincided with the interests of the alliance and the union. This solidified their coordination during the Bosnian and Kosovo interventions, peacekeeping and post-conflict rehabilitation activities with NATO and the EU.

V Conclusions

The intervention in the legally domestic affairs of former Yugoslavia and the subsequent peacekeeping activity were motivated by a mixture of moral or broadly political concerns, of strategic and geopolitical interests, especially by the danger of proliferating the post-Yugoslav conflicts to other Balkan countries – members of the EU and NATO or countries contending for membership in these institutions and with nascent democratic and market-oriented societies.

A most characteristic feature of the intervention and peacekeeping in former Yugoslavia, mainly in the Kosovo case, was the dangerous performance of inefficiency of the UNSC decision-making system in the midst of a mounting conflict with human losses and suffering on a large scale. This, however, did not lead to a change in the concept of the preservation of

international law and in the rationale of the United Nations Organisation. The future of international law and international legal institutions such as the UN remains a top-priority national interest, not only of the small- and medium-sized countries, but also of the present five permanent members of the UNSC.

This research concludes also with the new meaning of intervening in the affairs of sovereign states in the post-Cold War period and of carrying peacekeeping activities. State borders can no longer be sacrosanct, if human rights are drastically violated to the level of ethnic cleansing. In such cases sovereignty can no longer be the excuse for repression. Formulating through consent and adopting new imperative international legal norms is a priority task of the UN and of the UNSC – mainly of its five permanent members – in the post-Kosovo period. If democracy is to gain ground internationally and the security council is to gain legal efficiency, the discussions and the arguments of the leading five nations of the UNSC on this issue must be transparent and remain at the judgement of the 200 other nations of the UN universe. The obligation to forget the five UNSC big powers' own fine-spun schemes in humanitarian emergency crises has become the priority condition of the effectiveness of the UN and contemporary international law. The responsibility of being a great power in the post-Cold War world already bears this new feature, from the point of view of small countries, which are a majority on the planet.

A final conclusion of the Bosnia and Kosovo experience regarding intervening and peacekeeping is that a serious and substantial preventive diplomacy phase along with a post-conflict reconstruction or peace-building phase are important characteristics of these conflicts. The question of whether this conflict-management model is going to remain Europe-based or valid for the whole planet is contingent on the way the five UNSC permanent members will shape their own relationships and whether they believe their great-power status can be instrumental in the world community. However, a large part of the European continent, mainly the enlarging Euro-Atlantic civic and security community zone, has set the example of dealing with most dangerous conflicts at a period of inefficiency of the legally mandated institutional mechanisms of the UN system.

Endnotes

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5. Joseph S. Nye, Redefining the National Interest, in: Foreign Affairs, July-August 1999.

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