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DECONSTRUCTING LIBERAL PEACEBUILDING: LESSONS FROM THE WESTERN BALKANS

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Abstract: The paper contributes to the deconstruction of the liberal peacebuilding concept, particularly its main components of failed state and state-building, through the analysis of two internationally-backed statehood projects in the Western Balkans: Bosnia and Herzegovina and Kosovo. The authors analyse critical peacebuilding literature on these two cases to provide arguments for abandoning the failed state and state-building ideas as overly biassed and ideologically based. Instead, they suggest reintroducing the conceptualisation of state-making as a more suitable framework for understanding the post-war context and dynamics in the Western Balkans. Based on that premise, the authors conclude that the cases of Bosnia and Herzegovina and Kosovo should be approached from a broader historical and geographical perspective and call for the decentralisation of the "Westphalian state" and the reinstatement of the *longue durée* perspective in state-formation research, as well as the depathologisation of the subjects of that research.

Keywords: liberal peacebuilding, failed state, state-building, state-making, the Western Balkans, Bosnia and Herzegovina, Kosovo.

INTRODUCTION

From a critical perspective, liberal peacebuilding could be defined "as a 'liberal' exercise aimed at resolving the underlying sources of conflict, [that] in

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reality... tends to be aimed at containing or repressing conflict in the interests of international peace and stability in general or of particular hegemonic strategic interests" (Newman 2009, 26-27). The interventionist practice of organisations such as the UN, NATO, and the EU has mostly reduced the whole concept of liberal peacebuilding to state-building (reconstruction of governance, control of territory, regular international participation, etc.), neglecting its other sectors, such as local rights and needs, reconciliation, inequality, justice, etc. Furthermore, state-building is often portrayed as a disguised attempt to "civilise" the "third world countries", resembling the period of colonialism and *mission civilisatrice* (Newman 2009; Franks and Richmond 2008).

The whole field of liberal peacebuilding, after a more affirmative approach during the 1990s, has been almost exclusively reduced to critical peacebuilding during the previous two decades (see Newman 2009; Richmond 2009; Paris 2009; Randazzo 2017; Mathieu and Bargues-Pedreny 2020; Mac Ginty 2021). Since the goal of these critical approaches to peacebuilding is "to expose the pathologies associated with the contemporary peace operations and explain the relationship between peacebuilding and broader debates about world order and legitimacy" (Newman 2009, 44), their literature has determined the cases of Bosnia and Herzegovina (BiH) and Kosovo[3] post-war transitions as anomalies of the international system. As Oliver Richmond (2014) argues, these two cases, among others, are relevant examples of the liberal peace (peace-as-governance) crisis, which has been lasting for over two decades now. From East Timor and Cambodia, Sub-Saharan Africa, Central America, and the Middle East, to the Balkans, these peacebuilding missions have had unintended consequences or failed to achieve their ambitious objectives, mainly because of the lack of grounded (local) legitimacy, contextual knowledge, and the ability to construct meaningful relations with the locals. Whether they blame local or international agencies or both of them, most critical peacebuilding scholars agree these two cases are "pathologies", negative exceptions, usually framed as failed states or examples of failed peacebuilding (Visoka and Doyle 2014, 677).

This way, liberal peacebuilding scholars commit a fallacy of essentialisation of international organisations' political discourse. As Musliu and Orbie (2014) explain, the UN, NATO, and the EU legitimise their missions as a moral duty to intervene, end a conflict, build a state, democracy, and peace, and protect the local population. In practice, this legitimisation is based on two primary strategies or discourses: *pathologising* and *objectifying* the Other. The former discourse insists on the inherent moral, cultural, or political dubiousness of the Other, while the latter frames the object of intervention as inferior, invaluable, and dysfunctional. These discourses argue that because Western countries are developed, prosperous, and endowed with superior values, they do not require local approval to intervene: the mere "fact" of Balkan "tribalism, anarchy, and chaos" and Western superiority construct legitimate reasons for intervention (see also Tepšić 2017; Tepšić and Džuverović 2018).

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[3] Since our aim is not to discuss the legal status of Kosovo, we will refer to it in this article as an integral part of the Republic of Serbia under the interim administration of the United Nations (UNMIK) in accordance with UNSC Resolution 1244. Nevertheless, some of the sources cited in the article do not share this perspective, but that does not reflect the attitudes of the authors.

Thus, we would argue in this paper that Bosnia and Kosovo statehood projects are not anomalies but part of the post-Cold War international trend (Menkhaus 2010) and a transhistorical process of state-making. The problem with the peacebuilding scholarships is their ideological bias, particularly regarding the concepts of a (Westphalian) state, a failed state, and state-building. Therefore, we agree that it is necessary to dismantle the myth of the Westphalian state (Bartelson et al. 2018) and deconstruct the failed state and state-building (Woodward 2017), to open the space for thinking about Bosnian and Kosovan cases beyond these frameworks, with the intention of depathologising the Western Balkans but to avoid concurrent pathologisation of the West.

This paper is divided into four sections. The first section reviews the (critical) peacebuilding literature on Bosnia and Herzegovina and Kosovo; the second section criticises the critical peacebuilding literature, including the concepts of "local", "hybridity", "Westphalian state", "failed state", and "state-building", and the third section discusses the reasons for political stalemate in BiH and Kosovo beyond the notions of failed state and state-building.

STATE-BUILDING IN THE WESTERN BALKANS THROUGH THE LENSES OF CRITICAL PEACEBUILDING SCHOLARS

Bosnia and Herzegovina

Divjak and Pugh (2008, 373) argued that the situation in BiH "has led critics to denounce the 'liberal peace' in BiH as a travesty of state-building". Critics of peacebuilding and state-building in Bosnia are usually directed towards the Dayton Accords/system because it failed to create "a functional liberal state" (Richmond and Franks 2009, 18), although critics acknowledge its success in ending the war (Chandler 2006a; Paris 2004). For the sake of analytical clarity, we roughly summarise the reasons scholars suggest for this failure into two arguments: the "local argument"', which emphasises domestic social/political/economic conditions as the main cause of the Bosnian stalemate, and the "international argument", which steers the criticism of scholars toward the role of the international community in the post-war Bosnian transition. As Bose

(2005) framed it, it is either a question of the appropriateness of consociation and a confederal paradigm for Bosnian society or a question of international engagement with state-building and democratisation in Bosnia.

When it comes to the "local argument", Paris (2004, 111) suggests the problem with BiH is that war parties "remained in place", perceiving each other as a threat, and democratisation only reinforced their positions (giving them new legitimacy through the post-war democratic elections), providing them with the opportunity to obstruct the measures of moderation and reconciliation introduced by the Dayton Accords (see also Aggestam and Björkdahl 2013). Newman (2009, 27) assesses the Bosnian peacebuilding project as far from success because of its ethnic polarisation, sectarian and nationalist politics, and social and economic gaps and stresses that its sustainability without external support is questionable. Bose (2005) gives a somewhat different explanation of the "local" argument. He argues that although there is a space for serious criticism, the international community has brought more good than harm to the Bosnian state and society. Even though he acknowledges all the pitfalls of the political framework, he is cautiously affirmative about it. Furthermore, he explains that the problem is not the Bosnian institutional structure itself, at least not primarily, but the "dire condition of the economy and mass unemployment; the emigration of highly educated and qualified citizens… the extremely poor quality of post-secondary education… and the extremely low calibre of the political class, which is ineffective more because of incompetence than inter-ethnic wrangling" (Bose 2005, 329-330). Bose (2005, 324-333) designates Bosnia as "a fragment of a failed state" (Yugoslavia), where the 'fears of state failure still loom'. Bojičić-Dželilović (2009, 2014) gives a similar economic perspective on the topic and ascribes the problem of the post-war Bosnian transition to the shortcomings of neo-liberal political and economic reforms that generated "a kind of 'perpetual transition' characterised by unstable, socially divisive developmental patterns and low-level democracy, which obstructs progress towards meaningful peace".

A recognisable representative of the second, "international argument", Chandler (2006a, 17), rejects the "idea that the post-war transition has been frustrated by a surfeit of Bosnian governing institutions, protected by their Dayton status", and names the international administration and the Office of the High Representative (OHR) as the main culprits for "reducing the Bosnian institutions established by Dayton to administrative shells". He describes post-war BiH as not a case of state-building but of informal trusteeship (or shared sovereignty) that has done almost nothing to build the Bosnian state's capacities or legitimise it in front of its population (Chandler 2006a; 2006b; see also Belloni 2009). Like Chandler, many authors direct their criticism at the role of the High Representative, "the most powerful state-building agency in postwar Bosnia" (Gilbert 2012). They mainly criticise the self-acquired (through the Peace

Implementation Council) "Bonn powers" (1997), which gave the OHR unlimited legislative, judicial, and executive authority in BiH. Carlos Westendorp, the second High Representative (1997-1999), explained this situation as an empowerment of the High Representative (HR) "to interpret his own powers" (Pehar 2019). Consequently, from 1997 until 2006, the mission progressively expanded and embraced "virtually all facets of political and economic life in Bosnia and Herzegovina" (Peter 2011, 60).

Majstorović (2007, 648) explains that the OHR's politics in Bosnia ("a fragile country") is an example of forced democratisation, "an experiment that did not yield much self-sustainability and democracy in the country, but has resulted in the local perception of the OHR and the international community as colonialist and authoritarian". It is a phenomenon Gilbert (2012) calls the "democratisation paradox" — the promotion of democracy through undemocratic means. Peter (2011) supports this argument and adds that the state-building process in BiH is "without direction" and "unprecedented in the post-Second World War", which was, during the mandates of Wolfgang Petritsch (1999-2002) and Paddy Ashdown (2002-2006), largely expanded and transformed into a fierce struggle with the local elites. In the period between 1998 and 2005, the OHR removed 119 democratically elected officials from their offices, imposed 757 decisions, and 286 laws and amendments (Martinović 2012; Tepšić 2017; Tepšić and Džuverović 2018). That led Baros (2010, 6) to conclude that the OHR's administration has been "the most sustained attack on the Rule of Law in modern history, so to speak" (see also Pehar 2019).

Richmond and Franks (2009) also focus on the international aspect of the post-war Bosnian transition, but from a broader perspective, assessing the liberal state-building project in BiH as very conservative, "sowing the seeds of its own failure by being unable to actualise the benefits of the liberal state in social and economic terms, just as in the political sphere" (Richmond and Franks 2009, 34). They conclude that, although the Dayton Accords and subsequent institutionalisation of ethnic divisions appear to be the main structural obstacles to this project, a more fundamental problem is the Western state-building model applied to the culturally and ideologically different society, including "the overbearing paternal influence of the internationals" (Richmond and Franks 2009). In his other piece, Richmond (2014, viii-12), similarly to Majstorović (2007), explains that these international practices "resemble the colonial projects of previous eras when looked at from the perspective of their recipients in far-flung corners" and adds that liberal peacebuilding/state-building "appears to be failed by design".

Whether they support the first or the second argument, or both of them, peacebuilding scholars generally agree that peacebuilding/state-building in Bosnia has been unsuccessful since it created "ambivalent peace" and a "Potemkin state"

(Kostić 2007; De Guevara 2009). Mac Ginty (2011, 139–143) explains that critiques of the Bosnian case "are in keeping with criticisms made of virtually every liberal peace intervention in the post-Cold War era: top-down, technocratic, neo-liberal, and unsustainable", making Bosnia just another "anomalous case".

Kosovo

Although there are many differences between the cases of post-war transition in BiH and Kosovo, some of them fundamental (lack of Kosovo's external sovereignty and recognition, for instance), peacebuilding scholars use the category of "failed state" to label the status of Kosovo, as well. For instance, Richmond (2014, 7), in his seminal work on failed states, includes Kosovo in his list of cases. He argues that in both cases (of Kosovo and BiH), the international community adopted an ethnic framing of the conflict and political transition, which resulted in institutional frameworks based on a "primordial view of power and identity" (Richmond 2014, 56). Consequently, that led to ethnic democracies, deep political contests, and negative peace frameworks. For Richmond (2014, 70), Kosovo is an example of an "empty state and virtual peace" (along with BiH, Cambodia, Timor-Leste, the Solomon Islands, etc.). In his previous piece about Kosovo, with Jason Franks (2008, 99), he explained that: "The Kosovan entity is heading towards mono-ethnic, majoritarian sovereignty, a weak economy and marginalised minorities, hastened by the threat of violence (or actual violence, as in March 2004) if Kosovo Albanians do not get their way. These are not indicators of sustainable peace, liberal or otherwise." Later on, he concluded, these factors hastened the Kosovanisation (or Albanisation) of the international mission, which led to the independence of Kosovo in 2008 and, in general, fostered the marginalisation of other identity groups and their agendas (Richmond 2014).

Lemay-Hebert (2011) supports this "international argument" about Kosovo and locates the main cause of its state failure (fragility) in the state-building approach of the UN administration. The UN, he argues, adopted the "empty shell" approach, which considered local territory a *tabula rasa* or *terra nullius*, and insisted on building a state from scratch, "from virtually nothing to practically everything" (Lemay-Hebert 2011, 195). As the head of the UN mission in Kosovo, the Special Representative of the Secretary-General (SRSG) had "virtually unlimited powers". For example, the first SRSG for Kosovo, Sergio Vieira de Mello (who previously served as UNPROFOR director in Bosnia), described his job as "benevolent despotism" (Lemay-Hebert, 2011, 193; Franks & Richmond 2008). Just as the OHR in Bosnia, UNMIK/SRSG was non-transparent, unaccountable, and lacked meaningful political relations with the people of Kosovo. Thus, Marek Nowicki, former Kosovo Ombudsman accused of not "playing on the same team" by the UNMIK, stated in 2006: "...from a legal point of view, Kosovo is the black hole of Europe or like a novel by Kafka. The UN arrives to defend human rights — and at the same time, deprives people of all legal means to claim these rights" (Lemay-Hebert 2009, 76).

Similarly to Lemay-Hebert, Musliu and Orbie (2015, 3) explain that Kosovo has more characteristics of a protectorate/semi-protectorate than of a state ("UNMIKistan" or "EULEXperiment"). In the Kosovo Institute of Peace report from 2013, Visoka (2011, 29) argued that Kosovo's independence only undermined the consolidation of its statehood and enabled Serbia to do the same. "The international presence, therefore, contributes both to Kosovo's domestic failure to establish the rule of law and good governance, and to Kosovo's international failure to consolidate its sovereignty." Visoka explained that Serbian parallel structures and international administration mutually reinforce each other since the former legitimises and justifies the latter's presence (Visoka 2013a, 31). He does not use the term" failed" directly. However, he acknowledges the failure of "attempts to establish a functioning state" in Kosovo and emphasises that "Kosovar authorities demanded independence and state-building" from the international community (Visoka 2011, 29-31).

Montanaro (2009), focusing more on the "local argument", disagrees with the notion of a "failed state", although she acknowledges the fragility of Kosovo, determining it as a "critically weak state". She locates the critical causes of its weakness in "a criminal-political nexus… extreme ethnic polarisation, dynamics of parallel authorities competing for legitimacy and… deep economic stagnation". However, she recognises the flaws of external intervention, as well (Montanaro 2009, v). Namely, the inability of the international community to address the critical causes of conflict and state weakness. Furthermore, she argues that the international community has even contributed to the state's fragility and consolidated it (Montanaro 2009, 19).

Beha and Visoka (2010) also emphasise local factors of governance fragility and protracted ethnic destabilisation in Kosovo: economic instability, underdevelopment, and high rates of poverty and unemployment, above all. In his other piece on hybridisation in Kosovo, Visoka (2013a, 33) concluded "that electoral choice and power-sharing as a result of hybridisation dynamics can lead to negative outcomes for the democratisation process, whereby moderate elites are excluded, political structures lose popular support, the local population lacks ownership over political processes, and ultimately fragile ethnic relations become entrenched". Governmental institutions lost popular support, he infers, because they failed "to fulfil people's needs for employment, justice, fair governance, and redistribution of goods (Visoka 2013b, 26).

Similar to Mac Ginty's conclusion about BiH, scholarships on Kosovo usually adhere to more or less universal critical peacebuilding patterns, including "mainstream and top-down, externally driven debate focused on power and clashing interests at an elite level; a turn towards bringing in social and structural forces in a more liberal sense… and leading to the formation of institutions that balance elite and social power; and a sociological and anthropological turn, offering contextual, bottom-up, postcolonial and subaltern insights relating to questions of inequality and justice as well as agency" (Richmond 2014, 58-59). Most critical peacebuilding scholars agree that Kosovo constitutes a weak, fragile, or failed state, an "anomaly" similar to BiH.

CRITICISING CRITICAL PEACEBUILDING: WHAT LIES BEHIND STATE-BUILDING?

We accept Richmond's designation of liberal peacebuilding in general as "failed by design" since the UN's top-down orthodox approach proved to be unsuccessful in harmonising the confrontational local power structures with the determination of peacebuilders "to transfer" alien "methodologies, objectives, and norms into the new governance framework" (Franks and Richmond 2008). Furthermore, we support the thesis that the fallacy of the design lies in the Kantian perception of universality, which rests upon the belief that it is possible to mould a war-shattered society in accordance with an ideal-type liberal democratic state. Moreover, this perception insists that all of this is possible by implementing the institutional framework and concepts originating from a different culture, and in a much shorter time than it was needed for those institutions and concepts to develop and be established in their place of origin. This typical one-dimensional blank slate view considers that people's choices and actions are exclusively shaped by institutional arrangements rather than by contextual agency (Richmond and Franks 2009).

Nevertheless, critical peacebuilding literature recognises that expressing mere resentment towards the universalistic nature of orthodox peacebuilding principles and their ramifications should not, on the other hand, lead to "static" and "romanticised" perspectives of the "local". In practice, "local" has often turned out to be an excuse for either local autocratic or obsolete yet lucrative practices of "indigenous" ways towards peace, some of which have been "rediscovered" in the light of the newly established "grassroots" oriented INGO funds (Mac Ginty 2011, 62). Besides, the very local/international dichotomy is seen as an oversimplification of far more complex entities, which is blind to acknowledging how deeply intertwined they are and that no pure ontological, epistemological, or political reality has evolved in isolation (Paffenholz 2015). For example, one could argue, as George F. Kennan did, that aggressive nationalism and "non-European" sentiments of ethnic hatred, which are "inherent" in the Balkan nations, provided common ground for the Balkan Wars in both the second and the last decade of the 20th century (Todorova 2009, 6). However, such a claim is not only problematic due to its essentialist nature but also because nationalism (both benign and aggressive) is a phenomenon of European origin *par excellence*, intended as a "means to freedom from barbarity" where "barbarity itself was defined as localism, provincialism, parochialism, feudalism and tyranny" (Stoianovich 1992, 267). In a collision with the "local" ethnoreligious circumstances, universalism brought a specific hybrid form of nationalism to the peoples of the Balkans, to which many of the violent historical episodes can be attributed (Todorova 2009; Stoianovich 1992).

The evolution of nationalism in the Balkans can be viewed from the position of "hybridity" and "hybrid political orders" (HPO), which "are better able to tap into local knowledge, to mobilise citizens and to generate legitimacy than 'top-down' arrangements of governance" (Kraushaar and Lambach 2009, 1). As explained before, not every hybridisation brings about peace. "Hybrid conflicts" or "hybrid wars" are also possible outcomes of such endeavours. However, peacebuilding scholars aim to provide the methods for achieving "hybrid peace", which should not be perceived as a mere static aim but as a process "of social negotiation, coalescence, cooperation, and conflict" (Mac Ginty 2011, 208). Although HPO is analytically useful to a certain point, and the notion of hybridisation recognises the dynamic nature of peace, we claim that it rushes to normative conclusions before being enriched with another analytical dimension. As observed by Paffenholz (2015, 865), "… the current hybridity debate within the local turn in peacebuilding needs much more grounding in empirical realities as a means to unpack power and dominance".

Even though these scholars recognise the "lack of cultural sensitivity and contextuality" of peacebuilding/state-building (Kappler 2013, 170), and sometimes even overestimate the singularity of "ontological, historical and ethical contexts" of particular positionalities (Richmond 2014, 8-9), they have not given up on the Westphalian state, its processes of failure and building, as conceptual tools. They do question and criticise the standard definition of the concept of a liberal state (Richmond 2014), which is a first step in the "de-centring of state-making". However, they miss revising their conventional explanations "in order to make sense of cases that otherwise appear idiosyncratic or anomalous", and to use "insights from such idiosyncratic and anomalous cases in order to identify alternative paths to statehood and more general explanations of state-making" (Bartelson et al. 2018, 2). Instead of trying to envision the notion of a state beyond the "Westphalian myth" (Bartelson et al. 2018), they search for local non-state alternatives to the liberal state, as the vast literature about the "local turn" and hybridity demonstrates (Mac Ginty 2011; Kappler and Richmond 2011; Kappler 2013; Richmond 2014).

Bartelson et al. (2018) argue that this is the case due to a strong current in the social sciences that explains the spread of a sovereign state "as an unintended outcome of European expansion on other continents", implying that more or less the same factors that once led to the state formation in Western Europe would produce similar results in other contexts. That includes territorial boundedness, exclusive political authority, a sense of nationality, and popular legitimacy, as the main preconditions of sovereign statehood. The problem with some of these assumptions is that they do not travel well in other historical and geographical contexts. Therefore, the concept of state should be envisioned "without implying that political authority and community are territorially congruent" (Bartelson et al. 2018, 3; see also Richmond 2014). As a result, that would suggest stretching the notion of the state beyond conventional connotations to encompass the cases of political struggles that would otherwise fall outside the analytical scope.

For example, political entities such as BiH and Kosovo can coexist with other forms of political authority, even if they rival and contest the central government. The Bosnian case shows that the central government is often overpowered by the subnational polities, either entities or cantons, for instance, when they reject to adopt the verdicts of the Constitutional Court of BiH (more than 90 rulings have never been implemented). Kosovo needed five years after the proclamation of independence to integrate its northern part, dominated by the Serbian majority (the Brussels Agreement, April 2013). However, it still has not finished this process. Serbian municipalities in Kosovo are still largely controlled by the Serbian government. It is important to stress that these are not only characteristics of the Bosnian or Kosovan cases or any other post-Cold War state-building endeavour. Rather, it is the transhistorical quality of a state. States have often been "characterised by divided sovereignty, plural and overlapping jurisdictions, and fuzzy boundaries" (Bartelson et al. 2018, 4). They are not embryos, and their agency cannot be taken for granted, as international relations (both in the political and academic sense) have been trying to persuade us. States consist of many distinct actors, who can act autonomously, and whose mutual relations, including the relations toward the state itself, could vary from amity to enmity (see Wight 2007). For this reason, the concept of a failed state does not make much sense.

This concept's rise in popularity started with the end of the Cold War when the failed state began to represent "the primary cause of threats to international peace and security" (Woodward 2017, 12). Since the beginning of the 1990s and the civil wars in Somalia and Bosnia, international organisations, governmental agencies, research institutes, and academic journals have been progressively categorising more and more countries as either fragile or failed (although the countries categorised disagree with these labels). All that created an unchallengeable consensus without empirical foundations, as Woodward explains.

She argues, as well, that the "failed state" concept "is not just a label but an ideology" that shaped the "common sense" of the wider public and enabled social action based on the axiomatic set of beliefs. This axiom assumes that determining a state as failed means that the problems belong to the inside. Consequently, that calls for outside intervention in the form of state-building (Woodward 2017; see also Gilbert 2012 on the issue of the "inside/outside" distinction).

Although the consensus on the failed state-state-building nexus is mainly undisputed, the practical results of these concepts are mainly unsuccessful, as we have argued in the previous paragraphs and sections. Woodward (2017) explains this ineffectiveness by suggesting that state-building is more about the developing resources and capacities of the intervening actors (for international interventions and possible state-building in their own countries) than about rebuilding failed states. That is why these actors respond to the frequent criticism with a call for more capacities and resources, explaining dissatisfactory results as a consequence of their insufficient capacities. "In sum, the argument… is that the concept of a failed state is actually about the international system and actors intervening in states… This is not just one aspect of the concept, but its essence…" (Woodward 2017, 10) Since these two concepts do not tell us much about the objects of intervention, we find them particularly misleading. Therefore, Woodward's conclusion that failed state and state-building as concepts "cannot serve either informed analysis and explanation or informed policy, and, thus, should be abandoned", seems very plausible (Woodward 2017, 25).

ABANDONING STATE-BUILDING, REINTRODUCING STATE-MAKING

When considering the case of Bosnia from an empirical perspective, this state did not even have an opportunity to become a failed state since it acquired its independence in April 1992, when the Bosnian war had already started. Yugoslavia was a state that collapsed, although some would argue it was intentionally deconstructed (see Campbell 1998), but not Bosnia. The Bosnian war reaffirmed Bosnian statehood, as the Serbian side was forced to give up on the independence of its political entity and to recognise Bosnia as a state in Dayton. A similar situation was with the Croatian side, which intermittently fought for and against the Bosnian state. Although the war caused significant destruction and casualties, it did not result in BiH becoming a *tabula rasa* in a political sense, since wars represent significant content of the political, and of course, the political in BiH was already filled with different contents that preceded the war (see Tepšić 2017; Tepšić and Džuverović 2018).

Unlike BiH, Kosovo is not a member of the UN. Its independence is disputed by half of the UN members, including Russia and China, permanent members of the UN Security Council. For that reason, Kosovo fits more into the category of an unrecognised state (a borderline case, according to Caspersen 2012, 10) or a contested state (Montanaro 2009) than a failed state. Prior to 2008, Kosovo had never been a state but had always been a part of a larger entity — the Ottoman Empire, Serbia, or Yugoslavia (for a short period during the Second World War, it was also a part of the Greater Albania). From a historical perspective, eleven years under the trusteeship of the UN and the EU are not long enough to declare Kosovo a failed state, or a state at all, since state-making is a *longue durée* process. An unrecognised state is not necessarily a failed one. However, Caspersen (2012, 104) explains that "unrecognised states are… more likely than recognised states to experience the kind of fractionalisation that is typical of failed states".

At this point, we suggest using the concept of state-making or state-formation as less biassed and more empirically grounded than state-building. For centuries, state-making "meant absorbing numerous political units which already exercised significant claims to sovereignty", and it included various political strategies, such as "combining, consolidating, neutralising, [and] manipulating" (Tilly 1975, 24-25). These strategies, almost without exception, caused strong resistance. In order to accomplish their goals, state-makers had to tear down that resistance and dissolve already constituted webs of political relations. Although Western countries achieved a high level of stateness in the twentieth and twenty-first centuries, their state-making paths were full of turmoil. State-making in the West was never linear nor progressive. It was often slowed or even reversed, as Tilly (1975, 34) observed: "Although the drift after 1500 throughout Europe ran toward increasing stateness, different governments moved at very different rates. As a result, international disparities in stateness increase." The costs of these processes were also very high, "in death, suffering, loss of rights, and unwilling surrender of land, goods, or labour" (Tilly 1975, 71).

When we situate the cases of BiH and Kosovo in this historical state-making context, they do not seem "anomalous" at all. On the contrary, their "normality" is evident. Of course, we are not suggesting that BiH and Kosovo resemble Western Europe of previous centuries, which would be an atavistic notion. We suggest that the making of these two entities is determined mainly by the continuity of war enmities and divisions they confront, which is more or less regular in the history of state-making (Tilly 1985; Spruyt 2017; Sharma 2017). As Zahra (2011, 786) argues, escaping the pathology of Eastern Europe, including the Balkans, does not require argumentation that the East is as modern and developed as the West. However, it needs to highlight their relatedness and similarities: "Western and East European societies alike faced the challenges of democracy, development, and "managing" diverse populations in the nineteenth and twentieth centuries. And West European nation-states and empires did not necessarily deal with these challenges with any less conflict or violence."

Both Bosnian and Kosovan post-war political transitions could be described as "continuation of war by other means" (Pehar 2019), which is an inversion of the famous dictum by Clausewitz and belongs to one of Foucault's hypotheses on power (Foucault 2003, 15). According to Foucault (2003, 15), it means "that power relations… are essentially anchored in a certain relationship of force that was established in and through the war at a given historical moment that can be historically specified", and although power puts an end to war and establishes peace, it does not "neutralise the disequilibrium revealed by the last battle of the war" (Foucault 2003, 16). In other words, power and politics simultaneously sanction and reproduce this disequilibrium, and post-war political disputes, struggles over or with power, and alterations of relations of force in a political system should be understood as a continuation of the war.

CONCLUSION

Based on the lessons from the Western Balkans' post-war transition experience, we have tried to demonstrate in this paper that peacebuilding scholarships are ill-equipped to understand the cases of Bosnian and Kosovan statehood projects beyond the notions of a failed state and liberal state-building. As we have tried to argue, the main reason for that is the ideological bias these two concepts are endowed with, which makes them misleading and leads to either pathologisation of the local (the Balkans) or counter-pathologisation of the international (the West). We agree with Sarajlić (2011, 19), who stressed the necessity of a new way of thinking about the post-war Bosnian transition (but it relates to Kosovo as well) in order to include the dynamic and open-ended nature of social conflicts, their irreducibility and irresolvability, and an understanding that "the main question to be concerned with is not how to remove and prevent ruptures and tensions but how to provide them with democratic means of exhibition and occurrence". For that reason, we have tried to deconstruct the concepts of failed state and state-building and bring back the notion of state-making to show that BiH and Kosovo perfectly fit its transhistorical perspective, which stresses the interrelations between wars (or violence in general) and state-formation. This perspective, supported by contextual knowledge, shows that BiH and Kosovo are not "anomalies". They are states in the process of formation, which is often contradictory and characterised by "conflict, negotiation, and compromise between groups" (Légaré 2017, 18).

First of all, BiH and Kosovo are hybrid entities in multiple senses. Their particular local ethnoreligious diversity and political contingencies determine the nature of how the nation-state is perceived. The rule that a religious community should govern itself, together with the Western idea of nationalism, created a specific environment subject to the instrumentalisation of people's ethnoreligious sentiments in times of crisis (wars). The very conflictual context, especially after the 1992-1995 and 1998-1999 wars, cemented the political content. It is not the liberal ideal-type struggle between "rational individuals" but between two or more antagonised collective bodies. The political is not decided by a decree. It evolved contextually and contingently. The mutual negation of legitimacy caused BiH (Serbian elites contest the legitimacy of BiH, while Bosniaks do the same with RS) and Kosovo (both Serbian sovereignty and Kosovo independence are disputed) to be labelled as polities to which the phrase "continuation of war by other means" is often related.

Secondly, despite the antagonistic relations that reside in Bosnia and Kosovo, they have not disintegrated as polities, primarily due to the international protectorate. That is not to claim it will never be the case, but to acknowledge that BiH and Kosovo have existed as states and contested states for twenty-seven and fourteen years, respectively. From the perspective we adopted in this paper, polities, either as states or contested states, can exist, evolve, and be part of the international system for quite a time, even if their internal working is antagonistic or if they lack international recognition and sovereignty.

To summarise, the aim of this article was not to discuss the legal status of Kosovo and BiH or the legal perspective of a state in general. On the contrary, the paper tried to deconstruct the concept of liberal peacebuilding (notions of the Westphalian state, failed state, and state-building, in particular) and suggested its rejection as an analytical framework, even in its critical form. Drawing from the Western Balkan experience, we tried to support the rejection of failed state and state-building concepts since they "cannot serve either informed analysis and explanation or informed policy", as Woodward (2017) argued. Instead, we suggested the transhistorical concept of state-making as less biassed and more empirically grounded.

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ДЕКОНСТРУИСАЊЕ ЛИБЕРАЛНЕ ИЗГРАДЊЕ МИРА: ЛЕКЦИЈЕ СА ЗАПАДНОГ БАЛКАНА

Апстракт: Текст представља допринос деконструкцији концепта либералне изградње мира, посебно његових главних чинилаца: неуспеле државе и изградње државе, кроз анализу два међународно подржана државна пројекта на Западном Балкану: Босне и Херцеговине и Косова. Аутори анализирају критичку литературу о изградњи мира посвећену овим двама случајевима како би понудили аргументе за напуштање концепата неуспеле државе и изградње државе, због њихове претеране пристрасности и идеолошке заснованости. Уместо тога, они предлажу враћање концепту стварања државе као примеренијем теоријском оквиру за разумевање послератног контекста и динамике на Западном Балкану. Полазећи од те претпоставке, аутори закључују да би случајевима Босне и Херцеговине и Косова требало приступати из шире историјске и географске перспективе и позивају на децентрализацију идеје "вестфалске државе", враћање лонгуе дурée перспективи у истраживању стварања држава, као и на депатологизацију предмета тог истраживања.

Кључне речи: либерална изградња мира, неуспела држава, изградња државе, стварање државе, Западни Балкан, Босна и Херцеговина, Косово.

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