

The Regional and International Regulation of Ethnic Conflict Patterns of Success and Failure

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1. Introduction

Conflict regulation comprises three elements—prevention, management, and settlement. This distinction, and the very terminology used, may seem arbitrary, and I do not proclaim to offer the definitive resolution to a long-standing debate in the literature on responses to ethnic conflict. I am using prevention, management and settlement as concepts to aid in the understanding of different policies pursued by the parties to an ethnic conflict and by third parties involved in it. This becomes immediately clear when one considers the following three definitions.

Conflict prevention refers to a set of policies adopted at an early stage of a conflict, prior to violent escalation or after ceasefire/settlement has been negotiated to prevent resumption of violence. Conflict prevention aims at channelling conflict into non-violent behaviour by providing incentives for peaceful accommodation and/or raising the costs of violent escalation for conflict parties. Normally, a distinction can be made between short-term crisis management (averting an imminent violent escalation) and long-term structural prevention (eliminating the root causes of conflict). While conflict prevention thus have a place in the lifecycle of an ethnic conflict before its violent escalation and after its settlement, conflict management and conflict settlement can be defined more clearly in terms of a 'single moment' at which they occur. I thus define *conflict management* as the attempt to contain, limit, or direct the effects of an ongoing ethnic conflict. In contrast, *conflict settlement* aims at establishing an institutional framework in which the conflicting interests of different ethnic groups can be accommodated to such an extent that incentives for cooperation and the non-violent pursuit of conflicts of interest through compromise outweigh any benefits that might be expected from violent confrontation. Thus, conflict management is a strategy that is chosen in either one of two situations – when the settlement of a conflict is impossible or undesirable for one of the parties involved. Furthermore, conflict management is not always a benign attempt to contain an ethnic conflict and limit its negative consequences, it can also be a strategy of manipulation that seeks the continuation of a conflict for reasons beyond the conflict itself, such as the preservation of power and/or economic gain. Conflict management, thus, describes the wide range of policies adopted by actors in a conflict instead of negotiations, or after failed negotiations or implementations, whereas conflict settlement implies negotiated, accepted, and implemented institutional structures.¹ In this sense, conflict settlement and conflict prevention, if successful, have fairly similar outcomes.

Having made these conceptual distinctions, I acknowledge that, in practice, conflict prevention, management and settlement often occur in parallel, and in some cases, the same policy can even be seen as prevention from one perspective, and as management from another. For example, in the Balkans during the break-up of Yugoslavia, the UN, and later NATO, deployed a border monitoring mission to Macedonia in order to *contain* the violent conflict that happened in other parts of Yugoslavia and to *prevent* it from escalating the tensions that already existed in this country into full-blown violent conflict. Prevention, moreover, is a difficult idea anyway, as it always has to rely on counterfactuals: was something really prevented or did it simply not happen because its likelihood was exaggerated from the start. In addition, was one particular preventive policy responsible for it not happening? These questions may be relatively easy to

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¹ There are some exceptions to this rule: successful, voluntary assimilation is rarely based on a formally negotiated agreement, and the same holds true for forced assimilation, forced population transfers and genocide.

answer in the case of Macedonia where violence did eventually break out in 2001 in the aftermath of NATO's intervention in Kosovo which brought, temporarily, several hundred thousand refugees from Kosovo to Macedonia, set an important precedent for minorities and in the case of Macedonia provided equipment and know-how on how to fight a guerrilla war. In other words, had the border monitoring mission been able to control the flow of refugees better, and stepped in when weapons were smuggled across the border and when Macedonian and Kosovo Albanian guerrillas crossed the border in both directions between safe havens and operations, violent escalation might have been avoided. As it did not, NATO and the EU were left to manage and resolve the conflict after its escalation by swiftly containing it through pressure on all sides and strengthening their border mission and by pressing the parties, including the (ethnically Albanian) National Liberation Army (NLA) to sign up to the Ohrid Framework Agreement, which was drafted by the Council of Europe and aimed at providing the institutions in which competing claims of Macedonians and ethnic Albanians could be resolved.

In the following I explore several conceptual issues that are relevant for an analysis of conflict regulation. First I define ethnic conflict and outline a model for its study, including for the theory and practice of ethnic conflict regulation. Second, I offer a broad overview of different options for conflict settlement, a menu, as it were, of different mechanisms that apply in specific situations of conflict, and subsequently I discuss, with particular reference to conflict settlement, the nature and dynamics of its three distinct phases of negotiation, implementation and operation. Third, I discuss the different policy instruments available to the international community, and different individual and collective actors within it, in achieving outcomes that can provide sustainable settlements for ethnic conflicts. I then turn to an application of this conceptual framework to the case of Kosovo, before concluding with some general remarks about the factors that determine success and failure of international and regional conflict regulation.

2. Ethnic Conflict: A definition

Before embarking on this intellectual journey, it is necessary to define as precisely as possible the subject of this inquiry. Ethnic conflict is a term loaded with often legitimate negative associations and entirely unnecessary confusions. The most important confusion is that ethnic conflicts are about ethnicity—'ethnicity is not the ultimate, irreducible source of violent conflict in such cases' (Brubaker and Laitin 1998: 425). Alternatively, 'ethnicity is one common way to organize for collective action, which may turn to violence as a tactic.' (USAid 2006). It often forms an important part of the explanation, but we do not know of any conflict that can be solely explained by reference to ethnicity, which is itself a hotly contested term.

Generally speaking, the term conflict describes a situation in which two or more actors pursue incompatible, yet from their individual perspectives entirely just goals. Ethnic conflicts are one particular form of such conflict: that in which the goals of at least one conflict party are defined in (exclusively) ethnic terms, and in which the primary fault line of confrontation is one of ethnic distinctions. Whatever the concrete issues over which conflict erupts, at least one of the conflict parties will explain its dissatisfaction in ethnic terms. That is, one party to the conflict will claim that its distinct ethnic identity is the reason why its members can not realise their interests, why they do not have the same rights, or why their claims are not satisfied. Thus, ethnic conflicts are a form of group conflict in which at least one of the parties involved interprets the conflict, its causes, and potential remedies along an actually existing or perceived discriminating ethnic divide. In other words, the term ethnic conflict itself is a misnomer—not the conflict is 'ethnic' but at least one of its participants, or to put it differently, an ethnic

conflict involves at least one conflict party that is organised around the ethnic identity of its members.

Empirically, it seems easy to determine when conflicts are ethnically driven: one knows them when one sees them. Few would dispute that Northern Ireland, Kosovo, Cyprus, Rwanda, the Democratic Republic of Congo (DRC), Kashmir and Sri Lanka, to name but a few, are ethnic conflicts. That is so because in each of these cases organised ethnic groups confront each other and/or the institutions of the states in which they live. All of these conflicts have been violent, yet violence in each of them was of different degrees of intensity. Leaving aside, for the moment, considerations of relativity (Cyprus is, after all, smaller and has fewer inhabitants than the DRC), in 30 years of violence, some 3,500 people were killed in Northern Ireland, roughly the same number during three months of conflict in Kosovo after the commencement of NATO's air campaign, and a single day during the genocide in Rwanda could have easily seen that many people killed in just one town.

In contrast to these examples, relationships between Estonians and Russians in Estonia and the complex dynamics of interaction between the different linguistic groups in Canada, Belgium and France are also predominantly based on distinct ethnic identities and (incompatible) interest structures, yet their manifestations are less violent. These and similar situations are more correctly described in terms of tension or dispute. Finally, there are cases in which various ethnic groups have different, and more or less frequently conflicting, interest structures, but hardly ever is the term 'tensions', let alone 'conflict', used to describe them, such as in relation to Switzerland, where fairly stable and legitimate political institutions provide a framework in which different interests can be accommodated. Thus, the way in which I use the term 'ethnic conflict' is related to the fact that organised ethnic groups take recourse to the systematic use of violence for strategic purposes.²

3. The Levels-of-Analysis Approach for the Study of Ethnic Conflict

In 1961, J. David Singer published an article in *World Politics* entitled 'The Level-of-Analysis Problem in International Relations' in which he made a strong case for distinguishing between systemic (global) and subsystem (nation-state) levels for the analysis of various processes in the international system (Singer 1961). In addition, he made some broader general remarks about the use and usefulness of analytical models, requiring them to 'offer a highly accurate *description* of the phenomena under consideration', 'to *explain* relationships among the phenomena under investigation', and to hold the 'promise of reliable *prediction*' (Singer 1961: 78f.). Maintaining this standard is absolutely essential in the development of analytical models, both to gain a better (scholarly) understanding of specific phenomena and to be able to make dependable and effective policy recommendations.

While Singer offers good general guidance on the levels-of-analysis approach, his counsel is primarily geared towards deciding which one of the two levels that he identifies should be chosen, rather than giving scholars and analysts a choice of combining the two levels in their analysis. Two years earlier, Kenneth N. Waltz, had offered a consideration of three images (i.e., levels of analysis) in accounting for the occurrence of war, and had suggested that neither human nature nor the aggressive behaviour of states alone accounted for war, but rather that the nature of the

² This also means that violent riots or protest demonstrations in themselves do not 'qualify' as ethnic conflicts. They may be part of an ongoing ethnic conflict, but they can also occur in situations of ethnic tensions or disputes, i.e., where a situation may occasionally escalate into violence, but where its use is not part of the normal repertoire of interaction among ethnic groups and/or between them and state institutions.

international system and the expectation of violence within it led to war (Waltz 1959). As Jack Levy has pointed out, the levels-of-analysis approach, in the tradition of Singer and Waltz, was subsequently mostly used in IR scholarship to classify 'independent variables that explain state foreign policy behaviour and international outcomes' (Levy 2001: 4). Levy also emphasises that '[i]t is logically possible and in fact usually desirable for explanations to combine causal variables from different levels of analysis, because whether war or peace occurs is usually determined by multiple variables operating at more than one level of analysis' (Levy 2001: 4). Despite the traditional focus on states and their relations with one another, there is nothing inherently prohibitive in the levels-of-analysis approach to extend its application to non-state actors and structures and to a range of 'issues' that fall somewhere outside the actor and structure dichotomy yet remain important independent variables when accounting for the causes of ethnic conflicts and for the success or failure of specific policies adopted to prevent, manage or settle them.

Implicitly or explicitly, earlier models for the analysis of ethnic conflict have drawn on a levels-of-analysis approach (Brubaker 1996, Smith 2002, Wolff 2003). Most notably among them, Michael Brown, synthesising the state of the discipline some ten years ago, suggested a two stage model accounting for so-called underlying and proximate causes of ethnic conflicts. This was in itself a significant advance in the study of the ethnic conflict, as it brought into focus a shortcoming of much of the literature until then which had done 'a commendable job of surveying the underlying factors or permissive conditions that make some situations particularly prone to violence, but [had remained] weak when it [came] to identifying the catalytic factors—the triggers or proximate causes—of internal conflicts' (Brown 1996: 13). Among the underlying causes he identified structural, political, economic and social, and cultural and perceptual factors, individually or in various combinations, as necessary, but not sufficient conditions for the outbreak of ethnic conflicts. He then used a variation of the levels-of-analysis approach to account for the impact of proximate causes. Presenting a 2-by-2 matrix, Brown (1996: 13-17) distinguishes between internal and external elite and mass-level factors that he argues are responsible for triggering ethnic conflicts.

This two-level approach is consistent with the traditional neo-realist distinction between the system level and the unit level, but it deprives us of a more nuanced analysis. The terminology used by Brown to describe external-level factors ('bad neighbours', 'bad neighbourhoods') emphasises the regional level, which is undoubtedly of great importance, but he does so at the expense of the global level.³ While Brown makes some reference to broader international developments, such as 'sharp reductions in international financial assistance' and 'sharp declines in commodity prices', more recent literature has identified a range of other factors well beyond a (potential) conflict's immediate neighbourhood. These include diaspora communities (e.g., Adamson 2005, Collier and Hoeffler 2001, Sheffer 2003), international human rights norms and their use in the justification of outside intervention into ethnic conflicts (Holzgreve and Keohane 2003), the moral hazard that intervention precedents create (Crawford and Kuperman 2005), and links between ethnic conflict and organised crime (Goodhand 2003, Kemp 2002 and 2004, Williams 2001). Since September 2001, there is also an emerging body of evidence that local ethnic conflicts, especially those involving Muslim minorities, have been instrumentalised by al-Qaeda and its local off-shoots in their pursuit of global jihad (Abuza 2003, Frost et al. 2003, Smith 2005).

³ Another valuable analysis of the regional dimension of ethnic conflicts is Lake and Rothchild (1997).

Equally, at the internal level, Brown subsumes national-level and local-level factors into one single category, which is without problems. For example, it is entirely plausible to attribute a significant share of the blame for the violent escalation of the conflicts in Northern Ireland in the late 1960s and in Kosovo in the second half of the 1990s to deplorable political leaders (i.e., to internal elite-triggered factors in Brown's terminology). Yet, this glosses over significant, and policy-relevant differences, apart from the fact that the United Kingdom was a democracy in the late 1960s, while the former Yugoslavia was at best in a state of arrested transition between communist regime and liberal democratic market economy. The situation in Northern Ireland was very much a local affair between two communities with very different and incompatible conceptions of national belonging exacerbated by economic decline and, at the time, negligible concern by the central government in London. Kosovo, on the other hand, was a conflict primarily between a local secessionist movement and the increasingly repressive institutions of the central government in Belgrade. Thus, while Northern Ireland in the late 1960s had a realistic chance of effective conflict management and settlement by way of a central government acting as an arbiter,⁴ this was an opportunity that did not exist at all in the Kosovo case.

Therefore, we propose an analytical model that disaggregates the traditional two levels of analysis into four. At each of these levels, analysis should concern itself with the behaviour and impact of both actors and structures on the onset, duration, and termination of ethnic conflicts. The four levels are:

1. The local (or substate) level: existing scholarship⁵ suggests that among state actors and structures, local elites/leaders, authorities and representatives of the central government, established institutional arrangements and socio-economic structures play a decisive role, while among non-state actors and structures it is the locally resident communities/ethnic groups/religious groups and their elites/leaders and locally operating NGOs, rebel forces, private sector interest groups, and criminals whose actions and effects are likely to have an impact. For example, for rebel forces with a clear territorial base in part of the state affected by conflict (e.g., South Sudan, Darfur, eastern Sudan, Lords Resistance Army in northern Uganda, Albanians in Kosovo, South Ossetians, Abkhaz), specific local dynamics would need to be considered alongside those at the national level of analysis, regardless of whether the overall aim of the movement is secession, control of local resources or state capture. The same holds true for conflicts that are relatively locally contained or where the stakes are of a more localised nature (e.g., Northern Ireland, eastern DRC, Niger delta).
2. The state (or national) level: this level of analysis contains essentially the same kinds of actors and structures as they exist at the local level and it is difficult to imagine situations in which there would be no relevant factors at the state level of analysis. The conflict in Kosovo in the late 1990s, for example, had a very clear local dimension, but at the same time could not be fully explained without reference to political, social, economic and cultural dynamics at the state level in Serbia—the balance of power and influence of different political parties, the strength of national sentiment among Serbs in Serbia, the social and economic impact of war over Kosovo and of the potential loss of the territory, etc.
3. The regional level: scholarship on regional security and regional conflict would suggest that relevant neighbouring states and their institutions, regional powers,

⁴ The reasons why an initially promising initiative to this effect did not succeed are analysed in Wolff (2001).

⁵ Here, and below, we draw on a range of original and synthetic sources, including Adamson (2005), Brown (1996), Buzan and Wæver (2003), Carr and Callan (2003), Collier and Hoeffler (1998 and 2001), Cordell and Wolff (2004), Fowkes (2001), Horowitz (1985 and 2000), Kaufman (2001), Lake and Morgan (1997), Lake and Rothchild (1997), Rotberg (2004), Rubin (2001), Scherrer (2003), Tellis et. al. (1997).

and regional IOs, as well as their respective elites/leaders, and established structures of political and economic cooperation are the key variables to consider among state structures and institutions, while cross-border/trans-national networks (ethnic, religious, civil society, business, organised crime, rebel groups, etc.) and their elites/leaders are the relevant non-state equivalents.

4. The global level of analysis: this level benefits from a large body of existing scholarship, suggesting that powerful states and IOs of global reach and their elites/leaders are the relevant state actors and structures, while INGOs, diaspora groups, international organised crime networks, and TNCs, as well as their respective elites/leaders are those worthy of consideration among non-state actors and structures.

In addition to structures and actors, I consider it important to examine the impact on ethnic conflicts of a range of issues that cannot easily be classified as either actor- or structure related. These include environmental degradation, resource scarcity, energy security, food security, communicable diseases, etc., all of which by their very nature cannot easily be 'assigned' to one particular level of analysis, but rather straddle the boundaries between several levels (see Table 1).

Table 1: The Levels-of-Analysis Approach for the Study of Ethnic Conflict

	State Structures and Actors	Non-state Structures and Actors	'Issues'
Local	local elites/leaders, authorities and representatives of the central government, established institutional arrangements and socio-economic structures	locally resident communities/ethnic groups/religious groups and their elites/leaders and locally operating NGOs, rebel forces, private sector interest groups, and criminals	environmental degradation, resource scarcity, energy security, food security, communicable diseases, etc.
State	national elites/leaders, central government, established institutional arrangements and socio-economic structures	communities/ethnic groups/religious groups and their elites/leaders and state-wide operating NGOs, rebel forces, private sector interest groups, and criminals	
Regional	neighbouring states and their institutions, regional powers, and regional IOs, as well as their respective elites/leaders; established structures of political and economic cooperation	cross-border/trans-national networks (ethnic, religious, civil society, business, organised crime, rebel groups, etc.) and their elites/leaders	
Global	powerful states and IOs of global reach and their elites/leaders	INGOs, diaspora groups, international organised crime networks, and TNCs, as well as their respective elites/leaders	

4. The Conflict Resolution Menu and its Demographic Determinants

Once a conflict between ethnic groups, or between one group and the state, has emerged over competing claims to power, resources and status, the design of the macro-level institutions meant to enable the contestants to resolve their dispute by non-violent means, depends, in significant part, on the demography of any given conflict situation. This is, in the first instance, best categorised according to demographic criteria because it is the size of ethnic communities and their settlement patterns that are key factors in establishing the need for, and feasibility of, various institutional arrangements to ensure that their demands can be addressed adequately and appropriately.⁶ The criteria according to which such a categorisation can be undertaken, thus, include the size of communities (both in absolute terms and relative to the overall population of the state in which they live), their settlement patterns (compact with or without exclaves; or dispersed with or without local concentrations), the size of the territory they occupy (again in absolute and relative terms), whether this territory is ethnically more homogeneous or more heterogeneous, and whether they straddle existing international boundaries.

The importance of establishing such basic indicators of a particular situation must not be underestimated. Accurate data both on demographic indicators and on the demands that communities derive from them is crucial when thinking about possible institutional designs to ensure that violent conflict can be prevented or resolved. A basic range of features of such institutional designs to manage the relationships between states and communities in a non-violent way that can be outlined as including territorial and non-territorial forms of self-governance, local and central-level power sharing, cross-border institutions and para-diplomacy, and human and minority rights provisions. These can occur individually and in various combinations.

For illustrative purposes, consider the following cases. Chechens live in a largely homogeneous region in the northern Caucasus in south Russia. In 2004, it was estimated that the population of the area was somewhat over one million, of whom around 98% were thought to be ethnic Chechens. In 1989, the last year for which I have reliable data, the total population was estimated to be in the region of 1,400,000, of whom 23% were ethnic Russians (Curtis 1996). These figures illustrate a forgotten fact about the Chechen conflict, namely that the decline of ethnic Russians resident in the republic has been greater than that of their Chechen counterparts. The rebel demands range from the construction of an Islamic Caliphate in the northern Caucasus, to independence or self-governance. Short of Russia agreeing to the region's secession, substantive autonomy for Chechnya and local arrangements to ensure fair treatment of non-Chechens (for example through local power sharing, minority protection, local cultural autonomy, and public participation rights) would be elements of a reasonable settlement, and are not unlike the agreement achieved after the first Chechen war. A relatively homogeneous region like Corsica in France, on the other hand, where the relevant group in question does not straddle existing boundaries either, normally requires substantive autonomy only. As the Agreement on Northern Ireland in both its original 1998 and revised 2006 versions exemplifies, heterogeneous regions in which at least one of the groups concerned straddles international boundaries requires a broader range of institutions: substantive autonomy, regional power sharing and other local mechanisms to manage inter-community relationships, as well as cross-border institutions and paradiplomatic competences. The very homogeneous, and in

⁶ One of the underlying assumptions here is that demography shapes demands: a peripheral territorially concentrated group is more likely to ask for increased levels of self-governance (including, possibly, an independent state of its own) than a dispersed group. Relative size of groups will additionally determine the feasibility of any demands for power sharing and wealth sharing at the centre.

demographic terms small, region of the Swedish-populated Åland Islands that are part of Finland has survived very comfortably for almost a century under a regime of substantive territorial autonomy and cross-border institutions.

These and other ethnic conflicts are, rightly or wrongly, considered as among the most intractable, violent and destructive forms of conflict that societies, states, and the international community have had, and continue, to face. With the exception of the Åland Islands, none of the cases just mentioned has seen a straightforward path to settlement. The Northern Ireland Agreement was preceded by 30 years of conflict, costing over 3,000 lives. Attempts to endow Corsica with adequate levels of self-governance have repeatedly faced stiff resistance in a country whose very foundations are built upon the assumption of the one and indivisible republic as the home for the one and indivisible people of the French speaking the one language of French. The best that can be said for Chechnya after years of war with terrible atrocities committed by both sides is that it is now experiencing a period of calm and stability predicated, to a large extent, on the presence of Russian security forces, and the alliance, quite possibly of mutual convenience, forged between the Russians and the powerful Kadyrov clan and their allies. Beyond these few European cases, the view that self-determination conflicts are intractable, violent, and destructive is empirically further substantiated when one looks at the apparently unending conflicts that have plagued places as diverse as Sri Lanka, northeast India, the Great Lakes Region of Africa, Sudan, and the Middle East. The conflicts in these areas have cost millions of lives, displaced even greater numbers of people, wrecked entire national economies for decades, and seem to be 'solution-proof', notwithstanding the occasional glimmer of hope in the form of a short-lived peace deal.

Yet, not all ethnic conflicts are that violent and destructive: Quebec and Belgium are two cases in point. Neither has there been serious violence in Crimea, Romania, Slovakia and the Baltic states, despite the highly charged atmosphere between these countries' majority and minority populations. Nor do all ethnic conflicts permanently evade solutions: Northern Ireland has already been mentioned as an obvious case in point, but there are other examples as well. South Tyrol in Italy is often cited as one of the most successful examples of accommodating the claims of minority groups qua autonomy and power sharing institutions. Constitutional arrangements in Bougainville, Mindanao, Gagauzia, for example, may not be perfect, but they have provided an institutional setting in which ethnic groups can pursue their self-determination claims by political, non-violent means. The Comprehensive Peace Agreement for Sudan of 2005 offers similar opportunities, as did the, thus far unimplemented, proposals contained in the Annan Plan for Cyprus,⁷ the Georgian president's peace initiative for South Ossetia,⁸ and in various earlier proposals for Sri Lanka.⁹ The Ahtisaari Plan for Kosovo, too, offered a range of excellent proposals to accommodate competing self-determination claims of Serbs and Albanians in Kosovo in its vision of conditional independence for that region,¹⁰ most of which have now been implemented in the constitutional framework of Kosovo.

5. The Phases of Conflict Settlement: Negotiation, Implementation and Operation

I conceive of conflict settlement as a three-stage process, comprising of a negotiation phase, an implementation phase and an operation phase. Within this framework, the

⁷ For the full text of this document, see http://www.hri.org/docs/annan/Annan_Plan_Text.html.

⁸ For the full text of this document, see <http://www.president.gov.ge/?l=E&m=0&sm=5>.

⁹ See documentation at <http://www.peaceinsrilanka.lk/>, a website run by the Secretariat for Co-ordinating the Peace Process set up by the government of Sri Lanka. This has now been overtaken by events leading to the military defeat of the LTTE.

¹⁰ For the full text of this document, see <http://www.unosek.org/unosek/en/speenvoy.html>.

negotiation phase is the one which is the most significant for shaping the institutional design of the agreement, and thus the nature of the political process during both the implementation and operation phases. Moreover, today most conflict settlement agreements are at the same time very complex post-conflict reconstruction plans, involving economic, social, cultural and other issues alongside constitutional design (cf. O'Leary 2005, Paris and Sisk 2009, and Roeder and Rothchild 2005). Implementation refers to the process of putting in place the institutions and procedures agreed during negotiations. As this can often be a prolonged process, especially where agreements are complex and are applied to post-war situations (e.g., in Bosnia and Herzegovina) or require substantial legislative and administrative changes to existing structures (e.g., in Macedonia), implementation and operation often run in parallel for a considerable period of time. This means that the implementation of an entire conflict settlement agreement is often far from complete when the former conflict parties have to operate at least part of the institutions established in the agreement.¹¹ Uneven or incomplete implementation may affect the operation of a conflict settlement agreement: for example, constitutions are normally designed as whole packages and require, for their proper functioning, the existence and operation of all their institutions. If the agreement as a whole or some of its institutions do not perform well, there is a danger of it unravelling or renewed negotiations being necessary (e.g., in Northern Ireland in the post-1998 period). While I accept that the adoption of conflict settlement agreements is a process requiring a certain measure of flexibility, including optional or mandatory reviews over time, I also want to stress that there needs to be a certain degree of institutional stability and predictability to create an environment in which all conflict parties feel sufficiently secure to revisit the original agreement. This is unlikely to be the case if the implementation phase is flawed and early stages of the operation of an agreement cast doubt on its overall viability, be it because some signatories defect from the agreement or be it because institutions designed with parties' physical security in mind only do not "fit" the broader complexities of life in a post-conflict society.¹²

6. The Policy Instruments of International Conflict Regulation: Diplomatic, Economic, and Military Interventions

The anecdotal evidence offered so far highlights that the international community, and individual and collective actors within it, use a variety of tools in the process of conflict regulation. Before I come back to the question of these different tools, and their utility in the three different phases of conflict regulation, it is worth pointing out that there has been a clear trend of late, associated primarily with the end of the Cold War,¹³ towards ever more international efforts to resolve ethnic conflicts. This is clearly evident from two sets of figures. While during the Cold War period the UN normally had no more 'two or three truce supervision or observation operations at any one time' (Doyle 2002: 69), the total number of ongoing UN peace operations in late 2008 stood at sixteen, nine of which were deployed in cases of ethnic conflict.¹⁴ This also strikingly evident in the case of the EU, which has massively increased its engagement in international conflict management. Barely noticeable as a global political player throughout the 1990s (except for its failures

¹¹ In one, perhaps unusually prolonged experience, the 137 different measures contained in the 1969/72 special autonomy statute for South Tyrol took more than thirty years to implement, while the core institutions regional and provincial governments and parliaments were fully operational from the start (cf. Wolff 2003).

¹² Cf. Wolff (forthcoming); on commitment issues see also Fearon (1998), van Houten (1998), Laitin (2001), and Walter (2002).

¹³ This is both because of the less antagonistic structure of the international system, at least throughout the 1990s, and the proliferation of a relatively large number of severe ethnic conflicts in a relatively short period of time. Cf. Danspeckgruber (2002: 5ff.), Diehl (2008: 52-5), Doyle (2002), Lund (1996: 8-12), Weiss (2007: Ch.s 2-3).

¹⁴ These are the missions in: Kashmir, Cyprus, Western Sahara, Georgia, Kosovo, DRC, Sudan, Darfur, CAR/Chad.

in the Balkans), the organisation has conducted over twenty operations since 2003. Of these, nineteen missions were deployed in countries experiencing ethnic conflict, ten of them were ongoing in 2009.¹⁵

There is no suggestion here, that all of these missions are similar in terms of their objectives, personnel commitment, costs, length, or success. Nor do I imply that these missions are the only tools at the disposal of, or deployed, by international actors in their efforts to prevent, manage and settle ethnic conflict. Yet, because of the comparative scale of the ongoing commitments, it is worthwhile discussing them in a little more depth before looking at other tools of international conflict regulation. During the Cold War, the predominant type of operation conducted is commonly referred to as traditional peacekeeping or observation—after the conflict parties agree a ceasefire, observers are deployed to monitor the situation and/or provide a buffer zone between the conflict parties (Diehl 2008: 44). Two of the UN's oldest mission—those in Kashmir (UNMOGIP) and Cyprus (UNFICYP) dating back to 1949 and 1964, respectively—fall into this category. In the post-Cold War period, this type of operation continues to be of importance, but increasingly international or regional missions are more complex. These so-called peace-building, peace support, or stability operations have much broader objectives, reflecting an increasing acceptance of the need for a comprehensive approach to post-conflict reconstruction. For example, a number of EU missions are aimed at security sector reform (especially capacity-building in relation to police forces and border guards, such as in Bosnia and Herzegovina, Macedonia, and Georgia) and/or the development of the culture and institutions of the rule of law (Kosovo, Georgia). The UN mission to East Timor was perhaps the most ambitious of these new-type operations as it aimed at building a new state, enabling East Timor's transition from a territory occupied by Indonesia to a full-fledged member of the international community of sovereign states (cf. Caplan 2005). Moreover, even in cases of international intervention that retain traditional peace-keeping elements, other tasks have been added. Humanitarian operations, especially in aid of refugees and IDPs, election organisation and observation, and institutional capacity-building are now almost standard components of peace-building missions, as evidenced by the EU mission in Bosnia and Herzegovina and the AU mission in Darfur.

Most of the missions referred to above fall four-square into the area of conflict management and settlement as defined above. There are, however, also some that are more preventive in nature, i.e., are deployed prior to the outbreak of violence. The UN's preventive deployment mission to Macedonia, and its successors, is the prime example here not only of such missions in general but also of their success. Taking a slightly broader view of prevention, however, extending the notion to include also actions taken during the violent and post-violent phases of a conflict to prevent further violence (cf. Ackermann 2003; Kronenberger & Wouters 2004; Lund 2002) is analytically useful as it allows assessing any external action taken to prevent the eruption, escalation, diffusion or intensification of violent conflict in its proper context. From this perspective, then, the deployment of peacekeepers in Bosnia and Herzegovina from 1992 onwards did little to either prevent the escalation of the ethnic conflict there or to resolve it, while their presence post-Dayton was clearly an effective measure to prevent renewed violence (so far) without contributing to an actual resolution of the conflict. The same holds true for the UN Mission to Cyprus, while the one in Kashmir on three occasions failed to prevent military hostilities between India and Pakistan.

¹⁵ These are the operations in Bosnia and Herzegovina (2), Kosovo, Georgia, the Palestinian Territories (2), Iraq, CAR/Chad, and DRC (2).

The deployment of actual missions to conflict zones is not the only tool that the international community has at its disposal to achieve desirable outcomes in the process of its engagement in conflict prevention, management, and settlement efforts. A range of other options are available, and their use is far more frequent and involves a much broader set of actors. Multiple tools and actors invite different classifications of external interventions, but this is not the place to discuss the merits of different ways of approaching the issue of how to distinguish between different types of intervention.¹⁶ Rather, I simply list a set of common types of diplomatic, economic, and military forms of intervention and illustrate what they involve in the context of ethnic conflict.

6.1. Diplomatic Interventions

Diplomatic interventions normally precede other forms of intervention and aim at either averting violent escalation of a conflict or establishing conditions conducive to de-escalation. The failure of diplomatic efforts to change the behaviour of conflict parties on the ground often leads to either more coercive measures applied to both parties or selective coercion and/or support for individual parties.

Fact-finding missions offer the international community an opportunity to gain first-hand knowledge of a particular situation and to raise broader awareness of an impending crisis. For example, the UN dispatched a fact-finding mission to Abkhazia, Georgia, in the early 1990s prior to establishing its own permanent operation there, while the OSCE deployed such a mission to Kosovo in a last-ditch effort to avoid a military intervention against Serbia.

Mediation can follow fact-finding in an effort to intensify prevention efforts, but can also be applied as a tool to aid de-escalation once conflict parties on the ground have decided that they cannot resolve their dispute through violence. Joint EU/NATO mediation in Macedonia in 2001 is an example of successful mediation while the Rambouillet negotiations on Kosovo in 1999 failed. In some cases, mediation succeeds in achieving a negotiated agreement between the parties, while the agreement itself subsequently breaks down. The AU-mediated Arusha Accords for Rwanda are one of the most tragic illustrations of this.

Confidence-building measures often accompany other forms of diplomatic, economic and/or military intervention. They are designed to enable parties to begin rebuilding trust between them and often involve a variety of different actors, including political elites, the private sector and civil society groups. Above all, they aim at making the actions and intentions of different parties more transparent in order to reduce fear and increase a sense of security, for example through regular meetings and day-to-day coordination of activities, such as in the case of the Joint Control Commission established after the 1992 Sochi Agreement on South Ossetia or the UN-facilitated Coordinating Council established in Abkhazia in 1997. They can also involve civil society initiatives, such as the so-called Standing Technical Working Groups established by the European Centre for Minority Issues, an NGO, in Kosovo after 1999 to enable Albanians, Serbs, and members of other communities to deal with both very pragmatic issues, such as healthcare and economic development, and highly sensitive issues, such as education and refugee return.¹⁷

¹⁶ For different approaches, see, among others, Brown (1996), Cochrane (2008: 43-63), Crocker et al. (2001), Doyle (2002), Esmann and Herring (2001), Halperin et al. (1992: 95-111), Lund (2006: 44-5), Rothchild (1997), Safran (2004), Wallensteen (2007: Ch. 10), and Weller and Wolff (2008).

¹⁷ For more details on this and follow-up initiatives, see <http://www.ecmikosovo.org/Civil.205.0.html>.

International judicial measures are a relatively recent addition to the set of instruments available to the international community when it comes to dealing with ethnic conflicts. They can either involve prosecution for crimes committed during a conflict after a settlement has been achieved, such as in the cases of Yugoslavia and Rwanda, or they can be used as a tool of intervention in an ongoing conflict, such as the indictment of Sudanese President Omar al-Bashir by the International Criminal Court in 2008. International judicial measures serve two purposes: they are meant to be punitive for crimes already committed and to have a deterrent effect for future conflicts.

6.2. Economic Interventions

Economic interventions can be used to induce behaviour by conflict parties deemed to be in concordance with international efforts to prevent, manage, or settle a particular conflict and to sanction behaviour that runs counter to such efforts.

Humanitarian aid/assistance frequently accompanies other measures taken by the international community. It is applied without any conditions attached and aimed at relieving civilian suffering by providing food, shelter and a minimum of healthcare. While often initiated as an emergency response to an escalating crisis, such as the November 2008 UN relief operation in the eastern DRC, humanitarian assistance can, in some cases, continue for decades, as in the case of UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which has been active since 1 May 1950 and remains the principle aid organisation for currently 4.6 million Palestinian refugees. Another potential problem with humanitarian aid and assistance is the potential for abuse—Operation Lifeline Sudan launched by the UN in cooperation with over 30 NGOs in April 1989 was meant to provide food aid to civilians suffering from the violence between north and south but essentially introduced a commodity into a civil war that created an income opportunity for the warring parties who seized food convoys and sold on their bounty or extorted protection fees to guarantee safe passage.

Technical Assistance covers a broad range of measures that can be partisan and non-partisan in nature, from the delivery of arms and deployment of military advisors to one of the conflict parties (a frequent feature of super power intervention during the Cold War) to pre-negotiation capacity building for one or both conflict parties (a more common practice today, often delivered through NGOs), to post-conflict economic assistance (as, for example, through donor conferences).

Embargoes and sanctions aim at depriving one or both conflict parties of the means to fight and to coerce them to comply with international demands. They are a frequent first step in escalating international involvement once diplomatic efforts have failed. Their impact and utility, however, are controversial. The arms embargo on the former Yugoslavia during the 1992-5 war of succession arguably benefitted the Serbs most as they controlled the assets of the Yugoslav People's Army, while the targeted (or so-called smart) sanctions against Milosevic later in the decade contributed more clearly to his downfall by denying him the resources necessary to maintain his clientelist regime. Another problem with embargoes and sanctions is that of enforcement (which is difficult to ensure at the best of times). For example, once Russia stopped enforcing the CIS embargo against Abkhazia in the late 1990s, Georgian efforts to coerce the leadership of this separatist region to engage in meaningful negotiations had lost all leverage. Related to the problem of enforcement is the inevitable smuggling and corruption that sanctions create, often consolidating operations of criminal networks across borders (and ethnic boundaries) and entrenching them within society by giving them a degree of legitimacy as 'essential service providers', as has been the case across the western Balkans since the early 1990s.

6.3. Military Interventions

The category of military interventions covers a broad spectrum of international efforts from the deployment of traditional peacekeeping forces to oversee ceasefires and separate warring factions to military components of international post-conflict reconstruction operations to the use of force on the territory of a state who has not consented to such an intervention.

Peace-keeping was, for most of the Cold War period, the predominant measure taken by the international community (i.e., the UN) in this context to manage ethnic conflicts. Their track record is mixed at best. The UN operation in Cyprus (UNFICYP) was unable to prevent violence between Greek and Turkish Cypriots in the early days after its launch in 1964 and was helpless in the face of the attempted Greek coup against the elected Cypriot president, Archbishop Makarios, in 1974 and the subsequent ethnic cleansing on the island following a Turkish invasion. Since then, however, it has overseen a relatively high degree of stability. This ambiguous success, however, is dwarfed by the monumental failure of the UN operation in Rwanda (UNAMIR) to prevent the 1994 genocide against the Tutsis. UN peacekeepers in the former Yugoslavia equally struggled to keep a non-existing peace in Bosnia and Herzegovina until the summer of 1995 when a more robust (US/NATO-driven) approach of using the full scope of the mandate provided by the UN Security Council, including airstrikes against Serb forces, contributed to bringing Serbs to the negotiation table in Dayton—after the massacre of Srebrenica in which Serb forces killed several thousand Bosniak (Muslim) men, virtually under the eyes of a Dutch peacekeeping battalion.

Peace support or stability operations have by-and-large replaced traditional peacekeeping operations. These are more complex operations in terms of their mandate, extending far beyond ceasefire observation and the separation of combatant forces on the ground. While there is a recognition that security is a *conditio sine qua non* for sustainable peace in the aftermath of ethnic conflict, there is equally a realisation now that mere peacekeeping does little to settle an actual conflict—at best, it contains violence, at worst it gives conflict parties an opportunity to rearm and regroup before the next round of violence. Peace support operations are thus meant to create conditions in which other efforts can succeed. Take the example of the UN mission in Kosovo (UNMIK), for example. Established after NATO's intervention in 1999, it brought together a multitude of actors to perform a wide range of different tasks deemed necessary to rebuild Kosovo economically, socially, and politically and contribute to settling the underlying conflict. Under the leadership of the UN, NATO was to provide security, the OSCE was charged with building democratic institutions, and the EU was given the task of economic reconstruction. While far from a resounding success, UNMIK embodies the very complex nature of contemporary peace support operations and illustrates their potential for success and failure shaped equally by organisational factors and conditions on the ground.

The use of force by the international community without the consent of the state on whose territory the intervention takes place remains the exception among military interventions. Yet, what is often referred to as humanitarian intervention or humanitarian military intervention remains highly controversial, despite its infrequency. Moreover, while by the end of the 1990s a consensus seemed to emerge around the recognition of the 'Responsibility to Protect' populations from systematic and gross violations of their human rights, this consensus has more or less evaporated again in the aftermath of the US-led intervention in Iraq.¹⁸ While the moral case for the use of force

¹⁸ Regarding the impact of Iraq on the case for non-consensual military interventions, see Bellamy (2004).

in protecting civilians from violence has, arguably, not diminished since NATO's intervention in the Kosovo conflict in 1999,¹⁹ the international environment that facilitated its *ex post facto* legalisation in UN Security Council Resolution 1244 of 1999 simply no longer exists. This is not to argue that I will not see future unauthorised military interventions by third parties in ethnic conflicts. Rather, the point is that these are going to be even more determined by what intervening states consider their strategic interests. To be sure, these played a role in the 1999 NATO intervention in Kosovo, too, but their absence in the case of Darfur, in part, explains the lack of any serious commitment on the part of the international community to actively in what is today's largest-scale humanitarian emergency.

7. Regional and International Organisations in Ethnic Conflict Regulation

This increasing involvement of regional and international organisations in conflict settlement, on the one hand, clearly justifies my inclusion of international level factors in the analysis of ethnic conflicts and conflict regulation. Even if the involvement of such organisations is by no means a guarantee for achieving sustainable settlements, those settlements that have had even a small measure of success, if only in the form of conclusive negotiations, have all involved such organisations: from Burundi to Dayton, from East Timor to Northern Ireland., from Gagauzia to Aceh. Yet, there are as many, if not more, cases in which regional and international organisations have been unable to succeed in achieving and sustaining successful settlements. Before I turn to the issue of how I can apply my analytical model empirically to the explanation of both the failures and successes that regional and international organisations have had, I briefly want to explore their role in the two post-negotiation stages. Again, let's look at the example of the EU. The Union plays an important role in the Western Balkans that has significant bearing on the influence—direct or indirect—that it can exercise on the implementation and operation of conflict settlement agreements in the region.²⁰ Association with, and potential future membership, of the EU are a significant attraction to the conflict-torn countries of the former Yugoslavia and give the EU additional leverage to ensure that conflict settlements, once negotiated, are implemented and operated to the EU's liking. This strategy has been successful with regard to Croatia, but markedly less so with regard to Serbia where a negotiated settlement over Kosovo is, in fact, absent and a majority of EU member states has recognised Kosovo's independence. Other regional and international organisations have fewer such carrots available to them, and the EU itself, of course, is geographically limited in the application of this approach. Having said that, there is, however, a greater tendency among individual donor countries and international organisations such as the World Bank and the International Monetary Fund to make their assistance conditional on recipient countries' compliance with certain requirements, including those related to the implementation of conflict settlement agreements, or otherwise face cuts in aid and development assistance or sanctions.²¹ Finally, regional and international organisations have also used the threat of force and actual force to compel local conflict parties to achieving a settlement, thereby often shifting the balance of power between them. Just consider the UN and NATO interventions in Bosnia and Kosovo, respectively, in 1995 and 1999, the Australian-led intervention in Solomon Islands, and the US and UK-enforced no-fly zone over the

¹⁹ Normative arguments for and against intervention are explored at great length in, among others, Finnemore (2003), Hoffman (1996), Holzgrefe and Keohane (2003), Kaldor (2007), Lang (2003), Smith (1998), Weiss (2008), and Wheeler (2000). The classic text on just war remains Walzer (1977).

²⁰ This influence can be, and has been, brought to bear during negotiations as well of late. The EU's ability, together with NATO, to make political parties in Macedonia accept the Ohrid Framework Agreement in 2001 is a good example for the success of this strategy, while the rejection of Serbia to recognise the status of Kosovo as an independent country illustrates its failure.

²¹ On recent World Bank efforts to 'mainstream' conflict resolution concerns into development policy, cf. van Houten (2007).

Kurdistan region of Iraq that helped the region establish itself politically and economically as a distinct entity within Iraq with significant autonomy from the centre, a situation that had become so entrenched that it was formally recognised in the 2005 constitution.

Let me briefly return at this stage to the question in how far my levels of analysis model can help explain the success and failure of international conflict regulation. One predominant feature of much of the literature on international conflict regulation is the inductive approach taken by many authors, starting from their specific case/s towards more general lessons (cf., for example, Caplan 2005 a and b, King and Mason 2006). This is not a criticism of the doubtless quality of the analysis and scholarship offered, but it provides an opportunity to problematise the issue of a conceptual framework in which the outcomes of international interventions, and of the frequently following, state-building missions, can be investigated.

The need for, and nature of, such a conceptual framework can be well illustrated with the growing role of the European Union in this area of international politics. Scholarly investigation of the part played by the EU in international conflict regulation is, so far, a relatively under-developed area of academic enquiry.²² However, significant work has been done on both the EU-internal policy processes related to the development of the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) and the application of these policies to specific countries and regions,²³ also including a growing body of literature on the EU's European Neighbourhood Policy (ENP).²⁴

While the different literatures on international organisations, on international intervention, and on conflict regulation in the case of the EU remain to date relatively unconnected,²⁵ existing scholarship, to the extent that it is focussed on the role of the EU, offers comparative insights in relation to other international and regional organisations²⁶ or examines conflict management as part of other, broader EU policies, most recently and most significantly enlargement.²⁷

A conceptual framework that can provide the analytical tools for the study of the EU, and by extension of other regional and international organisations, needs to incorporate an analysis of factors within the EU, or at least predominantly related to its capabilities, and of factors that are exogenous to the EU yet determine the nature and dynamics of the particular conflict situation the EU confronts. I have already offered a systematic discussion of these exogenous factors above, and thus concentrate in the following on the EU-internal dimension of such an analysis. Relevant factors here relate to three sets of capabilities that the Union must possess in order to succeed in conflict management: capabilities to act, to fund, and to cooperate and coordinate (see Figure 1).

Capabilities to act include the availability of personnel and hardware, as well as of appropriate institutions and policy instruments. The ability to fund various conflict management operations in the short and the long term relate to questions of the overall

²² Two recent volumes have begun to address this gap: Kronenberger and Wouters (2004) and Tocci (2007).

²³ See Smith (2004), Cannizzaro (2002), Dannreuther (2003), Ginsberg (2001), Mahncke et al. (2004), Marsh et al. (2005), Smith, H. (2002), Smith, K. (2003).

²⁴ See Comelli et al. (2007), Dodini and Fantini (2006), Dannreuther (2006), Kelley (2006).

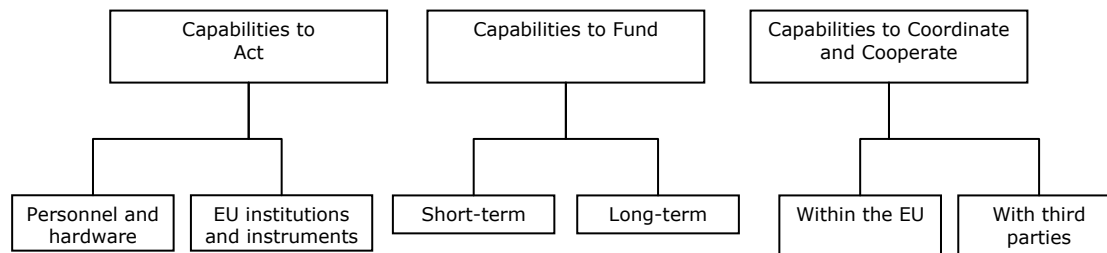
²⁵ One notable, albeit now somewhat dated, exception is Duke (2003).

²⁶ For example, Lake and Morgan (1997), Thakur and Schnabel (2004), Pugh and Singh Sidhu (2003), Diehl and Leggold (2003), Otunnu and Doyle (1998).

²⁷ For example, Coppieters et al. (2004), Diez et al. (2002), Holliday et al. (2004), Sasse et al. (2004), Toggenburg (2005), and Vachudova (2005).

availability of funds, as well as to the speed with which funding can be provided. Finally, coordination and cooperation capabilities within the EU have two dimensions: a horizontal one (coordination among different policy areas) and a vertical one (between the EU as a supranational organisation with its own institutional structures and the EU member states). At the external level, coordination and cooperation relates to the EU's ability to work with other regional and international organisations (e.g., NATO, UN, OSCE, etc.) and with individual third-party states (e.g., Russia, US, Switzerland).

Figure 1: Necessary Capabilities for Regional and International Organisations Engaged in Ethnic Conflict Regulation



Consequently, when it comes to the study of international ethnic conflict regulation, it is necessary to expand my levels-of-analysis approach and conduct a more elaborate investigation into one specific dimension, namely the nature of the relevant actor engaged in the conflict regulation effort. To be sure, this is a refinement, rather than a revision, of my general approach, and one that is necessitated by the specific direction of an inquiry into the causes of success and failure of international conflict regulation. There is, of course, a theoretical implication that goes with this explicit additional focus on conflict regulation actors, in that I hypothesise that success and failure are determined in two dimensions: the capabilities of these actors and the situation that they face on the ground.²⁸ Neither of these are sufficient in themselves to guarantee success, but rather they are both necessary conditions. This is also an argument against the widespread tendency to attribute blame for failed efforts to prevent or settle ethnic conflicts to regional and international organisations alone.²⁹

8. Success and Failure of International Intervention: The Case of Kosovo

The conflict in Kosovo is an ethnic conflict with strong territorial and cross-border/international dimensions. The conflict and its various (interim) settlements have had implications far beyond Kosovo: for Serbia, for the region of the Western Balkans, and for the international system.

8.1. Background

Driven by concerns about the human rights situation in Kosovo and the implications of a further escalation of the latent conflict there, from 1990 a number of international

²⁸ There have been few systematic studies of this relationship: Gilligan and Stedman (2003) and Fortna (2004) offer evidence that international intervention most often takes place in cases of severe violent conflict, i.e., a very difficult situation on the ground shapes the prospects of success and failure. Caplan (2005) similarly distinguishes between the capabilities of the intervening actor and the local context in which the intervention occurs. Diehl (2008) ascribes success to operational, contextual and behavioural factors. Pushkina (2006) explores these factors in the context of post-Cold War UN peace missions.

²⁹ This is sometimes already obvious in book titles: King and Mason (2006) subtitle their empirically very rich analysis 'How the World Failed Kosovo', while Chandler (2000) offers his view on the situation in Bosnia in the title of his book 'Faking Democracy after Dayton'.

governmental organisations began to adopt various strategies of intervention, starting with the European Parliament’s first resolution on Kosovo.³⁰ The intervention strategies adopted prior to NATO’s air campaign reached from declarations of concern and the funding of NGO initiatives, to CSCE/OSCE monitoring missions in Kosovo, and to concrete proposals on how best to address the Kosovo crisis. The organisations involved were on the global level the United Nations and the International Conference on the Former Yugoslavia and its successor organisations, on the transatlantic level NATO, the CSCE/OSCE, and the Contact Group on Bosnia-Herzegovina, and on the European level the EU, the WEU, the European Parliament, and the Parliamentary Assembly of the Council of Europe. Apart from this, there have been a number of bilateral and regional initiatives, such as the Kinkel-Védrine Initiative of November 1997³¹ and the Turkey-inspired initiative to create a multinational Balkan rapid intervention force drawn from the armed forces of Albania, Bulgaria, the FYROM, and Romania.³² Individually, the governments of Russia, the United States, and, to a lesser degree, Germany, Italy, and Greece have played a part in the international community’s response to the evolving and subsequently escalating conflict in Kosovo.

The difficulties the international community experienced in formulating and implementing a consistent and effective policy approach towards the conflict in Kosovo were several and had their sources within Kosovo, Serbia (and while they existed, the Federal Republic of Yugoslavia and the State Union of Serbia and Montenegro, respectively), the wider Balkans region, and within the complex framework of relations between the main actors in the international arena. Together these factors have, from the outset, limited the range of possible policies, resulting in international governmental actors failing, individually and collectively, to prevent and subsequently settle the conflict qua a negotiated solution.

Within my four-level framework of analysis, I need to consider the situation on the ground in Kosovo, in Serbia, in the region of the Western Balkans, and the broader international context. In particular, I need to examine the following specific factors outlined in Table 2.

Table 2: Factors Influencing the Development of the Kosovo Conflict

Situation in Kosovo	Situation in Serbia	Regional Context	International Context
<ul style="list-style-type: none"> • Inter-ethnic situation: <ul style="list-style-type: none"> ○ Socio-demographic structure ○ Level and nature of inter-group conflict and alliances ○ Nature of cleavages 	<ul style="list-style-type: none"> • Political and economic importance of the conflict and the territory of Kosovo • Policy agendas of major parties in relation to the conflict • Availability and 	<ul style="list-style-type: none"> • Impact of the conflict: <ul style="list-style-type: none"> ○ Stability of democratic institutions and ethnic balances ○ Spill-over potential ○ Refugee movement • Impact on the 	<ul style="list-style-type: none"> • Geopolitical significance of the territory • Interest structures and alliances • Availability and commitment of resources by

³⁰ The involvement of non-governmental organisations in Kosovo goes back to the 1980s, when Amnesty International and other human rights organisations began to monitor, and report on, the situation in Kosovo. Cf., for example, Amnesty International (1989).

³¹ This initiative is summarised in a letter by the two foreign ministers to Slobodan Milošević, dated 19 November 1997. The official German and French versions are reprinted in Troebst (1998).

³² On details regarding the latter, cf. Defence Committee of the Western European Union (1998).

<ul style="list-style-type: none"> ○ Power and numerical balance ● Intra-ethnic situation: <ul style="list-style-type: none"> ○ Dominant policy agenda ○ Strength of leadership ○ Existence of factions ○ Availability of resources 	<ul style="list-style-type: none"> commitment of resources ● Perceived impact of the conflict on potential or actual other conflicts 	<ul style="list-style-type: none"> conflict: <ul style="list-style-type: none"> ○ Policy agendas of major players in relation to the conflict ○ Regional interest structures ○ Cross-border ethnic alliances 	<ul style="list-style-type: none"> international organisations
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8.2. *The Constraints of Conflict Containment*

As previously mentioned, from 1990 onwards various policy initiatives by the international community had sought to prevent the violent escalation of the conflict in Kosovo, which escalated from February 1998, in the wake of years of rising inter-ethnic tension. Thereafter, the major objective of the international community was to prevent a spill-over of the conflict into neighbouring countries, while simultaneously calming the situation in Kosovo and searching for an acceptable settlement. These efforts were frustrated by a variety of factors, which I will now discuss in turn.

The inter-ethnic situation in Kosovo

Relationships between Albanians, Serbs, and members of other ethnic groups in Kosovo have rarely been harmonious. Culturally, the territory is significant for Serbs and Albanians alike, playing an important role in identity-shaping collective myths. With the creation of socialist Yugoslavia after the Second World War, hopes for the consolidation of a greater Albania, created under Italian occupation, vanished into thin air. Several constitutional reforms between 1946 and 1974 increased the autonomy of Kosovo, but failed to address the inter-ethnic unease. After 1974, the Serb population found itself increasingly pressurised by the Albanian majority in the province. The March 1981 riots in Pristina were something of a watershed. Despite their mundane origins in a student protest at the quality of the food at the University of Phristina, they quickly assumed a nationalist hue. Their violent suppression by Yugoslav security forces and the indeterminate number of deaths that resulted served to stimulate nascent Albanian nationalism. Albanian activists pressed ever harder for republican status of Kosovo, which according to the Yugoslav constitution brought with it a conditional right to secession. Tensions between Serbs and Albanians in Kosovo and between the ethnic Albanian minority and the central government in Belgrade, increasing simultaneously to the rise of nationalism among all ethnic groups in Yugoslavia, culminated in the abolition of Kosovo's autonomy in 1989. Policies of segregation pursued by Serbs in Kosovo and Belgrade resulted in the creation of two parallel societies – Serb and Albanian. Albanians, after being forced out of the public sector, set up their own institutions, and proclaimed the Republic of Kosovo after a 'secret' referendum and parliamentary and presidential elections in 1991 and 1992.

The Yugoslav wars of secession diverted international attention from Kosovo, but increased tensions in the region itself. Serbs and Albanians became increasingly radicalised, their fears and demands also being fuelled from political actors outside Kosovo, such as the Serbian government in Belgrade and the Albanian diaspora in

Western Europe and the United States. A last (theoretical) chance of addressing the situation in Kosovo came with the Dayton Peace Accords in 1995. When Kosovo was only mentioned in passing in the agreement, Albanians realised that their thus far mostly peaceful struggle for independence had failed, while the government in Belgrade felt it had been given a *carte blanche* by the international community in relation to Kosovo, despite the so-called Christmas warning issued by US President G. H. Bush in 1992, which had threatened US armed action should Serbia use force in Kosovo. Consequently, inter-ethnic relations deteriorated further.

The intra-ethnic situation in Kosovo

The two major problems which the international community had to confront with respect to the ethnic Albanian population in Kosovo were their demands for an independent state and the fact that otherwise no unified political platform among ethnic Albanians existed, and that all attempts to create one were frustrated by personal and political rivalries.

Until the mid-1990s, Ibrahim Rugova was the unchallenged leader of the ethnic Albanians' peaceful resistance to Serbia and there seemed to be a widespread determination among the existing political parties of Kosovo Albanians to let party-political differences not come in the way of a joint political agenda. Initially, this aimed at a restoration of the *status quo ante plus*, i.e., the return to the 1974 constitutional regulations with a simultaneous upgrading of Kosovo to a republic and of ethnic Albanians to one of the constituent peoples of the Yugoslav state. Subsequently, however, continued Serbian repression made Rugova and his party demand independence.³³ Two unofficial presidential and parliamentary elections administered by the Kosovo Albanians confirmed his claim to the presidency of the self-proclaimed Republic of Kosovo. While Rugova thus possessed a certain degree of democratic legitimacy, even though the elections were organised under very difficult conditions, he had hardly any substantive power. At an internal level, this became apparent by the rejection of his authority by the emergent KLA. Externally, in his relations with Serbia and the FRY, Rugova was not able to secure any substantial concessions from Yugoslav President Slobodan Milošević, apart from a March 1998 agreement to reopen Albanian language schools. Another severe blow to his strategy of non-violent resistance and of engaging the international community for the cause of an independent Kosovo was dealt by the European Union's official recognition of the FRY in 1996 before any resolution of the already obvious conflict in Kosovo. However, to some extent, blame also rested with Rugova himself. Insisting on the necessity and possibility of achieving Kosovo's independence from Serbia, he raised the hopes of ethnic Albanians even at a time when the international community had long made it clear that it did not support a unilateral change of borders.

At the time, Rugova's LDK faced four main political rivals – the Independent Union of Albanian Students, which was the first political organisation to defy Rugova openly in 1997; Adem Demaçi's Parliamentary Party of Kosovo (PPK), who for some time also represented the KLA; the Social Democratic Party of Kosovo, which joined the former two in the boycotts of the March 1998 Kosovo elections; and the Albanian Democratic Movement, which was formed at the end of June 1998 recruiting its members and

³³ For the early political platform of the LDK, see the Political Declaration of 5 May 1991, reprinted (in a German translation) in The President of Schleswig-Holstein Parliament (1991: 119f.). On the future of Yugoslavia, the declaration states: "A Yugoslavia constituted without the approval of the Albanians can not be their state. In this case, Albanians would be forced to seek their independence and equality outside of it and in accordance with the principles of self-determination of peoples and in the spirit of the CSCE documents." (ibid.)

leadership partly from dissatisfied former Rugova allies.³⁴ Yet, while Rugova could claim some democratic legitimacy in relation to these political organisations, the major, and eventually successful, challenge to his leadership came from the KLA, which became increasingly popular among Kosovo's Albanian population and was well-funded by the Albanian diaspora in Western Europe and the United States and by 'proceeds' from drugs and weapons trafficking.³⁵

The major problem that arose from this constellation was that even if a (temporary) settlement could have been negotiated in 1998, the structure of talks between Rugova's exclusive negotiating team and Serbian/FRY officials would have been unlikely to muster sufficient support among ethnic Albanians (and the various political groups that claimed to represent them) to implement successfully any agreement that fell short of independence, at least in the short term. This was particularly true for the KLA, who, through its then political representative Adem Demaçi, made it clear on several occasions, that only the realisation of full independence, or at least the international community's clear support for this goal, would lead to a permanent end of its struggle.³⁶ This stance increased the KLA's popularity further, and the international community had to accept the role of the organisation and include it into its efforts to address the crisis in Kosovo.

To prevent Kosovo's independence at all costs was the foremost objective of a large majority of the ethnic Serb population in the province. In this effort, they had the overall backing of the Serbian government in Belgrade and the protection of the Serbian security forces. However, despite this active endorsement by the central government, ethnic Serbs in Kosovo were not in a particularly easy position. Their share of the population shrunk from just under one-third in 1961 to less than one tenth in the 1990s.³⁷ This decrease had partly to do with emigration motivated by the much lower standard of living in Kosovo compared to any other part of Yugoslavia during the years before the break-up of the state. In addition, the Serbian perception of the post-1974 period in Kosovo had also been shaped by the experience of the 'national key' – a system that ensured proportional representation of ethnic groups in the public sector, which, as Yugoslavia had a more or less completely nationalised economy, included almost all sectors of the job market as well. Consequently, Serbs saw themselves (and

³⁴ The Yugoslav Helsinki Committee's 1995 Human Rights Report characterised the parallel ethnic Albanian social system as a party state not unlike that of Serbia because of the sheer dominance of Rugova's LDK in the elected parliament.

³⁵ Cf. United Nations Economic and Social Council, Commission on Crime Prevention and Criminal Justice, Fifth Session, 21-31 May 1996 (Doc. E/CN.15/1996/2) and U.S. Department of Justice, Drug Enforcement Administration, *NNICC Report 1996*, <http://www.usdoj.gov/dea/pubs/intel/nnicc97.htm>, July 1998, and U.S. Department of Justice, Drug Enforcement Administration, *NNICC Report 1997*, <http://www.usdoj.gov/dea/pubs/intel/nnicc98.pdf>, July 2000, p.72.

³⁶ At a press conference on 6 October 1998, Demaçi said "I believe that the Kosova Liberation Army is an expression of the Albanian national desire for freedom, and [as long as] oppression continues, this nation will desire its freedom and will express that through its Liberation Army. If the international community will mediate in the direction of realising the Albanian nations' right for independence, and toward the results of the 1991 referendum, where freedom and independence for Albanians and some other rights that would come as a result of Kosova becoming a political subject, are included, then this would open up doors for cessation of the war on the part of the Kosova Liberation Army. However, if Albanians remain under Serb rule after the termination of fire, it would be an unequal act to ask from Albanians to give up their freedom when you know well that the educational, cultural, economical, financial, political, systems have been destroyed. [...] Requesting the same thing from those who terrorised and brought this situation upon Albanians by taking away their inherited rights from the multi-year struggle since [World War Two], which means 15 years of semi-colony rights, will be intolerable."

³⁷ For the years 1961, 1971, and 1981, there are more or less reliable Yugoslav census data. As ethnic Albanians boycotted the 1991 census, all figures for the 1990s are estimates, but there seems to be consensus that there is about a ten per cent non-Albanian population in Kosovo, of which Serbs are the most numerous. See Büschenfeld (1992: 1095-1101).

indeed occasionally they were) at a disadvantage in Kosovo in a variety of ways, especially in comparison to their pre-1974 position, and chose to emigrate in significant numbers.³⁸ From the mid-1980s onwards, ethnic Serbs in Kosovo began to organise themselves in order to lobby the central government in Belgrade. In January 1986, prominent Belgrade intellectuals sent a petition to Serbian and Yugoslav authorities claiming an anti-Serb genocide was underway in Kosovo and demanding decisive constitutional and other steps be taken to reverse the fate of the Slav population in the province.³⁹ Towards the end of that year, the Kosovo Committee of Serbs and Montenegrins was formed, sending petition after petition to Belgrade urging tough measures to ensure the 'survival of Serbdom' in Kosovo. After initially criticising the government for not destroying the Kosovo Albanian shadow state in the mid-1990s, the Serb Resistance Movement (SPO) sponsored the so-called Serb-Serb talks and took a more conciliatory approach from 1997/98 onwards, recognising the need for an inclusive settlement that would equally accommodate ethnic Albanian and ethnic Serb interests. Supported by the Serbian Orthodox church in Kosovo, Momcilo Trajkovic, the party's president, repeatedly called for inclusive talks of all parties involved and equally criticised Yugoslav President Milošević and the KLA for their uncompromising positions (Moffett 1998). The party recognised that the main obstacle for a solution of the conflict was the lack of a democratic political process in Serbia, but its efforts to remedy this situation and promote dialogue between Serbs and Albanians were not very successful, mostly because of the lack of trust between these two groups, grown over a prolonged period of latent conflict.

In addition, it must be noted that the Serb population of Kosovo was far from homogeneous, and this affected political developments quite strongly. Several thousand Serbs who had been forced out of Croatia were resettled in Kosovo, many of them against their will. When, in addition to the traditionally depressed economic conditions in the area, the security situation worsened as well, resulting in some 2,000 registered Serb and Montenegrin refugees by mid-July 1998 (Yugoslav Helsinki Committee 1998), this section of the Serb population in Kosovo became particularly radicalised providing an electoral stronghold for the Serbian Radical Party and its leader Vojislav Šešelj.

It is also important to realise that despite the fact that some sections of the Serbian Orthodox Church, were genuinely committed to the peaceful and democratic resolution of the conflict, it had a vested interest in a settlement within the existing boundaries of Yugoslavia. In a 1998 interview, one church official referred to the fact that the independence of Kosovo 'could lead to a large-scale exodus of the Serbian population from the province. If this happened, it is a question whether my church and monastic communities could remain here.'⁴⁰ Given the central importance of Kosovo to the Serb Orthodox Church,⁴¹ the church clearly could not be seen as impartial in its mediation efforts.

The increased KLA targeting of Serbs and the continued instrumentalisation of Kosovo in Serbian and Yugoslav politics diminished the chances of success for moderate forces among Serbs in Kosovo. Serb self-armament, 'retaliation', and co-operation with the security forces, in turn, contributed to the hardening of positions on the Albanian side,

³⁸ As early as 1993, there have also been reports by independent human rights organisations that Serbs were subjected to intense ethnic discrimination and intimidation on the part of Albanians in Kosovo. Cf., for example, International Helsinki Federation for Human Rights (1993).

³⁹ An English translation of the petition is reprinted in Magas (1993: 49).

⁴⁰ "The Interview To 'Blic' Daily By Hiermonk Sava From Decani Monastery", http://www.decani.yunet.com/interview_frsava.html, July 1998.

⁴¹ As one of its most important historical events, the Serbian Orthodox Church regards the 1346 recognition of the archbishop of Serbia as patriarch with headquarters in Pec.

thus diminishing the already slim chances of an inter-ethnic accord as part of an agreement on the future of Kosovo.

I should pause at this point to acknowledge the fact that although Albanians and Serbs are the two numerically strongest and politically predominant ethnic groups in Kosovo, they are not alone. According to estimates before the escalation of the conflict, Albanians accounted for 82.2% of the total Kosovo population and Serbs for 10%. Other ethnic groups included Bosniak Muslims (2.9%), Roma (2.3%), Montenegrins (1%), Turks (0.6%), and Croats (0.4%).

Characteristic for all these other minority groups was the fact that they were politically poorly organised, internally split, and unwilling to co-operate with other minorities. Among other things, this had its reasons in the assimilatory pressure put on other Muslim minorities by the Albanian community and the relative satisfaction smaller minorities felt with the rights granted to them by the Serbian authorities. This lack of co-operation among ethnic groups in Kosovo, and that included ethnic Albanians, and their failure to adopt a common stance and joint political platform vis-à-vis the Serbian authorities on the crucial issue of minority rights enabled the Serbian government to conduct a selective minority policy, encouraging the artificial division among and within ethnic groups and distinguishing between loyal and disloyal minorities, and treating each of them accordingly.

However, for two reasons the presence of other ethnic minorities in Kosovo, or Serbian instrumentalisation of this fact, must not be overestimated in their impact on the development of the conflict. First, numerically and politically these other minorities were rather insignificant when compared to ethnic Albanians and ethnic Serbs. Second, no kin-state (Turkey, Bosnia-Herzegovina, Croatia) was willing to commit the level of resources necessary to intervene decisively with the government in Belgrade over the minority rights situation in Kosovo.

The Situation in Serbia

The importance of Kosovo for Serbia or more precisely, for the Serbian and Yugoslav governments, is primarily political. Former Yugoslav President Milošević began ascent to power in the region in 1986/87 on a platform of Serbian nationalism focussing on Kosovo, and from 1998 his grip on power became ever more dependent on his ability to instrumentalise the Kosovo crisis. Throughout the period before NATO's intervention, that is, when a political rather than military solution still seemed possible, Milošević succeeded in rallying Serbian nationalist support behind him. By incorporating the Serbian Radical Party (SRS) and the Serbian Renewal Movement (SPO) into his government, Milošević managed to make two possible major critics share the responsibility for domestic and international consequences of government policy in Kosovo (International Crisis Group 1998a). Against this background of growing influence of extreme nationalists, Milošević was also able to present himself as an indispensable guarantor of stability to the international community because of his influence in the region and because of undesirable alternatives after his departure. More importantly, he managed internally to prevent a democratisation of the political process in Serbia and the FRY by keeping some one million Albanian voters away from the polls and by keeping inner-Serbian and inner-Yugoslav democratic opposition parties in a state of antagonistic division (United States Institute of Peace 1998). Ironically, the electoral boycott of ethnic Albanians enabled the Socialist Party of Serbia (SPS) to increase its representation in parliament, as the seats not contested by Albanians went automatically to the SPS.

Within the parameters of Yugoslav territorial integrity, Milošević publicly portrayed himself as someone committed to a peaceful settlement of the conflict. On 28 September 1998, the National Assembly of the Republic of Serbia approved a number of resolutions concerning the Kosovo conflict, in which its members emphasised the need for a speedy resolution of the ensuing humanitarian crisis (UN Secretary General 1998). The conciliatory stance adopted by the parliament followed the adoption five days earlier of Resolution 1199 (1998) by the UN Security Council. Although these resolutions contained important commitments in relation to the humanitarian dimension of the crisis, they did not imply a fundamental change in the Serbian political approach to the resolution of the Kosovo conflict. With Milošević gaining politically on several fronts from the ongoing conflict in Kosovo, initiatives aimed at a permanent settlement were unlikely to succeed without stronger international pressure. Without it, the odds were that Milošević would pursue a policy of moderate de-escalation (to avoid the risk of international intervention) and continuing tension in Kosovo (to maintain the conflict at a low-intensity and manageable level).

Apart from the political dimensions to the conflict, Kosovo was also important for Serbia/FRY in economic terms. Internally, its coal mines and power stations that were important to the Yugoslav industrial and private energy market and the cost of the ongoing conflict made the future of Kosovo an economic concern. Externally, the economic significance arose from the crucial role the conflict and its settlement were assigned in the Dayton Accord for the lifting of economic sanctions against the FRY.

Beyond Kosovo: The Regional Context of the Conflict

Historically, the Balkans have been a region of great instability for over a century. The demise of the Ottoman and Habsburg empires and the withdrawal of Russia from the region for most of the inter-war period left a power vacuum behind that was filled only insufficiently by the new states that emerged on the ruins of these empires. The territorial arrangements adopted after the First and Second Balkan Wars and after World Wars I and II did not resolve many of the historical border and nationality disputes. These disputes, merely suppressed by the realities of the Cold War, came again to the forefront of international politics after 1989.

One of the central problems was the so-called Albanian question, i.e., the presence of large Albanian minorities in Macedonia, Montenegro, Greece, and Kosovo and some smaller areas of southern Serbia. In the 1990s, the worsening situation in Kosovo had its most direct impact on Albania, Macedonia, and Montenegro, where domestic developments and responses to the crisis in turn had consequences for Kosovo.

In Albania, communism began to crumble at the beginning of the 1990s. Multi-party elections in 1992 and 1996 resulted in Sali Berisha's Democratic Party (PD) winning overwhelming victories. As early as 1990, this party had re-introduced the issue of Kosovo into the emerging democratic political process in Albania. In 1992 the Kosovo Albanian shadow state was recognised *de facto* by a decision of the Albanian parliament asking the Democratic Party government of the day to recognise the Republic of Kosovo. Although the government did not act upon this resolution (Schmidt 2000: 37f.), it still remodelled the concept of Albanian citizenship along *jus sanguinis* lines to include all ethnic Albanians regardless of their country of residence (International Crisis Group 1998c). Official support for Kosovo's independence from the Albanian government, however, did not extend far beyond verbal declarations, and even these stopped after the government recognised the existing borders with the FRY in the wake of the escalating war in the neighbouring country in 1994. In early 1997, Albanian society was at the brink of collapse and only narrowly escaped civil war when pyramid investment

schemes collapsed taking with them the savings of a majority of the anyway poor Albanian population. The situation was blamed largely on the government-in-office, which was defeated in early elections in 1997.

The incoming socialist government of Albania, preoccupied with the country's internal problems of a collapsed economy and increasing crime rates, tried not to get involved too deeply in the ongoing Kosovo conflict and, above all, not to lose critical western support in the rebuilding of Albanian society. Facing an increasing influx of refugees, it pursued a policy of de-escalation and of recognition of the existing borders of the FRY, favouring a solution within Yugoslavia giving Kosovo equal status with Serbia and Montenegro. At a summit of the leaders of seven Balkan countries in November 1997, the new Albanian Prime Minister Fatos Nano and Yugoslav President Slobodan Milošević had a private meeting at which they discussed the Kosovo issue. While the meeting did not result in a breakthrough regarding the constitutional position of Kosovo, it did at least indicate that the new Albanian government would continue to respect existing borders, rather than inflame the then latent violent conflict by making irredentist claims to Kosovo. On the other hand, this seemingly prudent approach taken by the new Albanian government did not coincidentally fall together with the radicalisation of the political spectrum in Kosovo and the increasing influence of forces determined to realise the goal of independence by all means possible, including the use of violence. Statements by government officials in Tirana accusing the KLA of terrorism and rejecting the idea of an independent Kosovo were not popular among any of the ethnic Albanian political factions in Kosovo. During the summer of 1998, Albania's policy towards Kosovo changed from one of neglect and condemnation of 'KLA terrorism' to a more sober analysis of the situation, weighing carefully domestic and foreign interests. While public opinion seemed almost entirely in favour of showing solidarity with ethnic Albanians in Kosovo (Sunley 1998), the degree to which this should include more active involvement differed greatly. Through family ties, the influx of refugees, and the operation of KLA support and supply networks, Albanians in the north of the country were already much deeper involved in the conflict than their fellow citizens in the south. The lack of government control over the northern region, the existence there of organised crime, drug trafficking, and weapons smuggling networks run by Kosovo Albanians⁴² as well as cross-border pursuit by the Serbian security forces increased the danger of a spill-over of the conflict, in which Albania as a whole did not have any interest. Yet, it was not entirely clear in how far the government supported the KLA and co-operated in this with diaspora groups, especially in Switzerland and Germany, to all of which it had at least some ideological affiliations.⁴³

In assessing Albania's role in the Kosovo conflict, the country's political and economic dependence on other international actors needs to be taken into consideration as well. Relationships with Greece, Italy, and Macedonia were very complex and in one way or another related to the Kosovo conflict. Greece, a country traditionally relatively close to Serbia, has its own Albanian minority, even if officially the Greek government is reluctant to admit to its existence. Italy, which is a member of the Contact Group, has, since 1990, had to accommodate a large number of Albanian refugees in the past both from Albania proper and Kosovo. While bilateral relations with Macedonia improved in recent years, the issue of the Albanian minority there remains sensitive, in particular because of close ties between Northern Albanians, ethnic Albanians in Macedonia, and their kin in Kosovo.

⁴² Cf. United Nations Economic and Social Council (1996) and U.S. Department of Justice (1996).

⁴³ According to Schmidt (2000: 37), the Socialist Party in Albania was closer to the KLA, while the Democratic Party had closer ties with the LDK.

Albania's internal weakness in the mid to late 1990s, and in particular its almost complete lack of an effective defence force, increased the country's dependence on western military support. The Partnership for Peace agreement between NATO and Albania provided the Albanian government with some assistance in handling the evolving crisis in Kosovo.⁴⁴ However, even if NATO or the UN had been planning a border control mission in Albania similar to the one in Macedonia, the lack of infrastructure in Albania would have seriously delayed any such operation, probably beyond the point of its usefulness in conflict prevention policy (International Crisis Group 1998c). The inability to protect effectively its northern borders together with the ongoing feud among Albania's political parties and the response to it from the ethnic Albanian parties in Kosovo once more increased the potential of a spill-over of the conflict into Albania.

Similar to Albania, Macedonia was among the countries most affected by the Kosovo conflict, and at the same time also had a significant impact on the development of the conflict and its future solution. Although Macedonia's secession from Yugoslavia was peaceful, the country has experienced serious ethnic tensions, especially prior to the signing of the Ohrid Agreement in 2001. In particular, the government's relationship with the Albanian national minority remains difficult.⁴⁵

Albanians in Macedonia are politically split between two important ethnic Albanian parties, whose demands, however, are not fundamentally different. An unofficial referendum organised in 1992 showed that, at a turnout of 90% of the ethnic Albanian electorate in Macedonia, roughly three quarters supported the idea of their own political and territorial autonomous structures (International Crisis Group 1998b). On this basis, ethnic Albanian parties argued for changes in Macedonia's constitution to elevate the ethnic Albanian population to the status of a constituent people of Macedonia, for improvements of the Albanian language situation, the establishment of an Albanian university, and the inclusion of ethnic Albanians in the administration (Georgieff 1998).

In addition to this internal dimension, the relationship between Macedonia and Albania is complex and has undergone a variety of changes throughout the post-independence period of Macedonia. In the period between 1992 and 1997, during the presidency of Sali Berisha and two successive Democratic Party governments, official relations between Macedonia and Albania were strained by Albania's actions directed against Macedonia's accession to the OSCE. Even though the post-1997 socialist government in Tirana pursued a more conciliatory policy vis-à-vis Macedonia, it also made it clear to its counterpart in Skopje that it would not turn a blind eye on the fate of its ethnic kin-group in Macedonia (Moore 1997).

With a Macedonian army hardly in existence, the country depended heavily on United Nations support for ensuring its territorial integrity and patrolling and monitoring its borders with Serbia and Albania. An UNPREDEP force had been in place since 1992, its mandate being extended by the Security Council on a bi-annual basis. Yet, with only 1050 personnel the force was hardly more than a symbolic gesture, confirming the

⁴⁴ On details of the PfP with Albania, see Katsirdakis (1998).

⁴⁵ One of the most contentious issues is currently that of an Albanian language university in Tetovo. The handling of this dispute has also led to disagreement among ethnic Albanians in the country: in May, more than 3000 of them publicly protested against plans to establish a multilingual (rather than monolingual Albanian) university in the town and branded the Albanian Democratic Party (PDSH), a member of the government coalition, as collaborators, accusing them to side with ethnic Macedonian parties in attempts to replace the currently private Albanian university (Bajic 2000).

commitment of the international community to ensure the Macedonia territorial integrity.⁴⁶

With an unresolved border dispute with Serbia, Greece's refusal to recognise Macedonia's name, and Bulgaria's failure to acknowledge the existence of a Macedonian language and nation until 1999, the tensions between ethnic Macedonians and ethnic Albanians in Macedonia were only one among a number of issues threatening political stability in the country. However, as elsewhere it could have been perceived as a purely internal matter easy to instrumentalise in election campaigns. Thus, the implications that the international community had to consider were not merely a spill-over of the conflict from Kosovo, but also a self-intensifying conflict in Macedonia with the potential to contribute to the ongoing destabilisation of the region. This would have been particularly likely if a settlement had been implemented for Kosovo granting the ethnic Albanian community there either far-reaching autonomy or, even though this was unlikely in 1998, independence. From a Macedonian point of view, this would have set an unwelcome example for its own latent ethnic conflict with its Albanian minority. The further frustration of ethnic Albanian demands in Macedonia, therefore, could have led to a similar violent conflict emerging there. Equally dangerous would have been a development in which ethnic Albanians in both areas would have joined forces. Existing clan ties between Kosovo and western Macedonia were already being used for the smuggling of weapons, the provision of support bases and funds, and the recruitment of militarily experienced fighters for the KLA (International Crisis Group 1998b).

The impact of and on Montenegro had to be considered primarily from a Yugoslav perspective. At the same time when Milošević was able to rally nationalist support behind him in Serbia, he did not manage to secure a victory in 1998 for his candidate for the Montenegrin presidency, Momir Bulatovic. The fear that pursuing a confrontational course vis-à-vis Montenegro and its president-elect Milo Đukanović could trigger the secession of Montenegro, and thus the end of the FRY, led Milošević to acknowledge Đukanović's victory. Although the Montenegrin president had to concede earlier than planned parliamentary elections, Milošević could not capitalise on this, as in the 1998 general election, Bulatovic's Socialist People's Party won only 29 out of 78 seats in the Montenegrin parliament, being defeated into second place by a three party coalition of Đukanović supporters which won an absolute majority.

By September 1998, Montenegro had accommodated around 40,000 refugees from Kosovo. Its resources to attend even to their most basic needs being stretched to the limits, the Montenegrin government decided to seal off the border to Kosovo and to turn away any further refugees. These economic difficulties, as important as they might have been, however, were not the only problems Montenegrin authorities faced at the time. Existing clan ties between ethnic Albanians from Kosovo and Montenegro in combination with the amount of destruction of private and public infrastructure in Kosovo made it likely that at least some of the refugees would remain permanently in Montenegro, adversely affecting carefully consolidated ethnic balances in the republic. Moreover, the sheer number of refugees in Montenegro and their provisional accommodation relatively close to the border was likely to draw Montenegro directly into the conflict once KLA

⁴⁶ United Nations Security Council, *Resolution 1186 (1998)*, S/RES/1186 (1998). The figure of 1,050 troops is an increase to the previous 750. More detailed on the role of UNPREDEP in the FYROM, see UN Secretary General, "Report of the Secretary-General Prepared Pursuant to Resolution 1160 (1998) of the Security Council," 4 June 1998, S/1998/470, and UN Secretary General, "Report of the Secretary-General on the United Nations Preventive Deployment of Force," 14 July 1998, S/1998/644. After the recognition of Taiwan by Macedonia, China vetoed the extension of UNPREDEP. The mission was subsequently turned into a NATO-led mission.

fighters established bases in the republic.⁴⁷ Within this context, the inner-Montenegrin and inner-Yugoslav power struggles could have become more intense again, resulting in a serious Montenegrin-Serbian dispute and adding to the instability of the whole region.

Beyond these three, there are a number of other Balkan countries whose position in the conflict deserved careful consideration. Bulgaria's relations with Macedonia have already been mentioned, but Bulgaria potentially also had territorial claims towards Macedonia with respect to territories ceded before 1945. The potential involvement of Turkey could have become an actuality through a treaty on mutual defence and co-operation that links the country with Albania. Greece, on the other hand, had been traditionally close to Serbia. The treatment of Albania's Greek minority and of migrant Albanian workers in Greece as well as border demarcation disputes between Albania and Greece had been the source of tension between the two countries for decades. Moreover, Greek-Turkish relations over Cyprus and territorial disputes in the Aegean Sea had been constant worries in the region for a long time before the Kosovo conflict and had brought the two countries on several occasions to the brink of war.

The International Context: United Nations, NATO, and Russia

Another major problem that inhibited the international community's ability to devise and implement effective conflict prevention, management, and resolution policies resulted from the fact that there was no unified approach to the Kosovo crisis. Not only was there a multitude of individual and collective players on the scene, with different mandates and capabilities, but there was also the problem of different allegiances, degrees of influence on the adversaries, and strategic interests. The rift between the western powers and Russia in the contact group was the most obvious example of this. Since the idea of a potential NATO military intervention to restore peace in Kosovo had been born, Russia had consistently opposed it and constantly reiterated its conviction that there could be no military, but only a political solution to the conflict. Russia's refusal to support a NATO strike in Kosovo in the UN Security Council was also accompanied by the implicit threat that such a move would be to the detriment of other strategic western interests, as it would alienate Russia from NATO and other western-dominated international organisations. On the other hand, Russia also feared that it was losing even more influence on the developments in the Balkans⁴⁸ and therefore sought to remain involved in the international mediation efforts in Kosovo.

Russia's policy towards the Kosovo conflict included both the refusal to recognise the KLA as a partner in negotiations over a settlement and a Russian engagement to broker a peaceful solution. After a meeting between President Milošević and President Yeltsin on 16 June 1998 the former agreed to begin talks with ethnic Albanians led by Ibrahim Rugova, who the Russians saw as the only legitimate representative of Kosovo Albanians, and to allow a Diplomatic Observer Mission unrestricted access to Kosovo. At this meeting, Russia took up the Serbian perspective by making it clear that a withdrawal of Serbian security forces without a curbing of KLA activities in the province would lead to a mass exodus of the Slav population and was therefore unacceptable to Serbia.⁴⁹ Russia also closely co-operated with the United States and other Contact Group members in the Diplomatic Observer Mission. In a joint statement in September 1998, Presidents Yeltsin and Clinton demanded an end to violence, the withdrawal of Serbian

⁴⁷ It was against this background that Montenegro expelled some 3,000 partly armed ethnic Albanian refugees from Kosovo to Albania in autumn 1998.

⁴⁸ One example for this trend was the formation of the Southeastern European Defense Ministerial on 26 September 1998, consisting of three NATO members (Italy, Greece and Turkey) and Albania, Bulgaria, Macedonia and Romania, with the United States and Slovenia acting as observers.

⁴⁹ The exodus of ethnic Serbs from Kosovo after the NATO air campaign lends credibility to this perspective.

forces to their permanent locations, the immediate commencement of negotiations, and the granting to refugees the possibility of returning to their homes, and increased international monitoring of the situation in Kosovo. Russia also participated in the NATO Partnership for Peace exercise in Albania in August 1998 and supported an extension of the UNPREDEP mandate in the Macedonia. However, while Russia's involvement in international efforts to resolve the Kosovo crisis may have increased the international community's leverage over Serbia/FRY, it also made it more difficult to find consensus within the international community because of the increased diversity of interest structures.

Further difficulties arose for NATO from the pending admission of three new members – Hungary, Poland and the Czech Republic. Hungary, in particular, had its own specific national interests in the conflict because of the large Hungarian minority in the northern Serbian province of Vojvodina. During 1998, Hungary intervened several times on behalf of its kin-group, ensuring, among other things, that ethnic Hungarians were not drafted for military service in Kosovo.³⁸ In addition, public opinion in most NATO member countries was severely divided over the threat and use of force, and even the alliance's political leaders were far from united over this issue.

In September and October 1998, as the situation on the ground in Kosovo deteriorated, NATO leaders made it clear that a military strike had not been completely ruled out (US Department of Defense 1998). The willingness to deploy up to 50,000 troops for the enforcing of a negotiated cease-fire had been indicated, and a three-stage engagement programme had been made public to express a clear warning to President Milošević. Stage one of this programme – underpinning of neighbouring countries – was already under way in summer 1998 with NATO Partnership for Peace agreements and exercises in Albania and the Macedonia. Stage two was described as a phased escalation programme to punish continuous offensive actions, and stage three was described as full commitment of troops (US Department of Defense 1998). With the deteriorating refugee situation and no sign of an end to the violence in the conflict, international impatience grew. A letter sent by the UN Secretary General to President Milošević, although it stopped short of threatening military action, demanded immediate steps to end violence and destruction in Kosovo,⁵⁰ and could, in its directness, have been taken as an indication that the international community was edging towards action. Eventually, the UN Security Council passed a resolution on 23 September 1998. Reaffirming its commitment to support a peaceful resolution of the Kosovo problem by means of an enhanced status for the province within the existing borders of the FRY, the Security Council also stated that the situation in Kosovo was a threat to peace and security in the region and would therefore require the action of the international community according to Chapter VII of the UN Charter. In the resolution, the Security Council demanded that the warring parties to put an end to violence and engage in a constructive dialogue. More specifically, the authorities of the FRY were asked, among other things, to stop all actions against the civilian population in Kosovo; to allow international monitoring, the return of refugees, and humanitarian assistance; and to commit to a timetable for negotiations and confidence building. Kosovo Albanians were requested to pursue their political goals exclusively by peaceful means, and their leadership was urged to condemn all terrorist acts. Most significantly, however, the Security Council reserved for itself the right 'to consider further action and additional measures to maintain or restore peace and stability in the region' in case either one or both parties should not comply with the demands of the two resolutions.⁵¹ This was a much tougher stance than that adopted in

⁵⁰ The letter had been sent on 1 September 1998.

⁵¹ United Nations Security Council, *Resolution 1199 (1998)*.

the previous resolution on Kosovo, where the Security Council merely emphasised 'that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures.'⁵² Eventually, NATO's obvious determination to act even without UN approval and despite Russian objections was the essential catalyst to force Serbia to back down for the time being and agree to withdraw its troops from Kosovo.

8.3. Settling for an Interim Arrangement

The complexity of a situation involving such a variety of local, regional, and global actors with distinct interest structures, competing goals, and different motivations for their involvement made it a foremost challenge for the international community to initiate an inclusive, meaningful negotiation process that would have been likely to result in a settlement. The difficulties with this approach were dual. First, it had to be made clear to all parties involved that, in the absence of easy solutions, a readiness to compromise and a willingness to settle for less than their maximum demands was the essential pre-requisite for any stable long-term solution not only of the Kosovo conflict, but also of some of the region's other political problems. Second, it was necessary to bring the representatives of Kosovo Albanians and the Serbian/Yugoslav government together. With the Rambouillet talks, an environment for such a negotiation process was created.

Yet, like any other conflict, an ethnic conflict requires for its settlement the presence of a number of conditions, which in their totality create a situation of 'ripeness'. In the specific context of the Kosovo conflict, these conditions existed on each of the four levels of my analysis (see Table 3).

On a general level, it is important to note that, individually, these conditions were necessary to make the settlement of the Kosovo conflict possible, yet only in their entirety they would have been sufficient to do so. Their joint presence indicates that a conflict is ripe for a settlement, that is, that a window of opportunity exists for decision makers to achieve a settlement. The simultaneous presence of these conditions does not say anything about whether this opportunity will be taken, what kind of settlement will be agreed, or whether an adopted settlement will be stable, it merely points to the fact that the strategies of the conflict parties towards the conflict are no longer incompatible. Once this has been recognised, and there is no guarantee that every such opportunity will be recognised, the overall success of the settlement process depends upon the flexibility, determination, and skill of those involved to design an institutional framework that fits the variety of contextual circumstances of their particular conflict situation so as to provide for opportunities to resolve differences by peaceful and democratic means.⁵³

The previous analysis of the various contextual factors has already signalled the severe difficulties encountered by the international community in the search for a political rather than military solution of the Kosovo conflict. I will now examine what factors accounted for the failure of the Rambouillet negotiations and the follow-on conference in Paris. With regard to the inter-ethnic situation in Kosovo, by the time the negotiations in Rambouillet began, the conflict was very much one between the central government in Belgrade and the KLA and ethnic Albanian population in Kosovo. Although the Serbian security forces used local Serbs as auxiliary forces, the conflict was primarily not an ethnic conflict between two local populations. All other ethnic groups in the area had been sidelined a long time ago and suffered the consequences of the conflict, rather than being active players in it. As a token gesture, the Serbian delegation in Rambouillet

⁵² United Nations Security Council, *Resolution 1160 (1998)*.

⁵³ For a more detailed exploration of the concept of ripeness, see Wolff(2003).

initially included representatives from other ethnic groups in Kosovo (to emphasise that the Albanian delegation did not represent Kosovo as a whole), but the more the Serbian delegation engaged with sincerity in the negotiations, the more these became replaced by specialists (Weller 1999: 178f).⁵⁴ This meant that the influence of the situation in Serbia as well as the political constellations within the Albanian population in Kosovo became more significant for the course of the negotiations.

Table 3: 'Ripeness' Conditions for the Settlement of the Kosovo Conflict

Situation in Kosovo	Situation in Serbia	Regional Context	International Context
<ul style="list-style-type: none"> • Inter-ethnic situation: <ul style="list-style-type: none"> ◦ Ability and preparedness of political elites to compromise on central issues • Intra-ethnic situation: <ul style="list-style-type: none"> ◦ Strong leadership with a broad popular mandate to end the conflict ◦ Marginalisation of extremist elements 	<ul style="list-style-type: none"> • Strong leadership with a broad popular mandate to end the conflict • Limited chance of out-flanking by anti-settlement parties • Greater political benefits from settlement compared to continuation of conflict 	<ul style="list-style-type: none"> • Limited chance of domestic instrumentalisation of the conflict 	<ul style="list-style-type: none"> • Joint and flexible policy with sufficient room for manoeuvre and leverage on each of the parties • Availability and commitment of resources to facilitate negotiation and implementation/operation of settlement

Before the negotiations began, the main point of contact for the international community had been Kosovo's elected government and president. Since the escalation of the conflict in February 1998, their influence on the ground in Kosovo had dwindled in favour of the KLA and a broad coalition of political parties opposed to President Rugova. This turn of events combined with international pressure resulted in a Kosovo delegation in Rambouillet that consisted in equal parts of these three groupings, with the KLA playing a dominant role, which was reflected in one of its members being elected head of the tripartite presidency of the negotiation team (Weller 1999: 179). This made the position of the international community more difficult, as the KLA's commitment eventually to achieve independent statehood for Kosovo clashed with the international determination to preserve existing borders and to find a solution within them. The compromise found in Rambouillet that brought the KLA on board was one of far-reaching self-government for ethnic Albanians in Kosovo with a mechanism for a final settlement (considering, among other things, the will of the people) to be adopted after further international discussions. While more than anything else, this reflected the changed situation in Kosovo

⁵⁴ Petritsch et al. (1999: 279, 341) note this, too, but also refer to the fact that, in a last minute attempt to delay the negotiation process in Paris, the Serbian delegation demanded extra time so that representatives of other ethnic groups in Kosovo could review the agreement, which, by then, had already been approved by the Kosovo Albanian delegation.

international pressure as well as some concessions to the Kosovo negotiation team ensured that the delegation eventually agreed to sign the interim agreement.

Whereas the international community thus possessed at least some leverage over the Kosovo delegation, this was not the case with the Serbian delegation. There were several reasons for this. Even though President Milošević had retained, if not increased, his political strength, there were very few incentives for him to utilise this strength for securing a successful outcome of the negotiations. Taking an accommodative stance in Rambouillet and Paris and negotiating within the parameters set by the international community could have easily cost him and his party their dominant position in Yugoslav and Serbian politics. Further political radicalisation in Serbia and a shift of power to the extreme nationalists in the Serb Radical Party, would have, together with the perceived weakness of the institution of the Yugoslav President, led almost certainly to renewed pressure for independence from Montenegro, and thus to the likely end of the FRY. Which, is, of course, precisely what happened in June 2006. Similarly, it was quite obvious that Milošević was playing for time to prepare a final assault on Kosovo, including massive troop deployments and forced population displacements in the border zones with Macedonia and Albania (Petritsch et al. 1999: 325, 344). This would have enabled Milošević to claim a national victory. He realised that acceptance of the Rambouillet Agreement, with its mechanism for a final settlement after three years, would, in all likelihood, lead to the secession of Kosovo. In addition, Milošević made his own judgement of the ability and willingness of NATO to act unilaterally against the will of Russia and for long enough to bring Serbia, which would rely on Russian support, to its knees.⁵⁵ In the same vein, Milošević was apparently calculating that consensus within NATO would break apart over civilian casualties and that there would be no majority to engage in a ground war.

Compared to the problems generated from the situation in Serbia, the regional context was far less troublesome. Obviously, the international community could not encourage developments in Kosovo that would pose an immediate threat to the precarious stability of the Balkans. From this perspective, the outlining of the non-negotiable principles of a framework within which Serbs and Albanians had to find a mutually acceptable interim settlement was as much a result of taking the positions of the conflict parties on board as it was a sign of international awareness of the wider implications of the Kosovo conflict.⁵⁶ The two most difficult challenges faced by the international community were the refugee problem and the situation in Bosnia. Data collected by the UNHCR indicated as early as September 1998 that the Serbian military campaign and policy of ethnic cleansing had led to more than one quarter of a million Kosovo Albanians being internally displaced or seeking refuge in Albania, Macedonia, Montenegro, and Serbia. This number increased to over 300,000 by the beginning of March 1999, before the start of the NATO air campaign. The greatest number of those uprooted, about 250,000, was internally displaced in Kosovo, many of them trying to survive in the open. Another 55,000 have been displaced within in Montenegro and Serbia. About 10,000 people fled to each Albania and Macedonia. In connection with the policy of Serbs to destroy systematically the homes of ethnic Albanians, the international community saw it as its primary objective not only to put a stop to ethnic cleansing, but also to establish conditions that would allow the displaced to return to their towns and villages as quickly as possible. Given the experience of ethnic Albanians with Serbia over the past decade, this meant in reality the deployment of an armed peace-keeping force under NATO control to instil those that had been forced to flee from their homes with enough

⁵⁵ Marko (1999: 274f.) notes in this context that there is a possibility that the 'implicit pro-Serbian bias of all the Hill-papers' led Milošević to believe that 'NATO threats ... were not to be taken seriously.'

⁵⁶ For a list of the non-negotiable principles, see Weller (1999: 177f).

confidence to return. The Bosnian dimension, on the other hand, was again much more closely related to the situation in Serbia. Milošević had been instrumental in reaching the Dayton Accords, and it was not inconceivable that he could use the growing dissatisfaction and radicalisation among the population in the Republika Srpska to increase his leverage over the international community.⁵⁷ In addition, the implementation process of the Dayton agreement tied up considerable international resources and, for a significant period before the beginning of the Rambouillet negotiations, seemed to take priority in international strategic considerations. This, however, changed rapidly with the deterioration of the humanitarian situation in Kosovo. Ironically, it could be argued that the focus on Bosnia brought home to the international community its own tragic failure to prevent war crimes on a scale not seen in Europe since the Second World War, and facilitated the determination to prevent the same in Kosovo by taking decisive actions early enough.

Beyond a general commitment to humanitarian goals, consensus within the international community was thin. The Contact Group had agreed to seek a temporary settlement without territorial revisions, but had to concede to the Kosovo Albanians that some mechanism would be put in place after three years of operating an expected interim agreement that would also reflect the wish of the population in Kosovo (Weller 1999: 197). The fact that such a mechanism was to be found at another international conference particularly served the interests of Russia as it assured the country's continued influence in the Balkans. It also allowed the western members of the contact group to reconcile, at the time, the fundamental difference between Serbs and Albanians on the status of Kosovo. The major problem, however, that remained for the international community was the issue of the threat, and actual use, of force to obtain the consent of Serbia on the Rambouillet Agreement. While Russia was in principle opposed to such actions, consensus within NATO was for humanitarian intervention, yet the strength with which each alliance member backed this option differed. In the end, Serbia's refusal to sign must also be seen in the light of the open international disagreement about what to do in the event of a failure of the negotiations.

In conclusion, it can be argued that conditions of ripeness were not fulfilled at two levels – within Serbia and within the international community. The overall interpretation by Serbia of the conflict made it seem more beneficial for the Serbian and Yugoslav leadership to seek its continuation, rather than to settle for an accommodation along the lines proposed in Rambouillet. It is important to realise that the Serbian delegation until the last minute of the reconvened conference tried to renegotiate the entire agreement in its favour (Weller 1999: 186-8, Petritsch et al. 1999: 333, 337), and that their refusal to sign was not a matter of the 'mysterious' Appendix B on the deployment of the NATO-led implementation force.⁵⁸ However, it must also be noted that the increasingly obvious rift between members of the Contact Group strengthened the Serbian/Yugoslav perspective on the costs and benefits of agreeing (or not) to the proposed settlement.

At the same time, the international community overestimated its leverage over the Serbian delegation in Rambouillet/Paris and over President Milošević in Belgrade. The Serbian delegation in Rambouillet was not susceptible to an offer by the European Union to lift all sanctions and allow the FRY to be reintegrated into European and international

⁵⁷ After some considerable delay, the OSCE had to concede in September 1998 that the radical Nikola Poplasen had defeated the OSCE-backed 'moderate' candidate for the Republika Srpska presidency, Plavsic, who was prepared to cooperate with the OSCE. Poplasen was dismissed by the OHR in March 1999.

⁵⁸ This is all the more the case as Milošević had once already agreed to the free movement of NATO troops across the territory of the FRY and to their immunity from prosecution, namely in the 1995 Dayton Accords. Cf. Petritsch (1999: 316f.).

structures within two years in exchange for a greater preparedness to compromise at the negotiation table (Petritsch et al. 1999: 298). Likewise, increasingly credible threats of the use of force left Milošević and his negotiators unimpressed.

On the other hand, an extension of the negotiations in Rambouillet/Paris may have changed things in the short term. Yet, further concessions to the Serbian delegation would then have been necessary, effectively meaning a re-negotiation of the agreement to which the Albanian delegation had already given its consent. Given the Serbian demands in the final stages of the Paris follow-up talks,⁵⁹ such a re-opening of the negotiations was neither in the international community's interest, nor was there much of a chance of the Kosovo Albanians making any concessions of the magnitude demanded by the Serbian delegation. Even if Milošević had agreed to a proposal made (unilaterally) by the Russian chief negotiator Majorski to reopen talks on all aspects of the Rambouillet Agreement (Petritsch et al. 1999: 349), and if some time could have been bought through this, it is doubtful whether this would have made any difference in the long term, as a fundamental change of the situation in Serbia/FRY or in the interest structure of its leadership were most unlikely to occur.

The stated determination of NATO to act, even without proper prior and explicit authorisation by the UN Security Council to intervene militarily combined with the lack of agreement at Rambouillet and an assessment by NATO strategists that military intervention would be both successful and not provoke a military confrontation with Russia thus created the conditions in which NATO's air campaign was initiated and succeeded in removing all Serb forces from Kosovo.

Subsequently, UN Security Council Resolution 1244 (1999) established the United Nations Mission in Kosovo (UNMIK) that was to provide the roof for a multi-functional peace-keeping operation in which the UN closely cooperated with the OSCE, NATO and the EU. While UNSCR 1244 (1999) explicitly mentions that the Federal Republic of Yugoslavia's territorial integrity remains intact, it established UNMIK as a transitional authority to run Kosovo. Moreover, UNSCR 1244 (1999) also makes specific reference to the Rambouillet (non-) agreement, accepted by Kosovo Albanians and rejected by the FRY, and provides that a final status for Kosovo, considering the wishes of its population, should be achieved within three years.

8.4. The Failure to Reach a Negotiated Settlement: Kosovo's Unilateral Declaration of Independence

Fast forward to 2007. After eight years of UN administration, with a mixed track record of success at best, local pressure in Kosovo and a growing frustration with the lack of any tangible progress in relations between Serbia and Kosovo, led the UN initiate the beginning of final status negotiations. It appointed a special representative, former Finnish President Martti Ahtisaari, to facilitate negotiations between Kosovo and Serbia (the FRY having been transformed into the State Union of Serbia and Montenegro in 2003 which had been subsequently dissolved) and mediate between them. The so-called Ahtisaari Plan, presented in 2007, proposed Kosovo's independence conditional upon both extensive minority rights within Kosovo and a preclusion of any further boundary changes as a consequence of Kosovo's independent statehood (e.g., unification with Albania or the break-up of Macedonia with its large ethnic Albanian minority). This plan was rejected by Serbia, and no negotiated solution was achieved after a period of further negotiations insisted upon by the EU. Thus, by the end of December 2007, the UN

⁵⁹ These included, among others, the formal subordination of Kosovo to Serbia, unrestricted exercise of federal functions in the province, and an abolition of the office of the President of Kosovo. Cf. Weller (1999: 186f). See also Petritsch et al. (1999: 333f.).

Secretary General had to report to the Security Council that his efforts to achieve agreement between Serbia and Kosovo on the final status of Kosovo had failed. Two months later, on 17 February 2008, Kosovo unilaterally declared its independence which was promptly recognised by the US and a number of EU member states, among others, and equally rapidly denounced by Serbia and Russia. This may not be an unexpected outcome to those who are familiar with the conflict, yet it still requires an explanation.

The situation in Kosovo had changed in a number of dramatic ways over the preceding 8+ years. NATO's intervention was accompanied by the mass expulsion and flight of around 800,000 ethnic Albanians who either became internally displaced, hiding out in the mountainous areas of Kosovo, or seeking refuge in neighbouring countries, chiefly in Albania and Macedonia, with a smaller number in Montenegro. Of those leaving their homes, many also became temporary refugees in Western Europe. NATO's victory and the withdrawal of Serb forces from Kosovo, however, led to a process best described as reverse ethnic cleansing. Now local Serbs found themselves at the receiving end of revenge attacks from Kosovo Albanians. A high level of inter-communal tensions persisted after this immediate post-war period, occasionally escalating into serious violence such as in March 2004 when 19 Serbs were killed and some 3,000 driven from their homes after the (still unexplained) death of two Albanian youths. As a consequence of all this, there was not only a significant decrease of the Serb population in Kosovo—from an estimated 10-12% just before the beginning of the NATO intervention—to around 5% by 2008, but also a retreat of Serbs into two principle areas of Serb settlement in Kosovo, one of them being the divided northern city of Mitrovica at the border with Serbia. The vision of a multi-ethnic Kosovo foreseen by the international community thus never materialised. Rather, the resolve of both communities had hardened. For Albanians, any form of reintegration with Serbia was completely anathema, much in the same way in which it was inconceivable for Serbs, especially those living in the Mitrovica area, to agree to living in an independent Kosovo.

These local dynamics, however, are closely linked to developments at other levels. Serbs' resistance to any local arrangements with Albanians, for example the Serb boycott of elections and interim institutions, was actively promoted by Belgrade. Rather than encouraging Serbs in Kosovo find a modus vivendi with Albanians in Kosovo, Belgrade did everything possible to foster closer ties between Kosovo Serbs and the authorities in Serbia, paying local officials' salaries, promoting election boycotts and supporting the abstention of Serbs from the political process in Pristina. At the same time, public opinion in Serbia was sworn to the mantra of 'Kosovo is Serbia'—in the media, by all parties in every election campaign, and by the Serbian Orthodox Church. The public commitment of every leading politician, regardless of their ideological persuasion, left virtually no room for a negotiated solution in the face of similar Albanian intransigence, equally insisting on maximum demands.

By the same token, the region of the Western Balkans as a whole remains riddled by various problems, from slow economic development, to spreading organised crime, and to the persistence of the potentially destructive energies of nationalism. The latter in particular is closely related to the fact that at least two self-determination conflicts from the break-up of the Yugoslav federation remain in a very volatile state: the state of Bosnia and Herzegovina is highly dysfunctional, and the Ohrid Agreement of 2001, meant to resolve the conflict between ethnic Albanians and Macedonians continues to cause resentment on the Macedonian side and leaves many Albanians far from satisfied. On the other hand, the dissolution of the State Union of Serbia and Montenegro in 2003 after a referendum in Montenegro passed off entirely peacefully. Different parties to the Kosovo conflict, of course attached different interpretations to all of these situations.

While Kosovo Albanians saw Montenegro's independence as a confirmation of the possibility of further changes to existing boundaries in the region, Serbs insisted that this was only possible based on a consensual process. While Kosovo Albanians would refer to their quasi-Republic status in the former Yugoslavia and a long track record of violation of their basic human rights by the Serbian state to justify their 'eligibility' for independence, Serbs would point to the concessions they were willing to make (very wide-ranging autonomy for Kosovo within Serbia) and to the precedent that Kosovo's independence would set, especially for the Bosnian Serb entity in Bosnia and Herzegovina, the Republika Srpska established under the Dayton Accords of 1995. Thus both sides found ample 'regional evidence' to justify their position.

However, what mattered perhaps more than the 'encouragement' that both sides took from the regional dynamics was their perception of how the key international actors interpreted the situation. While the EU, NATO and the US (as the three principle western powers in the conflict) clearly considered the regional (and wider) implications of Kosovo's drive for independence, they were less worried about a detrimental impact on the region than in the late 1990s. For better or worse, the situation in both Bosnia and Herzegovina and Macedonia had stabilised, there remained an international military presence in the former (the EU Force since 2007), and both countries had been given a clear perspective to EU membership which was understood to be conditional on, among other things, stability. Moreover, while the population of Republika Srpska may be in favour of joining Serbia, political elites are, despite their occasional rhetoric to the contrary, much more reluctant to support a proposition that would see them end up as municipal officials in small and medium-sized towns in western Serbia rather than give them an opportunity to retain their status as power brokers and influential state politicians in Bosnia and Herzegovina. Moreover, the prospect for the EU, NATO and the US to have to deal with growing discontent among Kosovo Albanians and its likely violent escalation (as seen in the March 2004 riots) was not at all a scenario that seemed attractive to policy makers in Washington, Brussels and other European capitals. This does not mean that they were intent on worsening relations with Serbia, they were merely seen as the lesser of two evils, especially as particularly the EU anticipated that the membership prospect might sway a majority of Serbs and their political elites eventually to accept Kosovo's independence. Moreover, the supposedly careful management of Kosovo's independence, through the exercise of pressure on, and the offer of incentives for, the political elites in Kosovo, seemed to offer the prospect of a relatively smooth change of status for Kosovo despite the absence of a negotiated solution.

The West, moreover, was content with the prospect of Russian resistance. With Vladimir Putin's ascent to the Russian presidency in 2000, and his attempt to re-claim Russian great power status, relations with Russia had already taken a turn for the worse. The absence of agreement in the UN Security Council on a new resolution mandating independence was not seen as crucial in light of significant western support for Kosovo. The spectre of the Kosovo precedent, i.e., Kosovo leading to a proliferation of successful self-determination movements elsewhere, was not seen as a particularly likely consequence. This also meant that implicit Russian threats to recognise the break-away regions in some of the successor states of the Soviet Union, such as Abkhazia and South Ossetia in Georgia, Transdniestria in Moldova, or the Nagorno-Karabakh territory in Azerbaijan, were not considered as particularly credible.

However, what Russia's policy did was further increase the resolve of Serbia to resist Kosovo's independence. While Russia did not per se rule out independent statehood for Kosovo, it made it clear that it would only support such an outcome if it was achieved on

the basis of consensus between Kosovo and Serbia. This gave the government of Serbia an opportunity to reject independence for Kosovo and be assured that no resolution would be passed in the UN Security Council recognising a unilateral declaration of independence.⁶⁰

In contrast to the situation in 1999, Russia, by 2008, had seriously reasserted its position as a great power on the international scene. What was important for the EU, NATO and the US, however, was that this did not imply that Russia was in favour, or would support, a military reaction by Serbia to Kosovo's declaration of independence. While this gave Serbia the comfort of knowing that Russia would back the government's resistance to a unilateral declaration of independence by Kosovo, there was, as in 1999, no threat of a military confrontation with Russia over Kosovo.

This suggests that Western backing of Kosovo's independence was primarily done on the basis of balance-of-power calculations. Such a realist interpretation is further reinforced if one considers the potential alternatives. Delaying a status decision any further would have further exacerbated an anyway volatile situation in Kosovo, and potentially created similar problems in Macedonia, placing in jeopardy in particular plans for eventual integration of the entire Western Balkans into the EU as the best guarantee for stability and security. Reintegration of Kosovo into Serbia was equally inconceivable: not only was this anathema to ethnic Albanians but Serbian proposals to achieve it, were at best, half-hearted. Yet, stable conflict settlements short of secession that involve large, regionally concentrated ethnic groups striving for self-determination, as the Albanians in Kosovo, normally involve self-governance (i.e., autonomy) and shared governance (i.e., some form of power sharing at the centre).⁶¹ Serbian proposals in the negotiations were offering far-reaching concessions on the former, but were silent on the latter. Nor would the idea of having Albanian participation in any Belgrade government have been palatable to a Serbian public that considers Kosovo, but not necessarily its ethnic Albanian population a part of Serbia.

Thus, the absence of viable alternatives to Kosovo's independence and a perception that the international environment, if not supportive, would at least be permissive to Western support for it, strengthened the position of Kosovo Albanians and enforced a perception in the majority of the member states of the EU and NATO that recognising Kosovo following a unilateral declaration of independence was the most attractive of all options. This, however, does not mean that there were no other considerations beyond crude power politics. It is undeniable that Kosovo Albanians have suffered from serious violations of even their most basic human rights at the hands of Serbia and that they constitute the overwhelming majority of the people in Kosovo, even if one were to reverse the ethnic cleansing of Serbs after 1999 and that this demographic majority overwhelmingly desires not to live in a Serbian state. It is equally undeniable that it would be difficult to find a justification under international law for Kosovo's unilateral declaration of independence. The process of settling the Kosovo conflict may thus have been flawed, its outcome, however, does the situation on the ground more justice than any other conceivable option, not least also because it holds a greater promise of being sustainable over time.

⁶⁰ China's position in this context is interesting. The country expressed its 'concern' over developments in Kosovo, especially the violence immediately after the declaration of independence, but otherwise remained fairly uninvolved in the international discussions.

⁶¹ This argument is developed theoretically and tested empirically in Wolff (2009).

9. Conclusion: Explaining Success and Failure of International and Regional Conflict Regulation

By employing a levels-of-analysis approach to the study of ethnic conflicts, including their regulation, and identifying the environments within which different actors operate, we can reach a fuller understanding of why regional and international efforts to prevent, manage and settle such conflicts have a decidedly mixed track record. In Bosnia and Herzegovina, for example, 40,000 UN peace keepers in a mission that cost around \$4.5 billion over three years failed to prevent some of the worst atrocities seen in Europe since the end of the Second World War. In Somalia, similarly, the deployment and subsequent withdrawal of some 22,000 military personnel and \$1.6bn spent did not manage to save the country from collapse. Compared with these two experiences, the international failure in Rwanda was materially cheap (5,000 UN peace keepers at the peak of deployment, \$450m), but the human cost tremendous—almost one million Tutsis were killed in the course of an eight-months genocide. On the other hand, the examples of Northern Ireland, South Tyrol, Gagauzia, Macedonia, Aceh, to name just a few, indicate that regional and international efforts are by no means necessarily futile, but can result in successful conflict management operations and lead to sustainable conflict settlements.

On the basis of the foregoing analysis and a range of wider empirical work, it seems to me that three factors in particular can help explain success and failure of regional and international conflict regulation. The first of them is domestic context. Once parties mutually acknowledge and recognise each other, the legitimacy of their concerns and their rights to co-exist peacefully with their distinct identities, negotiations are more likely to succeed. If this is followed by sincere, and ultimately successful, efforts to implement negotiated agreements, settlements have a greater chance of being sustainable, in particular if there is broad consensus across all segments of society that the settlement is preferable to continued violent conflict, that is, if potential spoilers are effectively marginalised and prevented from derailing the peace process.

The second factor is settlement content. The acceptance of negotiated settlements within and across society is all the more likely if institutional arrangements match the structural conditions and address the conflict parties' concerns; if effective dispute resolution mechanisms are in place to enable the parties to resolve later disagreements, for example over the interpretation of a particular clause in an agreement, if any new institutional arrangements enjoy constitutional entrenchment (and thus assure parties of the relative permanence of agreed outcomes), and if proper financing is in place to make institutions work and deliver on the expectations that the conflict parties have of them.

Third, and of at least equal importance for success (or lack thereof) is the nature, timing, and scope of international involvement itself. Sustained, well-resourced, and well-informed interventions by regional and/or international actors, during the negotiation, implementation, and operation of peace settlements cannot be underestimated in its impact. Such involvement sends important signals to the conflict parties, it enables them (including through material and political support of negotiations, through financial and security guarantees during implementation, and through technical assistance and funding of the operation of a new institutional arrangement) to find solutions to their problems, and it can contribute to manage domestic and external spoilers in a way that limits the damage that they can do to the success of any peace process. In this sense regional and international involvement can help improve the odds for crafting a settlement that is viable and sustainable and it can help change the domestic context by empowering those parties that support peace and facilitate the transition of those who may be reluctant to do so for any reason.

There is no doubt that regional and international conflict regulation has become an essential factor in preventing, managing and settling ethnic conflicts, nor is there any reason to assume that this will change in the near future. It is, therefore, all the more important to ensure that the lessons of past successes and failures are understood and taken on board in future regional and international efforts.

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