



SIXTH FRAMEWORK
PROGRAMME

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Synthetic Report on Conflict Settlement and the Role of Human and Minority Rights, and Country Specific Reports on Bosnia-Herzegovina, Croatia, Kosovo, Macedonia and Serbia

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MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts

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1. Introduction: Key Starting Points - Understanding the Diverse Trajectories of Conflict

Much has already been written on the process of conflict settlement in the Former Yugoslavia ranging from book length studies on the history of conflict emergence and settlement in particular republics,¹ to studies analysing the role and interaction of different international organisations and particular countries in shaping international intervention in the conflicts.² There is also a considerable body of literature which seeks to draw more general conclusions about the process of conflict management, peace settlements and the path to longer lasting resolutions in post-conflict situations including debates about the most appropriate institutional solutions for accommodating minorities.³ Informed by this extensive body of literature, this report seeks to synthesise and draw out some broader trends and conclusions from the country reports of WP3 on the process of conflict settlement in the republics of the former Yugoslavia. Rather than recounting the history of the particular conflicts the report will concentrate on the following three areas:

- (1) Framing the politics of state-building, democratisation and conflict: constitutional change, electoral sequencing and the Badinter Commission.
- (2) The dynamics of peace-making processes.
- (3) Peace settlements: approaches to power sharing and post-(violent) conflict state-building and democratization

In its examination of the lead-up to the outbreak (or forestalling) of violent conflict, this report draws new attention to the critical relationship between the processes of democratization, state-building and conflict in the breakdown of the Federal Republic of Yugoslavia and shows how the combination of constitutional change, shifting majority-minority relations and at times unfortunate electoral sequencing stoked the conflict potential in the region. The main contribution of this paper, however, lies in its unpacking of the dynamics of the peace process and its exploration of the multi-level interaction of the domestic, regional and international dimensions in shaping the trajectory of conflict escalation and the efficacy of attempts at conflict management. Moreover in its examination of the different peace settlements, a critical distinction is drawn between provisions to make the peace hold and provisions for power-sharing and post-conflict reconstruction. It is suggested that contradictions may emerge between the original compromises which were required to silence the guns and the necessary conditions to move the peace forward to the design and implementation of viable state-building and democratization policies, which two processes need to be treated as related though separate and not necessarily simultaneous.

In each area the report while highlighting crucial differences between the cases under study also identifies key findings and the potential lessons or policy recommendations to be drawn. At the end of the report an appendix of the different peace processes, both domestic and international, in Bosnia-Herzegovina, Croatia, Kosovo, Macedonia is included. This is a resource in progress which will be further developed over the coming months, supplemented by our project partners in the region.

As part of the introductory section, this report lays out a number of important 'starting points' that have shaped the trajectory of conflict escalation, peace-making processes and the conclusion of peace settlements across the region of the Former Yugoslavia. While adopting a comparative approach to the study of conflict settlement

¹ Glenny, 1996; Judah, 1996 and 2000; Malcolm, 1996; Woodward, 1995; Bieber and Daskalovski, 2003; Silber and Little, 1995;

² Bose, 2002; Economides and Taylor, 1996; Gow, 1997.

³ McGarry and O' Leary, 1993; Horowitz, 1985; Lijphart, 1997; Kymlicka, 2001; Wolff, 2007; Unfinished Peace, 1996; Osler Hampson, 1996; Weller and Wolff, 2005; Roeder and Rothchild, 2005; Walter and Snyder, 1999

in the Western Balkans, it is also important to recognise a number of particularities which have also influenced the trajectory of conflict in general and in the particular cases under study.

(1) Multiple level conflict-dynamic

One of the complexities of the conflicts in the republics of the former Yugoslavia are the multiple levels of interaction and diffusion/contagion between and among the players involved in the different but related conflicts. Three different planes of such interaction need to be borne in mind:

(a) The domestic level - relations between and among different ethnic communities in each republic or province.

The country reports provide evidence of differences of opinion and approach within different ethnic communities as well as between different ethnic communities. These differences not only shaped the outbreak of violent conflict but also the recurring attempts at conflict management and peace-making. For example, Kosovo in the 1990s was characterised by a major split between the supporters of Ibrahim Rugova and the Democratic League of Kosovo who supported peaceful change and passive resistance versus the more aggressive, activist approach of the KLA. During his brief time as prime minister of the newly formed FRY in 1992 Milan Panic of Serbia sought to engage Kosovan Albanians and the international community in a process of dialogue in stark contrast to the unaccommodating position of then Prime Minister Slobodan Milosevic.⁴

(b) The regional level - the influence and example of conflict development in neighbouring countries.

The potency of a regional demonstration or contagion effect was particularly acute in the case of the Former Yugoslavia, where the broader region had been part and parcel of the same country since 1918 and where sizeable concentrated numbers of kin minorities resided, often close to the borders of their kin state. In the case of the Serbs, for example, following the break-up of the former Yugoslavia, 25% of the Serbian nation found themselves minorities living in other states, that is outside Serbia. This has had significant implications at each stage of the conflict cycle in terms of the position and protection of minority rights.

(c) The international level - the evolving positions and concomitant strategies of different countries and international organisations in response to conflict situations.

When unpacking the responses of the international community (IC) to the events in the former Yugoslavia, the broader geopolitical environment of the end of the Cold War must be taken into account, an environment which was marked by the search for appropriate policy responses among international organisations and Western states but was also constrained by an inadequate panoply of instruments and capacities to address the emergence of new intra-state conflictual situations and to coordinate responses in the face of an array of at times rather diverse interests.

The conflicts in the former Yugoslavia emerged just as the IC was edging towards greater international (largely humanitarian) involvement in the affairs of 'sovereign states' coupled at the same time with a reluctance to use any form of military force (in particular committing troops on the ground and run the risk of casualties). This period was also marked by a shift to greater reliance on regional organisations for managing conflict processes, including in the case of the EC/EU on the European

⁴ See also Croatia report, WP3, 11-12 for differences between nationalist leadership in Krajina versus other Serb Croat dominated areas. These differences were reflected in the willingness of the more moderate leadership of Western Slavonia to conclude the Daruvar Agreement versus the more trenchant leadership of RSK.

continent, whose ill-preparedness (from both an institutional and strategic point of view) was only too clearly highlighted throughout much of the 1990s.⁵ The period under study which spans the outbreak of violent conflict in Croatia in 1991 to the stemming of the initial emergence of violent conflict in Macedonia in 2001 and the peaceful separation of Serbia and Montenegro in 2006 not only sheds painful light on the problematic of diverse responses on the part of different national actors among Western states in building an effective international approach to conflict situation but also underlines the need to draw on the strengths of and coordinate the actions of different organisations working in the field of conflict management.

The dynamics of the interaction among these multiple players variously shaped the conflict cycle as well as the quest for conflict resolution and peace settlements in the countries under study providing fruitful ground for a common analysis but at the same time contributing to a recognition of the specificity of each case.

(2) Timing and sequencing matter

The issue of timing and sequencing has already been indirectly touched on above in terms of the regional demonstration effect and the role of the IC in the conflict management process. By the time the conflict situation in Macedonia started to degenerate in 2000 the international community already had had considerable experience of responding to conflict in the region - and also had learned some lessons from its failure to intervene early enough and with sufficient resources and political will in previous conflicts.

(3) Violence

It has been by now been widely recognised in the conflict literature that the conflict resolution process is likely to be more straightforward and more successful in the case of early intervention, that is before the tipping point into violence has been reached. It is simply easier to get conflicting parties to come to an agreement around the negotiating table before the descent into mass and often indiscriminate acts of violence one against the other which is likely to lead to a further radicalisation of the demands of the opposing sides and less willingness to reach a compromise.⁶ In terms of the countries of the Former Yugoslavia, this marks out Macedonia and Montenegro from the rest of our case study countries. In the case of Macedonia, the international community undertook concerted and largely coordinated efforts to stem the early outbreaks of violence in 2001 and to steer the opposing parties towards an acceptable agreement.⁷ Likewise in the case of Montenegro, a peaceful divorce was negotiated with the support of the EU in 2002 and in particular the instrumental role of Javier Solana, the then High Representative for Foreign Policy. Montenegro secured its independence following a successful referendum in 2006.⁸

(4) Demographics⁹

While independence-seeking or newly independent states may seek to adopt an ethnically-skewed definition of the nation to reinforce their nascent nationhood and separation from a 'coercively perceived' overarching federal umbrella, this is likely to put severe strain on majority-minority relations in the uncertain weakly

⁵ See discussion in Wolff and Rodt, WP2.

⁶ Diamond and Plattner, 1994; Sisk, 1996, 108.

⁷ Ulrich Schneckener, 2002, Developing and Applying EU Crisis Management: Test Case Macedonia, ECMI Working Paper 14.

⁸ Rory Keane, 2004, 'The Solana Process: in Serbia and Montenegro: Coherence in EU Foreign Policy,' *International Peacekeeping*, vol. 11, no. 3, 491-507.

⁹ See demographic breakdown of republics based on 1991 census in Appendix 2.

institutionalised early stages of new state formation. Where sizeable ethnic minorities are present in particular republics and the more so where these are located in concentrated areas with proximate kin states, the shift in majority-minority relations in the process of post-communist state- and nation-building is likely at the very least to increase the insecurity of the minority populations. Given a real or perceived level of threat attached to their new status, the new minorities may seek support to varying degrees from other members of their ethnic group in the kin state, engendering some form of proactive or reactive counter-mobilization.¹⁰ In such cases conflict potential may be exacerbated (or diminished) by the actions of the kin-state which may have territorial designs on those areas where its kin populations are in the minority. In this regard the former Yugoslavia was no exception. In those cases where there was no significant minority populations as in the case of Slovenia, a peaceful path to independence and democratic state- and nation-building was more easily assured.¹¹ However, it is also apparent that the presence of sizeable Serbian populations, in neighbouring states in the presence of a resource-hungry 'nationalist' executive in Serbia under the leadership of Slobodan Milosevic contributed to an exacerbation of conflict in certain republics such as was the case both in Croatia and Bosnia-Herzegovina where 12.2% and 31.2% of the population respectively were Serbs in 1991. In contrast, Macedonia only has a small Serb minority (2.1% according to 1991 census) and thus the Serbian leadership in Belgrade had little interest (for this and other reasons) in an escalation of conflict in this republic. Kosovo presents the inverse example of a similar phenomenon, the Serbian leadership in Belgrade to this day has been unwilling to countenance the prospect of secession or some form of provisional independence for its 'erstwhile' province where reasonable numbers of Serbs previously lived (the population today is estimated to be around 100,000) but which above all has strong cultural-historical significance for the broader Serb population.¹²

2. Framing the Politics of State-Building, Democratization and Conflict: Constitutional Change, Electoral Sequencing and the Badinter Commission

This section explores the complex relationship between state-building, democratization and conflict in the former Federal Republic of Yugoslavia and its constituent republics. Firstly, we consider the impact of the constitutional changes undertaken in the different republics in reshaping majority-minority relations. In a number of cases the republics passed constitutional amendments while still part of the broader Yugoslav federation and then proceeded to pass a new constitution in the wake of independence.¹³ Shifting definitions of membership in the 'nation' are critical

¹⁰ Rogers Brubaker, 2000.

¹¹ Slovenia has a large number of small minority groups which enjoy generous minority rights and protection under the law. http://www.servat.unibe.ch/law/icl/si00000_.html.

¹²The results of the 1991 census are only proximate as the Kosovar Albanian population decided to boycott the census. Estimates of the size of the Serb population vary between 5-10%.

¹³ Some of these constitutional changes are touched upon in the WP2 synthetic report. Nina Baltic, Tomasz Milej, 'Synthetic Report on Human Rights Under the Yugoslav System: Processes of Ethnic Mobilization and EU Crisis Management' MIRICO, 2007, <http://www.eurac.edu/Org/Minorities/MIRICO/Mirico+project+results.htm>

to the structural origins of conflict during this period. Secondly, we discuss the place of electoral sequencing and the impact of the first multi-party elections in contributing to the strengthening of ethnic cleavages and divides in the different republics and to subsequent ethnic mobilisation and violence. Thirdly, the conclusions and consequences of the rulings of the Badinter Commission are examined. The Badinter Commission was set up in 1991 under the auspices of the EU Peace Conference in The Hague to advise it on legal questions relating to the situation in Yugoslavia. In the context of shifting majority-minority relations with the appearance of new states in the region, we consider how these processes differently contributed to an escalation of tensions.

2.1. The Institutional Origins of Conflict: Post-Communist Constitutional Change and Shifts in Majority-Minority Relations

The collapse of communism in Eastern Europe not only placed the twin tasks of transition to the market and democratization as the key policy objectives of governments in the region at both the federal and republican levels, but it also brought to the fore the additional and in some cases overriding dimension of state- and nation-building.¹⁴ Dunkwart Rustow asserted that agreement about membership in the political community, i.e. national unity and about the borders of that state was a crucial starting for any democratisation process. Though this contention has not been wholly born out by the evidence of post-communist transitions, Rustow nonetheless placed the spotlight on a critical dimension of transition in the post-communist space, an issue which has proved particularly pertinent in the case of socialist federations and the former Yugoslavia.¹⁵ The approaches of particular countries to the 'stateness' issue, as encapsulated by Linz and Stepan, have critically shaped the trajectory of change away from communism in the countries under study in the MIRICO project.¹⁶ The combination of weak nascent states together with questions surrounding membership in the national community proved particularly explosive in the Yugoslav case.

In the context of communist collapse in Eastern Europe, the passage of a new constitution or the amendment of existing constitutions has been considered an important building block in the process of democratic transition, involving as it does the setting of the institutional framework for the structuring of the new (democratic) political order in the states of the region.¹⁷ Likewise constitution-making has been of particular importance in the case of the newly independent states of the region for defining the new territorial boundaries of the state and membership in the national community. In the case of the Former Yugoslavia, constitution-making even in the late 1980s exacerbated tensions among ethnic communities in particular republics and contributed to the escalation of pre-conflict potential.¹⁸

The collapse of communist systems across Eastern Europe created a situation of institutional flux in the Former Yugoslavia and an acceleration of the processes of

¹⁴ See Claus Offe, 1996, and his discussion of the triple transition.

¹⁵ Dunkwart Rustow, 1970, 'Transitions to Democracy: Towards a Dynamic Model', *Comparative Politics*, 2, pp.337-363. See also Valerie Bunce, 1999, *Subversive Institutions: The Design and the Destruction of Socialism and the State*, Cambridge University Press.

¹⁶ Linz and Stepan, 1996; Hughes and Sasse, 1999.

¹⁷ See Elster, 1998; Linz and Stepan, 1996.

¹⁸ The theory and practice of human and minority rights under the Yugoslav communist system has already been extensively explored as part of work package 2. See <http://www.eurac.edu/NR/rdonlyres/5BC4CBE8-A754-4040-B69E-8A21E19E768B/0/ReportontheTheoryandPracticeofHumanRightsandMinorityRightsundertheYugoslavCommunistS.pdf>

wrenching power from the federal centre down to the republics. By the end of the 1980s the former federal structures were facing increasing governance deadlocks, and a political shift was underway from the federal executive/power structures to republican-level institutions many of whose presidents and parliaments had acquired greater legitimacy than the federal authorities by the end of 1990 as a result of their democratic election.¹⁹ In the end the federal institutions were virtually abandoned as presidents withdrew from the meetings of the collective presidency, independence was declared and the republican leaderships embarked on the process of independent state- and nation-building.²⁰ At a time of institutional instability, the role of the key actors particularly those who may be designing and enlivening new and reformed institutions may be pivotal and this can be traced in the differing approaches to constitutional change in the republics of teetering Yugoslavia as well as in the wake of collapse.

It is important to note here that the majority of the republics of the SFRY commenced the process of constitutional change prior to the collapse of the federation. Subsequently, further constitutional amendments/new constitutions were ratified in the wake of achieving independence. In certain cases the early constitutional changes should be seen as a move-away from the communist political system on the part of former communist leaders seeking to consolidate their hold on power, and also shoring up their nascent but shaky republican state institutions rather than overtly aggressive nationalistic policy departures. At the outset not all the leaderships had designs on independent statehood, though clearly there were differing positions among the republican leaderships ranging from Slovenia which did opt for independence early on (independence was declared on 25 June 1991 following a referendum in December 1990) to Macedonia and Bosnia-Herzegovina whose leaderships initially favoured some sort of new devolved constitutional settlement and embarked on a series of efforts to reach a consensus among republican leaderships, and the Serbian leadership which was intent on consolidating a new form of federal structure with itself in a dominant position at the centre.²¹

To differing degrees and at different stages, constitutional change also became a matter of newly independent states (or states striving for independence) reinforcing the process of building new state structures and developing new approaches to nation-building. However, in most cases the changes had unintended consequences for the evolving majority-minority relations inside the republics, and they spread insecurity among groups of people who found themselves to varying degrees constitutionally divested of their human and minority rights -- in this regard the province of Kosovo lost its erstwhile autonomy in 1989, and the ethnic Albanians of Macedonia and the Serbians in Croatia both found themselves deprived of their constituent nation status. This series of constitutional changes raised serious concerns for the new minority populations across the region, though their responses to their newly perceived insecure position as we will see below were not uniform.²²

Constitutional Change in Republics and Newly Independent States of Former Yugoslavia: The Precarious Shift from Constituent Nation to National Minority

Key points

¹⁹ In the case of the republican presidents, these were either elected in direct plebiscite or by the parliaments of the republics. //Egs//

²⁰ See Serbia report, WP3, for discussion of seepage of power from federal structures to the republics, 8-9.

²¹ See Serbia report, WP3, 9 for discussion of attempt by Gligorov and Izetbegovic to find some form of federal-conferederal centre-republican arrangements for Yugoslavia.

²² See discussion about security dilemmas in Walter and Snyder, page.

- The shift from constituent nation to national minority status reduced former constituent nations to lesser players in the new political landscape and created insecurity among minority populations.
- The definition of membership in the national community based on ethnic criteria also accelerated the ethnification of the political process. The polarising effect was further heightened in some cases by the timing of particular elections and referenda.

Summarised below in tabular form are the series of constitutional amendments as well as new constitutions that were approved in the republics and newly independent states of the Former Yugoslavia in the late 1980s and early 1990s.

| Constitution | Date | Constitutional Change | Details |
|--------------------|------------------|---|---|
| Serbia/FRY | March 1989- | Constitutional amendment. ²³ | --Downgrading of constitutional status of Kosovo and Vojvodina.. |
| | 1990 | Adoption of Constitution of Socialist Republic of Serbia | |
| | 1990 | | --Introduction of discriminatory laws against Kosovo in the sphere of property, education, public services, etc. |
| Bosnia-Herzegovina | 28 February 1992 | Adoption of Serb Constitution of Republic of Bosnia and Herzegovina | --RS declared to be integral part of FRY. --Intention to become sovereign and independent state of Serb people living in BH. --Discrimination against non-Orthodox believers. |

²³ See Carsten Stahn, 'Constitution without a state? Kosovo under the United Nations Constitutional Framework for Self-Government', *Leiden Journal of International Law*, 2001, 532-533 for details of legal position of Kosovo. 1989 Amendments of the Serbian Constitution in Heike Krieger (2001) *The Kosovo Conflict and International Law: An Analytical Documentation, 1974-99*, Cambridge University Press, p. 8. 'the people of Kosovo possess "sovereign rights" within the autonomous province.'s

| | | | |
|----------------|---|---|---|
| | 22 August 1992 | Result of Geneva negotiations set by under joint EU-UN auspices by London Conference | Constitution for BIH that granted powers and jurisdiction of governance to the three nations, on parity terms, to give these national rights to self-governance a territorial basis within the republic. (Woodward, 211) |
| | March 1994 | Washington Agreement. Constitution of Federation was agreed to in Washington followed by Constitutional Assembly consisting mainly of Bosnian Croats and Bosniaks who were member of BH parliament elected in 1991. | --Established federation of two constituent nations - Bosniaks and Croats. --Decentralised cantons, federal responsibilities (defence, foreign policy, currency) ²⁴ |
| Croatia | January 1990 | Series of amendments to former socialist constitutions | --Legalisation of multi-party systems, -- Dropping of communist and Yugoslav symbols, language and Cyrillic script. n.b Official status of Serb language and script still guaranteed in territories where Serbs majority. |
| | 21 Dec 1990 (voted); ratified 22 December | Christmas Constitution approved by 356 votes for and one against. 16 Serb minority deputies | Republic of Croatia was established as 'the national state of the Croatian nation |

²⁴ For further details of Washington Agreement, <http://www.partitionconflicts.com/partitions/regions/balkans/peace%5Fprocess/05%5F05%5F03/>

| | | | |
|------------------|------|------------------------------|--|
| | | left before final vote | and the state of other nations and minorities who are its citizens.’ ²⁵ Apart from this downgrading from constituent nation - quite generous provision for minority rights though fell short of offer of territorial autonomy. See discussion Caplan, 115, ft. 80. |
| Macedonia | 1989 | Constitutional amendment | From ‘the national state of the Macedonian nation and state of the Albanian and Turk nationalites’ (1974) , shift to ‘national state of the Macedonian people’ |
| | 1991 | Preamble of new constitution | ‘Macedonia is established as a national state of the Macedonia people, in which full equality as citizens and permanent coexistence with the Macedonian people is proved for Albanians, Turks, Vlachs, Romas and other nationalities..’ Shift towards ethnic Macedonians as a titular nation plus group rights of nationalities to |

²⁵ Croatian report, WP3.

| | | | |
|---------------|--|---|--|
| | | | an individual basis. ²⁶ Macedonian language declared official language of Republic. |
| Kosovo | 1989 | Amendments to Serbian Constitution | Serbia revoked Kosovo's autonomy. Serbia granted greater control over internal affairs of Kosovo and Vojvodina. . |
| | Early 1990s | | --New Serb constitution abrogated Kosovo's autonomous legislative powers. --Discriminatory laws against Kosovo. ²⁷ |
| | September 1990 | Kacanik Constitution adopted by reps of the dissolved Kosovo Assembly | --No reference here to the federal framework of the disintegrating FRY. ²⁸ |
| | 2001 promulgated by Special Representative H. Haekkerup - influenced by Rambouillet. | Constitutional Framework for Provisional Self-Government in Kosovo | |

Croatia

Starting in January 1990 a series of amendments was introduced to the former socialist constitution. A multi-party system was legalized, communist and Yugoslav symbols were dropped and Serbian/Cyrillic lost its status as a co-official language, though its official status was still guaranteed in territories where Serbs were in a majority. In December 1990, the so-called 'Christmas constitution' was overwhelmingly ratified in the Croat parliament, the 16 Serb minority deputies having left the chamber before the final vote.²⁹ Under the new constitution, the Republic of Croatia was established as the 'national state of the Croatian nation and the state of other nations and

²⁶ Macedonian report, WP3, 5.

²⁷ Decrees introduced to end to publicly funded Albanian language media, teaching of Albanian in most secondary schools as well as reduction at University of Prishtina. Krieger, 2001, XXVI.

²⁸ Stahn, 2001, 534.

²⁹ Croatia report, WP3, 7.

minorities who are its citizens.’³⁰ Though a range of minority rights were granted under the constitution and in the June 1991 Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia, they fell short of the offer of territorial autonomy to the Serb population that the international community had originally favoured.³¹

The Serb minority found itself reduced to a national minority and deprived of ‘constituent’ nation status, spreading concern about their future position and rights, and opening up room for their mobilisation on the part of the political leaders of the Serbian community in Croatia as well as the Serbian leadership in Belgrade. By the time the prospect of territorial autonomy in Glina and Knin as well as special rights of representation and proportional participation in public institutions for minorities representing more than 8% of the population (i.e. at that time the Serbs) was put on the statute books under the 1991 Law on Human Rights and Freedoms and the Rights of Nation and Ethnic Communities or Minorities in the Republic of Croatia, this was considered ‘too little’ by the Serb leadership which by then had its eyes set on ‘secession and incorporation into Serbia’.³² Moreover as the violence escalated in late September 1995 several provisions of the 1991 Constitutional Law relating to the special rights of minorities which made up at least 8% of the population were suspended by the Croatian parliament.³³ It was not until June 2000 following the defeat of the HDZ that the Parliament revoked the 1995 amendments of the Constitutional Law and adopted at the same time a Law on the use of minority language and script. Subsequently in late 2002 a new Constitutional Law on the Rights of National Minorities was passed.³⁴

Bosnia-Herzegovina

Prior to the intervention of the international community, the rulings of Badinter and the convening of the International Conference on Bosnia-Herzegovina in Sarajevo under EU patronage in mid-February 1992, Bosnia-Herzegovina was basically operating under the parameters of the 1974 Constitution of the SRBH with constitutional amendments passed in 1990. These constitutional amendments (July 1990) stated that the Republic of Bosnia-Herzegovina was a ‘sovereign democratic state of equal citizens comprising the peoples of Bosnia-Herzegovina - Muslims, Serbs and Croats - and members of other peoples and nationalities living on its territories.’ In essence as the Badinter Commissioner subsequently acknowledged, the constitutional parameters of the republic of Bosnia-Herzegovina were still based on the Socialist Constitution of the republic of Bosnia-Herzegovina.³⁵ Though a new draft constitution was supposedly in preparation, there was increasing stalemate and division among the three ethnic groups represented by corresponding political parties in the parliament following the elections of 1990 which divided the country along ethnic lines -- the Serbs who favoured continued membership in the Yugoslav federation and the Bosniaks and Croats who were increasingly in favour of independence.

³⁰ Croatia report, WP3, 8.

³¹ Croatia report, WP3, 8-11.

³² Croatia report, WP3, 11 citing Nina Caspersen, ‘The Thorny Issue of Ethnic Autonomy in Croatia: Serb leaders and proposals for autonomy’, 3, *Journal of Ethnopolitics and Minority Issues in Europe (JEMIE)* at http://www.ecmi.de/jemie/download/Focus3-2003_Caspersen.pdf

³³ Croatian report, WP3, 13.

³⁴ Croatian report, WP3, 14-15.

³⁵ <http://www.ejil.org/journal/Vol4/No1/art8.html#TopOfPage>

Macedonia

Whereas the preamble of 1974 Constitution of the Socialist Republic of Macedonia defined the country as ‘the national state of the Macedonian nation and state of the Albanian and Turk nationalities’, constitutional amendments introduced in 1989 (Macedonia as the ‘national state of the Macedonian people’) and the Preamble to the 1991 Constitution of the Republic of Macedonia (‘it is a historical fact that Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romas and other nationalities in the Republic of Macedonia’) were characterised by a shift towards ‘the ethnic Macedonians as the titular nation’, i.e. the sole constituent nation, and a series of rights for other minority populations.³⁶ As in the case of the Serbs in Croatia, the Albanians in Macedonia had lost their status as a constituent nation. Constitutional amendments and a major strengthening of minority rights provision were a fundamental element of the Ohrid Framework Agreement and accompanying annex. (See discussion below).

Serbia

In March 1989 the Serbian leadership downgraded the constitutional status of the two provinces in the republic of Serbia -- Kosovo and Vojvodina.³⁷ These had enjoyed many of the powers of a constituent republic following the constitutional amendments of 1974 except the right to secession under national law. Stahn has argued that in effect Kosovo was reduced to the status of a municipality.³⁸ The reduction in the level of autonomy of the provinces was justified in territorial terms rather than by any reference to the position and rights of minorities. However the removal of territorial autonomy was followed by the introduction in the early 1990s of a number of discriminatory laws against the Kosovar Albanians.³⁹ The Serbian leadership adopted a rather different approach to the other smaller minorities living within its territory which continued to enjoy a range of minority rights as specified in the Serbian Constitution.

In sum this section of the report has suggested that the constitutional changes introduced in the process of federal breakdown and as part of nascent state-building processes led to a significant shifts in majority-minority relations in each of the former units of the FRY. Former constituent nations found themselves reduced to lesser players in the new political landscape and increasingly insecure about their future position. The definition of membership in the national community based on ethnic criteria also accelerated the ethnification of the political process. The polarising effect, as we shall see below, was further heightened in some cases by the timing of particular elections and referenda.

2.2. The Politics of Democratization and Conflict: Electoral Sequencing

In the early 1990s in the wake of the collapse of communism and the early stages of democratization, populations across the region were invited to the ballot box to take part for the first time in multi-party elections as well as in a series of referenda on

³⁶ See Macedonia report, WP3, 4-5.

³⁷ 1989 Amendments of the Serbian Constitution, 8 and Constitution of the Socialist Republic of Serbia, 28 September 1990 in Heike Krieger, 2001, *The Kosovo Conflict and International Law: An Analytical Documentation, 1974-99*, Cambridge University Press, 8-10.

³⁸ Stahn, 2001, 533.

³⁹ For details, see Kosovo report, WP3, pages.

independence. The timing of the founding elections in the republics of the Former Yugoslavia variously contributed to the formation of a set of ethnic political parties and to the polarisation of the population who in some cases were induced to vote along ethnic cleavages and also to support parties with an overtly nationalist agenda.⁴⁰ In the wake of communist collapse, mobilisation around a nationalist platform which necessitated few concrete policy details was an attractive option for a number of post-communist leaders keen to hold onto power.⁴¹ 'The conservative, anti-reformist wing of the Serbian League of Communists was the first to switch to populist nationalism; in the sequence, the other parties from other republics soon followed suit'.⁴² The sequencing of new elections and the adoption of constitutional amendments/reforms meant that the increasingly prescient ethnic cleavages were to an extent reinforced by the ballot box and thus in some cases reinforced the process of ethnic mobilisation and the subsequent (though not inevitable) spiral into violence. This would suggest that in complex federal systems with territorial units structured around majority ethnic groups, the timing and potential negative impact of 'founding' multi-party elections as part of the democratization process may need to be reconsidered.

Referenda on and Declarations of Independence

| | Referenda on Independence | Declaration of Independence | Reaction |
|--------------------------------|----------------------------|-----------------------------|---|
| Bosnia-Herzegovina | 29 February - 1 March 1992 | 3 March 1992 | |
| Croatia | 19 May 1990 | 25 June 1991 | |
| Republika Srpska Krajina (RSK) | | February 1992 ⁴³ | |
| Kosovo | | 19 October 1991 | |
| Macedonia | 8 September 1991 | | Unofficial referendum among ethnic Albanian 1992 demanding territorial autonomy |
| Montenegro | 21 May 2006 | 3 June 2006 | |
| Slovenia | 23 December 1990 | 25 June 1991 | |

First Multi-Party Elections

| | First multi-party elections | Outcome |
|--------------------|-----------------------------|---|
| Bosnia-Herzegovina | November 1990 | Three largest ethnic parties secured highest number of votes -- Bosniak Party of Democratic Action, the Serbian Democratic Party and the Croatian |

⁴⁰ See work of Linz and Stepan on electoral sequencing and post-communist transition, reference.

⁴¹ Innes on catch all parties, Vachudova in Cremona, 2003, 144.

⁴² Serbia report, WP3, 15.

⁴³ Croatia report, WP3, 4.

| | | |
|-------------------|-------------------------|--|
| | | Democratic Union. |
| Croatia | April 22 and May 7 1990 | HDZ - nationalist Croatian Democratic Union took highest %age of vote - 41% followed by reformed communists Party for Democratic Change on 27%. Serb Democratic Party took 2% of vote. |
| Macedonia | January 27, 1991 | The nationalist Macedonian Internal Revolutionary Movement (VMRO) won the most seats, but a bloc including Kiro Gligorov's Social Democratic Alliance (SDSM), the Liberal Party and the Albanian Party for Democratic Prosperity (PDP) formed coalition government |
| Montenegro | December 1990 | --Ruling League of Communists of Montenegro won 83 seats (66%) in the 125 seat legislature. --The Alliance of Reform Forces won 17 seats (13.6 percent). --The People's Party took 12 seats. All three main parties favoured some form of continued federal union. ⁴⁴ |
| Serbia | December 1990 | More than 50 parties competed for 250 seats in the unicameral chamber. --Milosevic and his Socialist Party of Serbia (SPS) took two thirds of the vote and 194 seats. --Vuk Draskovic's Serbia Movement for Renewal secured 19 seats and 8 % of the vote. --Other parties had poor showing though some additional opposition gains made in second rounds. |

⁴⁴ Cohen, 1996, 158-59.

| | | |
|----------|---------------|---|
| Slovenia | April 8, 1990 | Three main parties were: - Party of Democratic Renewal, later renamed the ZLSD (Associated List of Social Democrats) took 17% of the vote; -- Liberal Party (ZSMS) (14.5%), subsequently LDS after merging with the Socialist Party and the Greens; -- SKD - Slovenian Christian Democrats took 13%. |
|----------|---------------|---|

Croatia⁴⁵

Elections were held in April and May 1990 following the passage of a new law legalising a multi-party system in Croatia. The victor in this election was the Croatian Democratic Party (HDZ) a radical nationalist party under the leadership of Franjo Tudjman which secured 58 percent of the vote on a campaign of anti-communism, anti-Yugoslavia and concerns about rising Serbian nationalism. The Serb Democratic Party also emerged at the time of the election but it did not secure a large electoral mandate even within Serb-majority parts of the country. Thus in the case of Croatia, it was the leader of one of the republic's majority nationalist parties which sought to gain and consolidate power, inter alia, by mobilizing around ethnically based issues. The radicalisation of the Serb population took place somewhat later in part in response to policies of Tudjman's government.

Bosnia-Herzegovina

As a result of the first multi-party elections in Bosnia in November 1990 the three largest ethnically based parties recorded the highest number of votes thus validating the ongoing polarisation of the country along ethnic lines, the Party of Democratic Action (led by Alija Izetbegovic) having won 86 out of 340 seats, Radovan Karadzic's Serbian Democratic Party (SDS) taking 72 seats and the Croatian HDZ (an offshoot of Tudjman's HDZ) securing 44 seats. Izetbegovic sought to construct a government of national unity out of the three main parties. But as Malcolm suggests despite the good intentions behind the process of government formation, the SDS already had a rather different agenda, and arguably the democratic elections simply gave Karadzic a mandate for his subsequent nefarious actions.⁴⁶ The case of Bosnia suggests that in a country in the throes of separation from a former federal structure and transition away from communism with sizeable, uncertain and concentrated ethnic groups and the presence of kin states across the borders, elections are likely to accentuate rather than lessen the polarisation around ethnic divides.

Macedonia

Feeling threatened by their recent demotion to a national minority as a result of the 1989 constitutional amendment, it is hardly surprising that the emergence of a multi-party system in Macedonia was characterised by the emergence of ethnic minority

⁴⁵ For detailed breakdown of election results, see Lenard Cohen (1995) *Broken Bonds: Yugoslavia's Disintegration and Balkan Politics in Transition*, Westview, 100.

⁴⁶ Malcolm, 1996, 222-223.

parties. However in contrast to the other republics of the Former Yugoslavia, government formation in Macedonia has always involved incorporation of ethnic Albanian parties in a governmental coalition to a degree tempering the potential extremes of ethnic polarisation and minority marginalisation. In the wake of the first multi-party elections in January 1991, the Albanian Party for Democratic Property (PDP) formed a coalition with the Social Democratic Alliance and the Liberal Party despite the fact that the more nationalist Macedonian Internal Revolutionary Movement (VMRO) recorded a higher number of votes. Even so in September 1991, the ethnic Albanian population boycotted the referendum on independence. (74% of population voted in favour). The following January the country declared its independence.

Serbia

It has been well documented that Slobodan Milosevic had clearly understood the potency of ethnicity as political mobilising tool in his quest to hold onto power, and in particular the potent historical symbolism of Kosovo for the Serb nation.⁴⁷ However the resounding victory achieved by Milosevic and his Socialist Party of Serbia in the December 1990 elections would appear to have been the result of a much broader range of factors not simply reducible to Milosevic's recently-found nationalist credentials. In addition to the better organisational capacities of the SPS inherited from its communist predecessor, Milosevic's party was able to capitalise on continuing support for the socialist system as well as populist promises of continuity and certainty which struck a cord with sizeable swathes of the population. All in all in Serbia as in its close neighbour Montenegro, the first pluralistic elections recorded a strong victory for the status quo.⁴⁸

This section of the report has raised questions about the timing and potential impact of 'founding' multi-party election in communist federal systems in the process of breakdown. The experience of the Former Yugoslavia would indicate that the sequencing of elections in combination with constitutional changes concerning the composition of the nation may strengthen the process of ethnic mobilisation and contribute to the further escalation of conflict.

2.3. The Rulings of the Badinter Commission

Throughout the course of the different conflicts in the former Yugoslavia, the responses of the international community were framed by the rulings of the Badinter Commission. Formerly known as the Arbitration Commission of the Conference on Yugoslavia, the Badinter Commission was set up by the Council of Ministers in August 1991 to provide legal advice to the Conference on Yugoslavia.⁴⁹ Recognition by the Badinter commission was based on the condition that the new states adhered to the Charters of the United Nations, the Conference on Security and Cooperation in Europe and the Paris Charter guaranteeing human and ethnic rights of minorities, the inviolability of frontiers, international agreements and international arbitration. In December 1991 in a declaration on Yugoslavia, the Yugoslav republics were invited to declare whether they wished to be recognised as independent states, whether they accepted the obligations contained in the afore-mentioned guidelines, and whether

⁴⁷See Milosevic's pivotal speech in Kosovo Polje in 1987. Check get reference.

⁴⁸ See discussion in Cohen, 1996, 151-159.

⁴⁹ Alain, Pellet, 'The Opinions of the Badinter Arbitration Commission: A Second Breath for the Self-Determination of People's', <http://www.ejil.org/journal/Vol3/No1/art12.html> and also <http://www.ejil.org/journal/Vol3/No1/art13.html>.

they accepted stipulations in draft convention particularly those in Chapter II on human rights and the rights of national and ethnic groups.⁵⁰ The rulings of the Badinter Commission were highly influential. As stated in the Serbian report (26), the 'entire negotiating process on finding a peaceful solution for the Yugoslav conflict was conducted under the framework of the principles envisaged in the Badinter Commission report.'

In November 1991 the Commission came to the following conclusions as to the situation in the former Yugoslavia and the right to secession/self-determination of the sub-federal units:

On the political situation in the Former Yugoslavia:

- Dissolution: the SFRY was in the process of disintegration;
- International boundaries: Drawing on the principle of *uti posseditis juris*, only the existing republican boundaries of the SFRY were to be respected and to become international frontiers protected by international law -- thus Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia gained the almost automatic right to self-determination and independent statehood, though in some cases with provisos, whereas Kosovo Albanians, the Serbian population in Bosnia-Herzegovina and Croatia were entitled to all the rights afforded to national minorities and ethnic groups as well as human rights and fundamental freedoms accorded to individuals under international law but the right to secession was denied. Badinter took no account of the at times arbitrary boundary and status decisions of Communist leaderships.

Conditions for independence:⁵¹

The Badinter Commission also passed individual rulings on the situation in the different republics:

- Slovenia and Macedonia satisfied all the necessary conditions to achieve independent statehood. Slovenia gained international recognition in January 1992 but conversely there was a delay in international recognition for Macedonia until December 1993 due to a dispute with Greece over the name of the new country.
- Bosnia-Herzegovina: In the view of Badinter, BiH satisfied all the necessary conditions for statehood with the exception of holding a referendum on the question of independence. The referendum was duly held on February 29-March 1, 1992 and recorded overwhelming support for independence at least among the Bosnian and Croat population, the Serb population boycotted the vote.⁵² Badinter made no judgment on the nascent country's evident inability to fulfil the criterion of state effectiveness and BiH was consequently recognized in April 1992.
- Croatia met all the necessary conditions apart from those on the question of special status contained in the draft Convention of 4 November 1991 which concerned the right of minorities to a 'special status of autonomy' and concomitant rights to display national emblems, as well as special provision for educational systems, legislative, administrative and judicial institutions etc.⁵³ In the case of Croatia, the unfolding of conflict situation on the ground and the stance of Germany overtook the legal rulings of Badinter. Croatia gained international recognition in December 1991/January 1992.

⁵⁰ Caplan, 2007, 191-195.

⁵¹ <http://www.ejil.org/journal/Vol4/No1/art7.html#TopOfPage>

⁵² The turnout rate was 63% and 98% of those who voted supported independence for BiH.

⁵³ Caplan, 2007, 193-94.

Kosovo: Province versus the Republics

Despite the increasing equalization of republics and provinces post the 1974 constitutional revision, Kosovo remained a case apart from the six republics of FRY when it came to the international community's consideration of claims for secession in the early 1990s.⁵⁴ The fundamentally different constitutional starting point of Kosovo vis-à-vis the other republics of the former Yugoslavia cannot be underestimated as a factor influencing the evolution of the international community's response to Kosovo - - arguably even up until the present day. Caplan has noted how the founders of the Yugoslav federal system had decided that the status of a republic would be reserved for nations (*narodni*) as opposed to nationalities (*narodnosti*) - designated as such because the former had their principal homeland inside Yugoslavia and the latter outside Yugoslavia.⁵⁵ Thus due to the happenstance of history Kosovo, which was home to a majority ethnic Albanian population, was designated a province, a decision that was to come home to haunt the province some fifty years later when the federation was in the process of disintegration. The constituent republics of the Former Yugoslavia under the Constitution of the Socialist Federal Republic of Yugoslavia had the constitutional right to secede from the federation even though there was no clear institutional mechanism to operationalise this right. Conversely provinces even during the period of increased autonomy and rights enjoyed by Kosovo (and Vojvodina) from 1974-1989 were denied this right and therefore put them in a fundamentally different position. This was reinforced by the rulings of the Badinter Commission on international boundaries based on the principle of *uti posseditis juris*.

The rulings of the Badinter Commission were highly influential particularly in the early stages of the collapse of the SFRY in framing the early conflict management negotiations, decisions over the right to independent statehood and conditions for international recognition. However, though in the majority of cases perceived political exigencies also shaped the process of international recognition of the new states of the Former Yugoslavia, the IC accepted the basic principle of *uti posseditis juris* and thus throughout the 1990s refused to countenance Kosovo's aspirations towards independence. Arguably this lack of consideration contributed to the descent to violence in the second half of the decade.

3. The Dynamics of The Peace-Making Processes

The third part of this report focuses on the dynamics of the peace-making processes exploring both domestic and international attempts at conflict management and examining the processes leading up to the signing and taking hold of peace settlements in the conflicts across the region.

In chronological order:

- Croatia: the Erdut Agreement (November 1995),
- Bosnia-Herzegovina: Dayton Peace Agreement, also known as 'The General Framework for Peace in Bosnia and Herzegovina' (December 1995),

⁵⁴ 'The Constitution of the Socialist Federal Republic of Yugoslavia, Extracts, 1974 in Heike Krieger (2001) *The Kosovo Conflict and International Law: An Analytical Documentation, 1974-99*, Cambridge University Press, 2-5.

⁵⁵ Caplan, 2007, 138.

- Kosovo: Interim Framework for Peace and Self Government in Kosovo⁵⁶ and UN Security Council Resolution (February 1999 and June 1999 respectively),
- Macedonia: Ohrid Framework Agreement (August 2001), and
- Serbia and Montenegro: Proceeding Points for the Restructuring of Relations Between Serbia and Montenegro also known as the Belgrade Agreement (March 2002).⁵⁷

In many cases the final settlement followed an iterative process of discussion over and rejection of a series of peace plans with proposals tabled and deliberated over under the auspices of a range of different domestic and international actors. The different peace efforts are summarised in tabular form in Appendix 1 at the end of this report. In attempting to evaluate and draw lessons from the peace processes across the Former Yugoslavia, it is important at the outset to introduce a measure of effectiveness into our discussion.⁵⁸ After all what may make for success in ending violent conflict at a particular stage in the conflict cycle may subsequently gridlock progress towards state- and nation-building and democratization in the future; in this light it is necessary to establish different parameters of success at different stages of the conflict management process. The current report introduces a three-tier measure of success. It seeks to analyse how successful the peace process was in the following three areas while recognising that these stages may not be consecutive:

- (1) Silencing the guns, bringing an end to violent conflict;
- (2) In negotiating the peace;
- (3) In laying the foundations for (i) state- and nation-building and (ii) democratization through the 'final' conflict settlement.

This third element will be analysed in part 4 of the report.⁵⁹

The dynamics of the peace process is unpacked into several stages:

- (1) **Containing the violence** (successful outcome: (i) stemming the escalation of violence; (ii) getting ceasefires to hold and (iii) demilitarisation)
- (2) **Negotiating the terms of peace** (successful outcome: (i) peace settlement signed by all warring parties reinforced by (ii) international presence)
- (3) **The Peace Settlement**
 - (i) **Making the peace hold:** (successful outcome: (i) no return to violence and commitment of all parties to political means; (ii) demilitarisation; (iii) acceptance of international presence.
 - (ii) **Implementation of provisions and conditions of peace agreement:** Power-sharing and laying the foundations for:

⁵⁶ Ultimately this agreement was rejected by the Serbian delegation but the constitutional components provided the foundation for the self-governing framework in Kosovo post UN1244. /footnote/

⁵⁷ All these peace agreements can be found at <http://www.usip.org/library/pa.html>.

⁵⁸ See discussion in Fen Osler Hampson (1996) *Nurturing Peace: Why Peace Settlements Succeed or Fail*, United States Institute of Peace, 8-11.

⁵⁹ In the context of this report, we understand state- and nation-building as separate but closely related and often overlapping institutional processes which are even more difficult to craft in the wake of violent conflict. State building refers to the establishment of state institutions within newly defined borders, whereas nation-building denotes the creation of national identity and social cohesion which are usually promoted by laws and policies on language, citizenship and minorities. See James Hughes and Gwendolyn Sasse (2002) (eds) *Ethnicity and territory in the former Soviet Union: regions in Conflict*, London: Frank Cass, p.

- (a) State and nation-building (successful outcome: (i) acceptance of new constitution, (ii) reform of police and army; (iii) reconstruction and socio-economic development (iv) hand-over of responsibility for governance to domestic institutions and actors, (v) process of reconciliation, (vi) return of displaced persons, and (vii) levels of out-migration.
- (b) Democratization (successful outcome: (i) rule of law, (ii) free and fair elections,⁶⁰ (iii) political commitment to the new system (both voters and majority/minority elites), (iv) electoral turnover, (v) institutional adjustments, (v) civil society.

These stages are not necessarily consecutive in all cases of conflict. In the case of the conflicts in the former Yugoslavia, for example, there were many instances of attempts to secure a ceasefire which took place at the same time or as part and parcel of the peace negotiations process. Moreover breakdown at any point may force international and domestic actors to re-evaluate and renegotiate previously made decisions at earlier stages in the process. Under each of these different stages, four different and overlapping dimensions are explored. In this regard we can see that there are issues relating to the structural causes of the conflict and issues relating to the positions and changing interests of different actors, as well as another set of issues relating to the contingency of the conflict settlement process itself, all of which taken together influenced the success or failure of particular peace processes.

(1) The role of particular actors and their readiness to cooperate

The position and interests of different parties to the conflict affected the peace process on the ground. Actors may agree to a ceasefire or choose to participate in a peace negotiation process for a number of reasons, only one of which may be a serious commitment to ending the violence and laying the foundations for a viable peace. Agreement to participate in peace negotiations may also be a stalling mechanism -- actors may enter negotiations to buy time so that they can regroup their positions on the ground.⁶¹ The notion of the readiness of particular actors to cooperate in the aims of achieving a peace settlement has been conceptualised in the conflict management literature in terms of the 'ripeness' of the situation. This moment is reached when warring parties conclude that the costs of continuing to engage in violent conflict outweigh the potential gains that may be derived from such strife, and rather than their interests (which obviously may shift in the course of the conflict) would be better served by a process of negotiations given the necessary guarantees.⁶²

(2) Regional and International dimension

When it comes to assessing the place of the international community in the peace process, the role of international organisations, Western states and Russia as well as regional players has to be considered:

The regional dimension: Given the particular context of the disintegration of Yugoslavia, the all too recent history of the new states in the region as part of the same federal state as well as the emergence of new minority communities with interested kin states in the vicinity, the regional dimension takes on a particular pertinence in the case of the Former Yugoslavia. Though the peace-making process

⁶⁰ A note of caution here: the timing such elections may critically reinforce existing strong ethnic cleavages in certain post-conflict situations. Cf: Bosnia-Herzegovina. Moreover elections per se are not tantamount to the foundations for stable democracy. After all good elections can coexist with bad politics.

⁶¹ Hampson, 1996, page.

⁶² Hampson, 1996, 14

differed from country to country, these processes should not be seen in isolation from each other. The timing of the particular conflicts mattered to the evolution and trajectory of each conflict vis-à-vis those in neighbouring countries, to the incentives structures and resultant strategies of different players. Regional influences and interactions affected the willingness of opposing parties to come to the negotiating table and agree on particular terms of peace at particular times.⁶³

In terms of both contributing to the outbreak of violence and creating conditions to make the peace, there is clear evidence of a regional ripple effect in the conflicts under study. The arrival of a large number of displaced Kosovar Albanians in Macedonia following the rise in violence in Kosovo contributed to an escalation of conflict potential in Macedonia in late 1990s. Further on in the conflict cycle, there was a clear linkage between the conclusion of the Washington Agreement between Croatia and Bosnia which stopped the fighting between Bosnian Croats and Bosnian Muslims in BiH and the securing of the Erdut Agreement in Croatia. The regional effect can also work in the opposite direction. The Dayton Peace Agreement included a number of regional dimensions including agreements on regional arms control and confidence building measures. However much to the chagrin of the Kosovar Albanian leadership, the issue of Kosovo was purposefully left off the agenda at Dayton in part for fear of alienating Milosevic and in part because the province had remained largely peaceful up till that point. It has been suggested that the Kosovar Albanian leadership concluded from this omission that violence was the only way to secure 'independence outcomes.'⁶⁴ Finally the regional dimension has remained critical in the post-violence reconstruction and peace-building period as well. In fact it might be suggested that the IC lost sight to an extent of the imperative of a regional approach to conflict resolution and management in the Western Balkans in its search for immediate ways to end hostilities in the mid-1990s. Since the end of the military intervention to end the fighting in Kosovo, regional cooperation and good neighbourliness have in rhetoric and in European Council and Commission policy documents at least formed critical components of the 1999 Stability Pact and the EU's Stabilisation and Association Process.

The international dimension: At various stages in the conflicts in the Former Yugoslavia a whole range of international organisations have been involved in the process of conflict management - in particular the OSCE, EC/EU, UN, including UNHCR and NATO. Likewise an array of national actors have also played their part - including the US, Russia, UK, Germany in both furthering and also on occasion impeding peace processes. As discussed earlier in this report, the collapse of the Former Yugoslavia and the outbreak of violent conflict particularly in Croatia and Bosnia-Herzegovina caught the international community ill-prepared and ill-equipped from an institutional point of view (capacities, instruments, coordinating mechanisms) to respond adequately to the situation on the ground. Attempts to secure peace, particularly in the first half of the 1990s were marred by insufficient coordination among different international players, which was both the result of diverse interests and of insufficient institutional capacity.

Not only did particular organisations lack the appropriate instruments and resources to make and build peace, but there was also an evident lack of political will on the part of some prominent international players to get overly involved. Even so throughout the period under study we can see an incremental process of learning coupled with a growing acceptance of the need to engage, reflected in the actions and responses of the international community and the use of a range of different instruments in trying to bring an end to violence and secure the peace -- which had

⁶³ Hampson, 1996, 19.

⁶⁴ Kosovo Report, WP3, page.

varying degrees of effectiveness. Once the the futility of their initial policy of supporting the continued existence of a reformed Federal Republic of Yugoslavia had been recognised, the IC supported though not wholly consistently a policy of conditional recognition as promoted by the Peace Conference on Yugoslavia⁶⁵ as well as a series of fact-finding type missions on the part of the OSCE, UNHCR and the ECMM (the EC Monitoring Mission) which detailed human and minority rights abuses.⁶⁶ With the escalation of the conflict national actors were willing to countenance various forms of sanctions and humanitarian intervention; though a more wholehearted commitment of ground troops was simply not tolerated. The threat of military intervention was only supported as a last resort option and in the case of the conflict in BiH and Kosovo this involved only air strikes and in both cases the action came rather late in the day.

Though the presence of multiple different international actors (both organisations and states) working in the conflict arena both in the pre-settlement and post-settlement phases may create complex coordination problems and overlap in organisational terms, not to mention conflicts of interests within and across different international arenas, experience in peace processes has shown that the presence of multiple different organisations each with different institutional strengths may be necessary to secure a successful outcome at each stage of the conflict cycle as each institution can play to its strengths and contribute to the wide range of exigencies posed by post-violent conflict management.

(3) The Context of the Peace Negotiations

Under this category we subsume the internal conditions under which the peace negotiations were conducted, considering - (i) the degree of inclusiveness of the talks, i.e. the actors (and where possible the continuity of actors) involved in the particular negotiations, (ii) the degree of domestic ownership of negotiations underway, and (iii) the role of different international organisations; including the bargaining chips available to third party mediators.

3.1. Containing the Violence

Some reasonably early attempts were undertaken by the IC to develop appropriate political and institutional responses to the unfurling crisis in the Former Yugoslavia and to stem the escalation of violence. The EC Conference in The Hague was convened October 1991 initially with the intention of trying to stem the collapse of Yugoslavia, and this was followed by the London Conference under the joint chairmanship of Lord Owen on part of the EC and Cyrus Vance on the part of the U.S.. Despite the preparation of a number of peace plans, none were crowned with success for a number of reasons. International initiatives were marred by a lack of understanding on the part of the IC of the evolving situation on the ground and of the different interests engaged in the evolving conflict. This was coupled with a lack of concerted effort on the part of international players not to mention the multiple institutional constraints under which international organisations were operating alluded to above. In many instances in the case of the Former Yugoslavia, attempts to carve out and negotiate peace settlements intersected with or even ran ahead of moves to contain the

⁶⁵ For analysis of effectiveness of conditional recognition, commitments to human and minority rights compliance and conflict management, see Richard Caplan (2005), 146-page.

⁶⁶The Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia reported on the human rights situation in Former Yugoslavia from 1992 - 2001.
<http://www.unhchr.ch/html/menu2/7/a/myug.htm>.

violence on the ground - with opposing sides continuing to embark on military operations in a bid to secure advantage while peace negotiations were supposedly underway elsewhere.

Key findings

Domestic and regional factors

- Conflict may be averted/moderated if adequate measures can be taken to disarm/put under effective control or curb the supply routes of the weapons of warring parties though this may not be possible in all cases. [[E.g. The Yugoslav Army supported the leadership RSK in Croatia and in Republika Srpska in BiH with personnel and weapons embargoes introduced by EC and UN had a differential effect on the warring parties if anything boosting the position of the Serbs⁶⁷]]
- Domestic conflict parties may participate in negotiations processes for disingenuous reasons - rather than seeking to avert the outbreak of violence, they may be buying advantage while preparing to continue the fight. International negotiators must seek to shift incentives and interests of ambivalent players rather than play into their hands.
- In the context of the WB where the regional contagion effects are enormous given the cross-over of ethnic populations and historical legacies of federal union, a consistent regional approach to minority and human rights protection from the point of conflict emergence is critical.

International involvement

- Timely intervention is critical if escalation of violence is to be averted. In the former Yugoslavia one of the key problems of international intervention was that of 'too little' and often 'too little too late'. Macedonia (and Montenegro to an extent) are notable exceptions in this regard.
- Effective attempts to contain violence must include appropriate and consistent application of sanctioning mechanisms for failure to comply on the part of warring parties as well as for regional/neighbouring supporting actors. Alternative incentives structures must be put in place to induce actors to silence their guns. [[In the case of the conflicts in the FY recommendations, statement of principles, recommendations were repeatedly infringed, disregarded]].
- Sanctions where possible must be thoughtfully targeted and comprehensively imposed.⁶⁸
- In the case of international institutions, it is important to match the mandate to the situation on the ground. [[UNPROFOR, for example, was established as a peacekeeping force in Croatia before there was even a peace to keep - see below discussions on Croatia and Bosnia-Herzegovina]]
- The mandate must also be backed up with sufficient capacities - troops, technical equipment, monitoring provisions.

⁶⁷ Serbia report, WP3, 7 and ?.

⁶⁸ See Serbia report, WP3, page..

3.2. *Negotiating the Terms of Peace*

In the course of the 1990s and early 2000s, a whole set of domestic and international negotiation attempts were undertaken in the Former Yugoslavia -- at times parallel and complementary, not always productive and involving a vast array of different international players both in negotiating the terms of and subsequently building the peace. In this regard it is just as important to try to understand the reasons behind the failure of different initiatives as it is to explain the reasons for success of the 'final' peace settlement. With all the flaws in the actions of the IC, international intervention was nonetheless essential to manage the peace negotiation process and secure the terms of peace. All the lasting peace agreements in the regions were to differing degrees negotiated or imposed with the assistance of international mediators and backed up with some form of international presence in the wake of the cessation of violence. Moreover the cumulative effect of repeated rounds of negotiations was an integral part of the process of gradually building the necessary consensus to secure the peace agreement, combined with the shifting military situation and the concomitant responses of warring parties on the ground

Third party actors may play a significant role in peace processes in shifting the incentives structure under which actors are operating from a bilateral relationship between warring parties to a trilateral and even a multi-dimensional interaction.⁶⁹ In Macedonia the drive for international recognition induced the government to meet the criteria of the Badinter Commission in terms of human and minority rights standards as per Chapter II of the November 1991 Convention.⁷⁰ The government of Macedonia was willing to improve human and minority rights protection to secure the greater goal of international recognition. Its endeavours were crowned with success inasmuch as it received undiluted approval from the Badinter Commission. Likewise the strong imperative on the part of the Macedonian Government to 'return to Europe' and to become party of Western organisations, in particular EU and NATO also incentivized the leadership to agree to acceptable peace terms. The drive to Western integration on the part of the country's leadership superseded any lack of willingness to accommodate its minority population.

Many of the country reports directly or indirectly shed light on the complex relationship between securing the end of violent conflict and then laying the foundations for stability and a secure democratisation process highlighting the difficult balance between the importance of international involvement in keeping the warring parties at the negotiating table and securing the signatures for peace and also the need for domestic ownership of peace processes to permit the next stage of building stable democratic states. Whereas it seems apparent that the international community can play a pivotal role in 'imposing' peace and enabling that peace to hold through a sizeable international presence, the involvement, cooptation and handover to local elites can be a critical but highly problematic next step, be it in the case of Kosovo where the final status remains unclear or in the case of Bosnia-Herzegovina where the original constitutional settlement which proved necessary to make the peace has in many ways entrenched existing divides and yet constitutional revision has remained largely elusive. Both Kosovo and BiH remain dependent on the sizeable presence of international organisations.

⁶⁹ Hampson, 1996, page.

⁷⁰ For Treaty Provisions for the Convention (at 4 November 1991) Caplan, 2007, 191-195.

Key findings

The domestic context

- Negotiating the terms of peace is less complex in situations where violent escalation has been averted (Macedonia and Montenegro).
- A viable peace agreement may be easier to obtain in countries which have already completed the first stages of democratic transition. (Macedonia)
- Certain key individuals, often leaders, particularly in times of post-communist, conflict-rich institutional flux can play an extremely instrumental role in driving forward or stalling attempts at peace. (Examples abound in the Western Balkans -- Milosevic in Serbia, Tudjman in Croatia, Gligorov in Bosnia-Herzegovina, Trajkowski in Macedonia.)
- Inclusiveness in the negotiations process is critical in the move from stopping the violence to building a stable democratic future for newly independent states. (Kosovo and KLA, Macedonia and NLA).

Regional factors

- Continued support (political and military) to warring minorities from kin-states or kin minorities in other neighbouring states is likely to thwart peace processes.
- Local crisis management needs to be coordinated or synchronized with regional crisis management.⁷¹ (Cf: the relationship of the Washington Agreement between Bosniaks and Bosnian Croats to the Erdut Agreement ending conflict in Croatia) (see Appendix 1).

International involvement

- Unity of approach and adequate coordination among different international, domestic and regional players is an important component of successful peace-making processes.
- Third party intervention may shift the incentives structure under which warring parties are operating at different stages of the conflict cycle. (e.g. carrots of prospective EU membership and aid, sticks of sanctions)
- Genuine political will is necessary on the part of international organisations and different countries as well as the domestic parties to the conflict.
- International organisations and foreign governments must endeavour to remain neutral throughout the conflict management process.
- Sanctions properly targeted and comprehensively enforced can have a positive effect over time - though there is always the risk of collateral damage. (Serbian report, page)
- The credible threat of force can be an effective instrument to force opposing/unwilling parties to the negotiating table (i) to avert even worse escalation and bloodshed; and (ii) when other non-violent options have been exhausted.
- The prospect of 'return to Europe' and integration into Western economic and security architecture can be a strong incentive for cooperation - if the perceived benefits of Western integration outweigh perceived gains to be made in perpetuating conflict situation (Compare here Macedonia versus Serbia).

⁷¹ See

<http://www.partitionconflicts.com/partitions/partitions%5Foverview/lessons%5Flearn/>.

- Agreement may be easier to achieve if it is tied to the offer of amnesty to members of extremist organisations (with exception of those who have been indicted for crimes)
- Comprehensive enforcement and monitoring provisions are required to make the peace settlement 'stick' and for the peace to take root.

Country by Country Analysis

Croatia

As part of the early attempts to secure a resolution to the conflict situation in Croatia, the international community under the auspices of the Peace Conference on Yugoslavia (October 1991) sought to develop a peace plan which *inter alia* would provide security guarantees for the Serbian minority in Croatia through a special autonomy status backed up with monitoring missions.⁷² Though the president of Croatia, Franjo Tudjman, along with presidents of other FY republics participated at the discussions in The Hague, the Croatian government simply did not support the special autonomy status proposal for the Serb population. Meanwhile the Serb community itself was bent on secession rather than some form of devolved self-government; a position which resonated with the preferences of the Serb leadership in Belgrade with its designs on a Greater Serbia.⁷³ Thus we see a major mismatch between the substance of the conflict management proposals of the IC and the interests of the key players on the ground whose interests were diametrically opposed: a unitary state with no special autonomy arrangements for Croatia versus secession and most likely future reintegration into a Greater Serbia on the part of most of Serbian Croat leadership. Not surprisingly neither version of the Carrington Plan was endorsed. In the meantime violence on the ground was escalating and despite a series of failed ceasefires (17 September 1991 and 22 September 1991), it was not until February 1992 that the decision was taken to establish a United Nations Protection Force (UNPROFOR) under UNSC 743.⁷⁴ Here again there was a severe mismatch, on this occasion between the situation on the ground and the mandate of UNPROFOR which was established as a peace-keeping force even though there was no peace to keep with the endless cease-fire violations. The position of UNPROFOR was made even more difficult by insufficient troop numbers throughout the entire time of its deployment in the UNPAs in Croatia. In fact 'by the time UNPROFOR was operational, most of the area's non-Serb population had already been expelled from the UNPAs'. At the very least UNPROFOR may have prevented further escalation, but the UNPAs were never fully demilitarised. Moreover UNPROFOR had no mandate to prevent the spill-over of the conflict in Croatia into BiH.⁷⁵

Though the Croatian leadership undertook several (ultimately unsuccessful) domestic peace attempts in 1993 seeking to build on divisions within the Serb Croatian community (see appendix on Croatia) it was not until the Washington Agreement of March 1994 which secured the federalisation of BiH and established the possibility of the subsequent integration of Croat areas with Croatia, that the Croatian leadership demonstrated a serious willingness to return to the negotiating table of the Contact Group. By this stage, Croatia was in the process of securing its advantage on the battle-field and so not surprisingly, it had a stronger hand and a greater interest in the peace negotiation process. The Serbian leadership in Belgrade, which though it had

⁷² For Draft Declaration on Yugoslavia, see Caplan, 2007, Appendix 2 and 3, 189-195.

⁷³ Caplan, 2005, 169. Those moderate Serbs that did support an autonomy solution were marginalised from the political process.

⁷⁴ For text of resolution, see <http://www1.umn.edu/humanrts/peace/docs/scres743.html>. UNPROFOR was mandated to demilitarize the UNPAs and to help create the 'circumstances for a peaceful negotiated resolution' of the conflict.

⁷⁵ Croatia report, WP3, 28, 29.

initially benefited from the sanctions regimes was increasingly suffering under their impact, was directly involved in this new round of negotiations, and had by late 1994 accepted that the joining of some part of Croatia to a Greater Serbia would never be accepted by the IC. This shift in Belgrade meant that the leadership of RSK had lost its key regional bulwark and though this did not lead to an immediate resolution it was clearly only a matter of time. In November 1995, the Erdut Agreement - Agreement on the integration of Eastern Slavonia, Baranja, Western Srem was signed by Croatia Chief of Staff Hrvoje Sarinic and on behalf of Serbs by former Deputy Defence Minister Milan Milanovic, witnessed by the UN Mediator and US Ambassador to Croatia. The leadership of the Serbian Croats did not sign the agreement though by this point considerable numbers of the Serbian community had already left or been killed. The Erdut Agreement made provision for a transitional UN administration in Eastern Slavonia, Baranja, Western Srem, an international force to maintain peace and security during the transitional period, reintegration into Croatia legal system, provision for refugee return and restoration of property, full demilitarisation.⁷⁶ Erdut was returned to Croatian control in 1998.

Bosnia-Herzegovina

After the failure of intra-Yugoslav attempts to maintain some form of reconstituted asymmetric federation undertaken by Presidents Gligorov (Macedonia) and Izetbegovic (BiH), the baton passed to the IC. From the earliest stages, the IC's solutions for BiH appeared to be built around an ethnopolitical conception of the BiH question, a conceptualisation which arguably shaped thinking and resulting proposals throughout the different negotiations that followed. The wrangling rather shifted to struggles over percentages of territory, contiguity of territory and the level and nature of territorial division but the issue of an ethnically-based solution was apparently largely decided.⁷⁷ The Lisbon initiative of February 1992 under the auspices of the EC Conference on the Former Yugoslavia only included leaders of ethno-political parties from BiH and the resulting March 1992 plan which was summarily rejected proposed the division of the country into 'three constituent units based on national principles' albeit with provision for the protection of minority rights.⁷⁸ Though the subsequent Vance-Owen Plan which emanated from the London Conference supposedly envisioned multi-national government within the designated provinces of BiH, it was nonetheless interpreted as a predominantly ethnically based vision of the country, with the major concern of the Bosnian Serb leadership that its 'proposed provinces' did not form contiguous territory.

The conflict in Bosnia provides ample evidence of the potential problems and unintended negative consequences of misconceived and ill-matched international intervention. Throughout the violent stages of the conflict in Bosnia it is evident that the mandate of UN peacekeepers both in terms of personnel and in terms of responsibilities did not match the evolving situation on the ground. Though UNPROFOR had originally been established as a peacekeeping force to protect UNPAs in Croatia and to maintain neutrality had been stationed in Sarajevo, when violence broke out and began to escalate in Bosnia, it was not authorised to intervene and stem the spill-over of the conflict. In fact the only foreign personnel on the ground when war broke out in BiH were international relief organisations - primarily the International Committee of the Red Cross and the UNHCR and UNPROFOR for UN Peacekeeping operation in Croatia.⁷⁹ Even once UNPROFOR's remit had been widened to BiH under UN SC 758, including in the designated 'safe havens' in Muslim enclaves, the mandate

⁷⁶ http://www.usip.org/library/pa/croatia/pa_croatia.html.

⁷⁷ See appendix on Bosnia-Herzegovina.

⁷⁸ Woodward, 1995, 281.

⁷⁹ Woodward, page?

did not match exigencies of the situation on the ground as was so appallingly evidenced by Srebrenica massacre. Likewise the decision to impose an arms embargo following UNSC 724 had ultimately had a disproportionately effect on the warring parties - with the Bosnian side more weakened as a result and the Serbs able to capitalise on their already existing considerable JNA arms supplies.⁸⁰

By the second half of 1993 there appears to have been an increasing understanding in some quarters in the ICFY of (i) the need for a regional approach, regional linkage in finding a solution to the conflict in the Former Yugoslavia - that is conflict management in Croatia was intrinsically linked to conflict management in Bosnia, and (ii) that a variegated approach could be adopted to interactions with the different conflicting parties. Hence the attempt to broker an agreement between the Croatians and the Bosnian governments, the tendering of support for Croatia's application for EU membership and the offer of aid well as the linkage of settlement in Bosnia to settlement in Croatia. The Bosnian Serbs who at least until mid 1994 had strong backing (moral, technical and arms support) from a powerful sponsor in Belgrade had proved far more intransigent at the negotiating table. Even after Milosevic had withdrawn his support from RSK it was not until a year later following the active involvement of the US in the person of American envoy Richard Holbrooke and the change in fortunes of the Bosnian Serbs on the battlefield, that the IC finally succeeded in imposing the Dayton Framework Agreement on the conflicting parties and bringing a final end to violence.

Kosovo

It is apparent that well into the 1990s the IC failed to recognise the considerable conflict potential inherent in the difficult relationship between Kosovo and Serbia and it is also arguable that the failure of the international community to get more actively involved at an earlier date contributed to the escalation of violence in the second half of the 1990s. In the early 1990s the IC seemed to accept at face value (after all they had enough on their plate) the position of Kosovo as a province of the former Yugoslavia within Serbia and therefore not a candidate for secession and independence in contrast to the six republics of FY. The October 1991 Draft Declaration on Yugoslavia omitted to specifically mention Kosovo though the declaration did state that 'the republics will apply fully and in good faith established provisions for the benefit of ethnic and national groups and for autonomous provinces which were given a special constitutional status'.⁸¹ The Declaration initially failed to address fact that the Kosovo's special autonomous status had been summarily abrogated by Serbia under 1989 constitutional amendments, though this was subsequently amended. Despite a letter from Ibrahim Rugova to the Chairman of the Hague Conference, the request of Kosovo was not considered by the Badinter Commission. And a Kosovo Albanian delegation was not invited to attend the London Conference (August 1992) though in the end Ibrahim Rugova was given access to the conference building if not the conference chamber. Even at Dayton, despite the discussion of a variety of regional approaches, Kosovo once again did not feature on the agenda. It seemed that the DLK leadership had been misguided in basing its approach on 'the idea that if the Albanian population effectively withdrew from the Serbian state relying on their own parallel institutions, then in time the international community would recognise their right to secede from Yugoslavia.'⁸²

⁸⁰ For UN724, see <http://www.un.org/Docs/scres/1991/scres91.htm>. Subsequently a more closely targeted set of sanctions was passed under UN757 in May 1992.

⁸¹ Document 50a, Peace Conference on Yugoslavia, Carrington Draft Paper, 'Arrangements for a General Settlement', UN Doc. S/23169, Annex VI, 18 October 1991 in Heike Krieger (2001), *The Kosovo Conflict and International Law*, Cambridge, University Press, 118.

⁸² Robert Thomas, *Serbia Under Milosevic: Politics in the 1990s*, Hurst & Company, London: 2000, 399 cited in Kosovo report, 7.

The failure of the IC to address the situation in Kosovo increasingly convinced certain members of the Kosovar Albanian community that Rugova's policy of promoting peaceful change was simply ineffective, enabling the IC to remain uninvolved and leading to the perpetuation of discriminatory and even violent actions on the part of the Serbs against the Kosovar Albanian population; they thus inferred that they would have to resort to more radical violent approaches. From 1997 onwards the KLA became increasingly active. The Serbian leadership denounced it as terrorist organization and refused to enter negotiations with it. Though Milosevic did meet with Ibrahim Rugova in May 1998, this was as much as anything to placate the Contact Group and thus dissuade it from imposing new economic sanctions on FRY which had been lifted in the wake of Dayton.⁸³ Meanwhile it was not until March 1998 that a meeting of the Contact Group finally issued a statement on Kosovo but though a number of proposals were put on the table no common platform for action was reached.⁸⁴ By the end of March however, the IC was able to reach agreement on a Security Council resolution (1160) which condemned the 'excessive use of force on all sides, called for a negotiated settlement and 'greater autonomy' for Kosovo and also imposed a renewed arms embargo against FRY. Six months later the United Nations Security Council issued a further resolution (1199) reiterating its concern at the indiscriminate use of force. Meanwhile a set of parallel peace initiatives were undertaken under the auspices of both the Contact Group and also another endeavour promoted by Richard Holbrooke though none of the draft proposals met with the approval of both sides.

The final push for a solution came at Rambouillet resulting in a detailed plan for conflict settlement in Kosovo known as the 'Interim Agreement for Peace and Self-Government In Kosovo' (February 1999).⁸⁵ The IASPK had some sticking points for both the Kosovar Albanians and the Serb delegation. The Kosovar Albanians objected to the fact that the IASPK held out no option for independence; the Serbs, inter alia, were opposed to KFOR being a NATO force (versus a UN-sponsored force) and also they could not countenance the 'unimpeded access throughout FRY for NATO'. Though the Kosovar Albanian delegation was ultimately 'persuaded' to sign, the Serb delegation rejected the agreement.⁸⁶ Having apparently exhausted non-violent negotiation possibilities, physical force seemed the only option left to bring the Serb leadership to book. The NATO bombing commenced in March and continued until the agreement of the political solution under UN SC 1244 in June 1999. UN 1244 drew on peace discussions that had continued throughout the air bombing campaign under the auspices of both the G8 and a EU-Russian Mission led by EU representative Marti Ahtisaari and Russian Special Envoy Viktor Chernomyrdin. The use of force combined with the intervention of the Russian leadership which had the ears of the Serbs and a settlement involving a massive international presence in Kosovo finally brought an end to the fighting. In conclusion one of the ultimate problems in making a viable peace in Kosovo, which arguably has contributed to the frozen conflict situation which has persisted to this day, has been the non-negotiable position of both sides on the final status of Kosovo, which have dovetailed with accompanying divisions in the IC on this question. (This issue will be considered again in the final section of the report).

⁸³ Serbia report, WP3, 14.

⁸⁴ Contact Group Meeting, Statement on Kosovo, London, 9 March 1998 in Heike Krieger (2001), *The Kosovo Conflict and International Law*, Cambridge, University Press, 121-123. The US and UK favoured a rapid strong reaction. France, Italy and Russia were opposed. Germany sought to mediate.

⁸⁵ See http://www.usip.org/library/pa/kosovo/kosovo_rambtoc.html (accessed September 27, 2007)

⁸⁶ It has been suggested that the Serbs had simply used the negotiations to buy time while building up force presence in and around Kosovo.

Macedonia

Following the failure of President Gligorov's attempt in 1991 in conjunction with BiH President Alija Izetbegovic to develop an acceptable plan for the continued existence of some form of reformed Yugoslav Federation, Gligorov's attention turned to securing international recognition for the Republic of Macedonia and consolidating the position of the new state. Along with Slovenia, Macedonia had been the only republic of the Former Yugoslavia which was considered by Badinter to have met all the necessary conditions to qualify for independent statehood but its recognition was stalled until 1993 due to the name dispute with Greece. During the 1990s ethnic Albanian parties joined a series of governing coalitions but tensions escalated towards the end of the decade exacerbated by the influx of ethnic Albanians from neighbouring Kosovo.

The international community became engaged in the escalating situation in Macedonia at a much earlier stage in the conflict cycle than elsewhere in the FY region. Having built on the failures of previous engagements, the actions of the IC were much more 'concerted and coordinated' compared to other conflicts in the Balkan region. International organisations exerted pressure on the Macedonian government to engage in dialogue with elected representatives of Albanian community.⁸⁷ Though the UN established a presence in Macedonia relatively early in 1992 with the deployment of the 'UNPROFOR's Macedonian Command' whose mandate was subsequently broadened under the UNPREDEP,⁸⁸ the conjuncture of the decision by China to veto the continued deployment of UNPREDEP in 1999 (out of displeasure at Macedonia's decision to recognise Taiwan) with the influx of large number of Kosovar Albanian refugees from across the border stoked the flames of conflict potential.

Though nominally a parliamentary system, the President of Macedonia does have a number of enhanced powers which combined with the force of his personality meant that President Boris Trajkovski played a critical role in the peace process in Macedonia -- in maintaining dialogue among the conflicting parties, distancing himself from the more nationalist positions of Prime Minister Georgievski, and nominally chairing the negotiations process which led up to Ohrid Framework Agreement.⁸⁹ The conflict in Macedonia underlines the importance of conducting dialogue with all the parties involved in conflict - despite condemnation on the part of the Macedonian government, ethnic Macedonian parties and other members of international community, US diplomat and Special Envoy Robert Frowick undertook a process of dialogue with the NLA leading to the signing of Prizren Agreement. The basic provisions of this agreement were subsequently included in the Framework Document put forward by the EU-US team. The Framework document contained both general principles and specific policy suggestions for improving interethnic relations in the country and subsequently formed the basis of the Ohrid Framework Agreement and its accompanying annexes including a timetable for their legal enactment all of which were signed in August 2001. Despite the pivotal role played by President Trajkovski lending a certain element of domestic ownership to the process, we should not underestimate the role of the international community. In the negotiations over OFA the opposing parties did not engage in face-to-face negotiations, thus the guarantors of the agreement played a crucial instrumental role. Moreover as Skaric has acknowledged, 'A large number of solutions were dictated from abroad, since the parties in conflict could not reach a solution on their own' and in fact the OFA was originally drawn up in English.⁹⁰ After the agreement, KFOR and NATO worked together to facilitate the handover arms by Albanian fighters.

⁸⁷ Macedonia report, WP3, 17.

⁸⁸ See UNSC 795 followed by UNSC....

⁸⁹ Macedonia report, WP3, 18

⁹⁰ Svetomir Skaric, 'Ohrid Agreement and Minority Communities in Macedonia' in *Prospects of Multiculturalism in Western Balkan States*, 94,

Montenegro⁹¹

In the early 1990s Montenegro had no real reason to contemplate secession. Not only did the Montenegrin Communist Party enjoy strong support among its citizens, there was no real ethnic division among Serbs and Montenegrins. Montenegro was highly dependent on the Yugoslav and Serbian economy in particular and political elites of the two republics were united by a shared commitment to the preservation of existing system. The first cracks began to appear in 1994 with the split in the Montenegrin ruling party, the Democratic Party of Socialism between Prime Minister Djukanovic, who became increasingly critical of Milosevic's post-Dayton policy and President Bulatovic who remained close to Milosevic. Though Montenegro was clearly a 'non'/minor player in policy-making processes in Serbia, the small republic had suffered the consequences of Serbia's largely aggressive engagement in the conflicts in the region and this may well have contributed to the rise of secessionist sentiment. Djukanovic was wise enough not to push his secessionist objectives until after demise of Milosevic.

The victory of democratic forces in the 2000 federal elections resulted in the emergence of a more moderate EU-oriented elite that was prepared to enter into negotiations with Montenegro. The departure of Milosevic coupled with the depleted economic and military capacities of Serbia as well as the diminished public appetite for war together meant that conflict potential was constrained. The EU and in particular its High Representative for Foreign Policy Javier Solana played a critical role in bringing the parties to the negotiating table and enabling them to carve out an agreement that was acceptable to both sides. The outcome was the Belgrade Agreement and the subsequent Constitutional Charter of Serbia and Montenegro which transformed the federal state into a loose union of the two states.⁹² Only limited competencies were left in the hands of the federal institutions and even in these respects the two states functioned increasingly independently the one from the other further lessening the import of the federal structures. In addition, the Constitutional Charter made provision for the dissolution of the State Union following a three-year period at which point the state had the right 'to initiate proceedings for the change in its status or for breaking away from the state union of Serbia and Montenegro' via referendum.⁹³

<http://www.fes.org.mk/pdf/SVETOMIR%20SKARIC%20-%20OHRID%20AGREEMENT%20AND%20MINORITY%20COMMUNITIES.pdf> (accessed December 4, 2007)

⁹¹ This section is based on 'Montenegro's secession' in Serbia report, WP3, 17-21.

⁹² For text of agreement, see

http://www.usip.org/library/pa/serbia_montenegro/serbia_montenegro_03142002.html (accessed December 8, 2007).

⁹³ Serbia report, WP3, 18-19.

4. The Peace Settlement: Approaches to Power-Sharing and Post-(Violent) Conflict State-Building and Democratization

Key findings

- Comprehensive engagement and inclusiveness on the part of domestic and international actors is crucial both in making peace and reaching agreement on new constitutional parameters.
- Ensuring domestic ownership of peace settlements is important - particularly when it comes to post-violent state-building and democratization processes.
- International organisations should play to their strengths but there is a critical need for coordination among the multiple organisations working in the area to avoid overlap and conflicts over mandate.
- Human and minority rights together with security guarantees need to form an integral part of any peace settlement, embodied in constitutional amendments and other legislation.
- Provision may need to be written into settlement allowing for the possibility of renegotiation of certain aspects of the peace agreement especially when certain temporary measures were agreed to stop the violence. But it should be recognised that temporary decisions may become institutionalised hampering future progress in state-building and democratization.
- Constructive ambiguity and delays over final decisions may be deliberately adopted as short-term strategies to secure the peace by skirting around extremely sensitive issues—these may have stabilising or destabilising effects.
- There is no single recipe for effective power-sharing arrangements - power-sharing arrangements may fall on a continuum of integrationist to more consociationalist elements. The most effective combination will vary according to the specific situation in each conflict.
- Integrative power-sharing solutions may not be viable in deeply divided societies emerging from violent conflict.⁹⁴ On the other hand consociational solutions run the risk of further embedding primarily ethnic cleavages, though in the short term there may be no other option.
- Post-conflict state-building and democratization should be regarded as two overlapping but separate processes and corresponding policy decisions should be made in this light.
- Careful consideration must be given to timing of first post-peace plan elections, which risk entrenching existing conflict cleavages.
- International organisations while seeking to withdraw from active international presence on the ground where possible should remain engaged in democratic state-building processes.
- Political conditionality may work to an extent in tying hands of interested states who wish to become members of Western institutions⁹⁵ - though there is need for caution about operation of conditionality.⁹⁶

This section of the report raises a number of questions: What makes the difference between negotiating the peace and laying the foundations for state- and nation-building and subsequent democratization? Is there an inevitable tension and concomitant possibility for deadlock in certain conflict situations between the

⁹⁴ Bose, 2002, 247.

⁹⁵ Macedonia Report, WP3, 17.

⁹⁶ Sasse, Hughes and Sasse, Hughes, Sasse and Gordon, 2004.

compromises necessary to allay the violence, to stop the killing and the bloodshed and creating the conditions for (i) stable state-building and (ii) democratization? Is the substance of the peace settlement the key variable here or is agency the key factor, in particular the continued intransigence of the opposing parties who remain determinedly unable to compromise on certain non-negotiable issues surrounding the 'stateness' question? Is there a critical role for international intervention in managing the transition from the end of violence to the next state of conflict management through comprehensive technical assistance and monitoring provisions as well as the proffering of set of conditions (Stability Pact, future EU membership) which can usefully tie the hands of majority governments and/or governing parties? Can careful institutional crafting avert the emergence of frozen conflict situations in some cases?

Until relatively recently there was an apparently large divide in the academic community between those who favoured integrative approaches as the best means for conflict management in strongly divided ethnic societies and those who argued that consociational approaches offered the best prospects for stable democratic governance in polarised societies. Essentially the consociational approach is based on instituting power-sharing between the different societal segments through their representative elites. In other words accommodation of difference is achieved through recognising difference and building consensus. Consociationalism is usually defined by four key characteristics: -- (i) grand coalition; (ii) segmental authority; (iii) proportionality and (iv) mutual veto.⁹⁷ The integrative approach, on the other hand, is based around building incentives for inter-group cooperation. Horowitz who was one of the original proponents of this approach for managing conflict in highly divided societies suggested that the institutional rules of electoral systems could be designed as to induce cooperation among candidates or political parties across ethnic lines and thus promote cross-cutting cleavages which over time would temper ethnic divisions. In fact the nitty gritty of the arguments of key proponents of integrative versus consociational solutions were always more nuanced than the above summary suggests and it was acknowledged certainly in the case of consociationalism that certain conditions needed to be in place for such a complex power-sharing arrangements to stand the chances of success.

Recent writing has sought to find some common ground between these two different approaches. In his review article 'Conflict Resolution Between Power Sharing and Power Dividing or Beyond', Stefan Wolff suggests that complex power-sharing regimes may provide the most effective answer to complicated conflict situations in severely divided societies.⁹⁸ In seeking to bridge the apparent consociational-integrationist divide, he defines complex power-sharing as 'a practice of conflict settlement that has a form of self-governance at its heart but whose overall institutional design includes a range of further mechanisms for the accommodation of ethnic diversity in divided societies' which move beyond the 'core prescriptions of each theory'⁹⁹ Thus rather than viewing consociational and integrationist mechanisms of conflict accommodation as two sides of an opposing divide, it would be more useful to view them, as suggested by Sisk, as falling at two ends of a continuum and also to recognise that different power-sharing mechanisms are more appropriate depending on the specifics of different conflict situations.¹⁰⁰ Then the challenge becomes one of identifying under which conditions particular mechanism for the accommodation of ethnic diversity are the most appropriate.

⁹⁷ Lipjhart, 1977,

⁹⁸ Stefan Wolff, 2007, Conflict Resolution Between Power Sharing and Power Dividing, or Beyond? *Political Studies Review*, vol 5, 377-393.

⁹⁹ Wolff, 2007, 389; Arend Lipjhart (1977) and Donald Horowitz (1985)

¹⁰⁰ Sisk, 1996, page.

Substance of Peace Agreements

In this final part of our report we seek to analyse the substance of the peace settlements and accompanying constitutional reforms (where applicable) along two central dimensions. Firstly, we consider the provisions that were included to make the peace hold. Secondly, drawing on the framework laid out by Timothy Sisk, we explore the different types of power-sharing arrangements, including ‘the ‘mechanisms of accommodation’ of majority-minority relations, as well as provisions made for future constitutional amendments that also formed part of the peace settlements: ¹⁰¹

(1) Provisions for making the peace hold, including:

- International Presence
- Monitoring provisions
- Transition periods
- Security guarantees including provision for protection of human and minority rights in post-conflict situations
- Return of refugees and IDPs, restoration of property
- Issues left for future resolution.

(2) Power-sharing arrangements - here we draw on the framework laid out by Timothy Sisk: ¹⁰²

- Territorial division of power (state structure);
- Decision rules - parliamentarian versus presidentialism, electoral rules;
- State-minority relations in the area of language, education, human and group rights, citizenship, organisation of judicial practices, allocation of public funds.

Croatia

Provisions for Making the Peace Hold

The Basic Agreement on The Region of Eastern Slavonia, Baranja, and Western Sium (the Erdut Agreement) concluded in November 1995 made provision for a transitional administration of the former Serb areas, which would be reintegrated into Croatia at the end of the transitional period. ¹⁰³ The agreement was reinforced by UN Security Council Resolution 1037 which sanctioned the establishment of the United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Sium (UNTAES). ¹⁰⁴ The original transition period was for a period of 12 months but with the possibility of subsequent extension upon the request of one of the parties to the agreement. An international force of up to 5,000 troops was to be deployed during the transition period to enable the immediate demilitarisation and support the maintenance of peace and security in the region including the monitoring of safe return of refugees. The Transitional Administration was also charged with establishing and training a temporary police force as well as facilitating the functioning of public services in the region.

¹⁰¹ In cases where the existing constitution remained on the statute books, reference is made to said constitution.

¹⁰² Timothy Sisk (1996) *Power-Sharing and International Mediation in Ethnic Conflicts*, Carnegie Corporation of New York, x-xi and 47-76.

¹⁰³ For full text of agreement, see

http://www.usip.org/library/pa/croatia/croatia_erdut_11121995.html.

¹⁰⁴ For text of resolution, <http://www.nato.int/ifor/un/u960115b.htm>.

In terms of human and minority rights, Erdut laid down a number of human rights provisions, though there was no specific mention of minority rights. The agreement committed the Croatian leadership to ‘the highest levels of internationally recognized human rights and fundamental freedoms’, ‘the right to return freely’ of displaced persons and to have their property restored to them. In addition the Agreement also called for the establishment of a Commission to monitor the implementation of the Agreement in particular its human and civil rights provisions. In addition UN 1037 reaffirmed the full cooperation of all states with the International Tribunal for the Former Yugoslavia. In (date) the Croatian government signed an agreement with the UNCRO with the purpose of ensuring that the human rights situation was fully monitored in the Krajina region. UNHCR undertook to monitor situation of remaining Serbs in Krajina and also to ensure the right to return of those who fled.¹⁰⁵

In practice the Croatian government in second half of 1990s was reluctant to encourage refugees and IDPs to return leading international organisations to take a more proactive role. Under pressure from the OSCE the Croatian government launched a return and reconstruction programme and in 1997 an agreement was signed by the UNTAES, UNHCR and the Croatian government was signed confirming the right of displaced to return to and from the Croatian Danube region.¹⁰⁶ Further concrete measures were introduced following the change of government in 2000 but the dire economic and social circumstances in the return areas and the evident slowness in the implementation of return programmes have also hampered this process.

Power-sharing arrangements

Erdut did not contain provisions for a fundamental shift in the governance structures of Croatia. Thus the so-called Christmas constitution (December 1990) remained in force according to which Croatia was established as a unitary divided into twenty units of local self-government with the capital enjoying a special status. Membership in the state is defined in the following terms, Croatia is made up of the ‘Croatian nation’ and ‘the state of members of other nations and minorities who are its citizens and are ‘guaranteed equality with citizens of Croatian nationality and the realisation of ethnic rights in accordance with the democratic norms and standards of the United Nations Organization and the free world countries’. Under the Law on Croatian Citizenship (1991, amended in 1992 and 1993) a *ius sanguinis* model was introduced as the basis for Croatian citizenship though other ways were stipulated for attaining citizenship. This immediately created an impediment for minorities in the country as the law laid down stringent requirements for the naturalization of long-term residents who had nationality of some other republic, though in 1997 the Law on Convalidation was passed facilitating the validation of official documents issued by RSK authorities to Serbs who were subject to its authority.¹⁰⁷ Nonetheless there have also been problems in implementation, affecting receipt of pensions and unemployment benefits.

Up until 2002 Croatia had a two-chamber legislative system, but with the abolition of the Chamber of Counties, it is now a one-chamber parliament made up of 100-160 members with eight seats reserved for national minorities. Executive power is divided between the president and the government. Following the 1995 suspension of elements of the Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia the Serbs lost their right to political participation in the parliament. A new electoral law was passed in April 2003 laying down a proportional representation system according to the d’Hondt formula. It was only after the departure of the HDZ government in 2000 and the election of Social

¹⁰⁵ Croatian report, WP3, 21.

¹⁰⁶ Croatia report, WP3, 22.

¹⁰⁷ Croatia report, WP3, 19-20.

Democratic Party of Croatia and Croatian Social Liberal Party together with four other smaller parties that substantive progress was made on the respect and protection of minority rights including the possibility of self-government. This was to an extent induced by the drive on the part of the new government to secure EU candidate membership. The temporarily suspended parts of the 1991 Constitutional Law were reinstated in 2000 and a Law on the use of minority language and script was passed. Two years later with the passage of the Constitutional Law on the Rights of National Minorities in the Republic of Croatia in 2002, new rules were laid down for the participation of national minorities in public life and for management of sub-national affairs through the councils of representatives of national minorities in self-government units both at the local and regional level.¹⁰⁸ However the viability of these institutions has been put in doubt by the extremely low turnout at both elections which have taken place to date. Under the Law on the State Administration system (2000 and 2001) members of national minorities are ensured representation in ministries and state administrative organisations at the state level based on their total share of the population though implementation of this provision has been limited. Likewise the Law on Civil Service and the Law on the State Judicial Council (2005) also stipulate that state bodies are required to development employment strategies for ensuring appropriate levels of minority representation.¹⁰⁹ A cynic might say that it is less challenging to the Croatian leadership to extend rights of local self-government given the shrunken size of the Serbian Croatian community.¹¹⁰ Of course commitments to upholding human and minority rights as well as progress in implementing democratic and economic reform were also key criteria for opening accession negotiations with EU not to mention the focus on subsidiarity when it comes to the management and absorption of Structural Funds, an integral component of EU's accession conditionality. (Hughes, Sasse and Gordon, 2004)

Bosnia-Herzegovina

Provisions for Making the Peace Hold

The General Framework for Peace in Bosnia and Herzegovina (often referred to as the Dayton Peace Agreement (DPA)) was initialled in Dayton in November 1995 and signed in Paris a month later by the presidents of BiH, Croatia and Serbia, Izetbegovic, Tudjman and Milosevic respectively and witnessed by the European Union Special Negotiating Team as well as representatives of the Contact Group.¹¹¹ It was not signed by representatives of the Croatian or Serb communities in BiH which raises questions about the future commitment of formerly conflicting parties and their tying-in to the peace process. The DPA is composed of 11 annexes on the military aspects of the peace settlement, regional stabilization, inter-entity boundary, elections, constitution, arbitration, human rights, refugees and displaced persons, commission to preserve national monuments, Bosnia and Herzegovina public corporations, civilian implementation and international police task force.

For an uncertain transition period, BiH was designated an 'international protectorate' and provision was made for a significant international presence which necessarily raises questions about the relationship between entrenching dependence on the international protectorate and creating conditions conducive to the transfer to

¹⁰⁸ Under the CLNM local self-government units are to be based on proportional minority representation.

¹⁰⁹ Croatia report, WP3, 18.

¹¹⁰ For data, see <http://www.osce.org/croatia/13155.html> in particular OSCE 2005 Background report on refugee return in Croatia and the status of implementation of the January 2005 Sarajevo Ministerial Declaration on Refugee return.

¹¹¹ http://www.usip.org/library/pa/bosnia/pa_bosnia.html

domestic ownership and management of post-conflict peace-building. In this regard Dayton also poses the issue of what capacities and designated powers would constitute the most effective international presence both in terms of making the peace hold in the first place and subsequently in finessing the progressive transfer of responsibilities to domestic institutions and actors. A Civilian High Representative (OHR) was appointed as the 'final authority in theatre regarding interpretation of this Agreement (DPA) on the civilian implementation of the peace settlement' but at the same time the Civilian High Representative has only had limited powers of enforcement.¹¹² Among the nine judges of the Constitutional Court, three were to be foreigners, the Governor of the Central Bank was to be appointed by the IMF, the Human Rights Ombudsman by the OSCE. An International Police Force was to be set up in an advisory role. In fact despite the large post-Dayton international presence, there were also considerable constraints on the powers of international actors on the ground.¹¹³

Power-sharing arrangements

In contrast to the Washington Agreement which devolved powers to cantons and municipalities, under the DPA power was devolved to two territorial units - the Federation of BiH and the Serbian entity or Republika Srpska.¹¹⁴ Each entity was to have its own parliament, government, army, police force and law courts, as well as the right to enter into 'parallel relationships with neighbouring states of Croatia and Yugoslavia, and to make agreements with them and with international organizations. The central organs of government for the whole of BiH, consisting institutionally of a parliament, a council of ministers and a three-person presidency only had jurisdiction over monetary policy, foreign policy, customs and immigration as well as a number of practical issues. All other areas of policy or law, including media and education, which as Malcolm has acknowledged would 'have been central to any long-term scheme for reconciliation and reintegration' at the central level were the responsibility of the two entities.¹¹⁵ As the Bosnian report acknowledges, fundamental contradictions lay at the heart of the agreement: 'declaring a united state of BiH while recognizing two antagonistic entities; proclaiming democracy while entrenching the ethnically based institutional structures and reaffirming individual rights while legitimizing ethnic majoritarianism'.¹¹⁶

Provision for human and minority rights protection were laid out in Annex 6 on Human Rights. A Human Rights Commission was to be established made up of Human Rights Ombudsmen and the Human Rights Chamber set up to pass judgment on violations of rights.¹¹⁷ According to the Bosnia report though at the BiH state level comprehensive support for human rights protection was laid out in the DPA, incorporating directly into BiH Constitution rights and freedoms set out in the European Convention for Protection of Human Rights and other international human rights instruments, the Federation Constitution which came into force in March 1994 includes provision that discriminate against Serbs while the Constitution of Republika Srpska also contains tenets that discriminate against Bosniaks and Croats.¹¹⁸ Though in theory international law should take precedence over national constitutional law, and

¹¹² Art V, Annex 10 - civilian implementation cited in Bosnian Report, 16.

¹¹³ See discussion in Malcolm, 1996, page.

¹¹⁴ http://www.usip.org/library/pa/bosnia/pa_bosnia.html

¹¹⁵ Noel Malcolm, 1996, *Bosnia: A Short History*, Macmillan, 269. According to Malcolm, the Human Rights Commission only had the limited powers of carrying out investigations and filing report, while the Human Rights Chamber had to call on the authorities in separate entities to enforce its judgments

¹¹⁶ Bosnia report, WP3, 16.

¹¹⁷ Bosnia report, WP3, 17, ft. 72 for further discussion of its mandate.

¹¹⁸ Bosnia report, WP3, 18.

sub-national law (i.e. the entities of BiH), the practice in the case of BiH suggests a rather different outcome.

The quasi-confederal model with strong consociational elements developed and imposed largely by international design and fiat in BiH was in stark contrast to the unitary state model with wide-ranging minority and human rights provision adopted in Macedonia and encouraged in Croatia where there were much stronger elements of domestic ownership of the final settlement and post-settlement process.¹¹⁹ Of course the trajectory of these conflicts was rather different and thus we should be guarded in automatically concluding that Dayton was wrong at the time and a unitary state model would have worked in 1995 in BiH. Even so according to ICG report of 1999 within a few years BiH had developed into 'three de facto mono-ethnic entities, three separate armies, three separate police forces, and a national government that exists mostly on paper and operates at the mercy of its entities'.¹²⁰ This statement is in the vein of many criticisms laid at the doors of the international community for the outcome of Dayton, an agreement which was initially envisaged as a temporary solution when other attempts to 'establish integrative power-sharing solution(s)' had failed. Instead it is clear testimony to the fact that at times the only option to end the violence might be the worst alternative. It is big leap to write off consociational forms of power-sharing entirely based solely on the experience of Bosnia. Rather it may be that though they perpetuate existing ethnic cleavages in deeply divided societies, that there are no other viable options in the wake of extreme violent conflict.¹²¹

Kosovo

Provisions for Making the Peace Hold

Following the rejection of the Rambouillet Agreement (the IASPK) in February 1999 by the Serb delegation and the resulting aerial bombing of Serb targets by NATO, the final peace settlement in Kosovo was imposed by means of a Security Council Resolution - UN SC 1244 -- in June 1999 following another round of negotiations in May and early June instigated by an EU-G8 team led by Maarti Ahtisaari and Viktor Chernomyrdin respectively.¹²² UN SC1244 laid down the principles for an immediate end to the violence including:¹²³ (i) the withdrawal of all federal and republican military personnel from Kosovo according to a rapid timetable as well as the demilitarization of the KLA; (ii) the establishment of an 'interim administration for Kosovo' to oversee the development of provisional democratic self-governing institutions and facilitate a political process designed to determine Kosovo's future status -- providing for 'substantial autonomy' for Kosovo taking full account of the Rambouillet accords as well as the 'principles of sovereignty and territorial integrity of Federal Republic of Yugoslavia'; (ii) the establishment of a safe environment to facilitate refugee return and the deployment under the overall auspices of the United Nations and accompanying international civil and security presences' in the region; (iv) a comprehensive approach to economic development and stabilization of crisis region including Stability Pact for South Eastern Europe.

¹¹⁹ Two features of consociational model are present in the legislative branch of BiH state: allocation of seats based on group membership and veto rights for representatives of national segments. The rules of the presidency are also structured upon proportionality and segmental veto rights as well as a grand coalition decision-making. See Bose for further development of these points 64 and Lijphart.

¹²⁰ International Crisis Group Report, 1999 cited in Bosnia report, WP3, 17.

¹²¹ See discussion in Bose, 2002, 247-48).

¹²² For UNSC 1244 http://www.usip.org/library/pa/kosovo/adddoc/kosovo_unsc1244.html . Rambouillet was rejected by Serbs in March 1999.

¹²³ http://www.usip.org/library/pa/kosovo/adddoc/kosovo_unsc1244.html.

Three months of bombing combined with certain apparent concessions from the IC as well as a degree of pressure on the part of the Russian leadership in the person of Viktor Chernomyrdin sweetened the Serbs enough to acquiesce to UN1244. Unlike in the IASPK, UNSC 1244: (i) explicitly acknowledged the 'sovereignty and territorial integrity of the Federal Republic of Yugoslavia' and no reference was made to future independence for Kosovo, i.e. Kosovo's 'substantial autonomy' was to be within the framework of FRY; (ii) the international civil and security presence was to be directed by the United Nations and gone too was the provision made at Rambouillet for NATO troops to enter into Serbia proper and (iii) there was no mention of the length of the transition period. These had been the key sticking points for the Serbian delegation at Rambouillet. Though clearly the continuous aerial bombing of Serb targets over a period of more than three months also played a significant role in forcing the hand of the Serbian leadership.

Power-Sharing Arrangements

Unlike in Bosnia, where DPA established two centres of power, the Bosnian government and the OHR (UN-EU High Representative), UNSC1244 decreed a single authority for Kosovo. The UN mission in Kosovo (UNMIK) was also responsible for creating a local police force.¹²⁴ Provision was made for return of refugees and displaced persons under the supervision of UNHCR as well as a new stress compared with earlier peace settlements in the region on a comprehensive approach to peace and stabilization of the entire Western Balkans including the implementation of a Stability Pact for South Eastern Europe.¹²⁵

It would seem that the Kosovar Albanians had no choice but to accept UN SC 1244 though the lack of specificity about the future status of the province beyond 'substantial autonomy and self-government in Kosovo' was surely a cause of concern. The decision to delay a final status decision may have made it easier to secure the peace among the warring parties but the provisions of UN SC 1244 backed up by the more detailed contents of the IASPK have been insufficient to bridge the gap divide that has separated and arguably entrenched the position of both sides despite a number of rounds of negotiations - Kosovar Albanians have always insisted that they would accept nothing short of independence, whereas the majority of the Serb leadership (though not all members of the political elite are united on this position) will still not accept the de facto and soon to be de jure secession of the province.

Though progress has been made in developing provisional democratic self-governing institutions for the Kosovar Albanians, there is no sign of institutional rapprochement or moves towards some form of power-sharing between the Albanian and Serbian communities in Kosovo. Moreover beyond the mention of protection and promotion of human rights in UN SC 1244, no specific reference was made to the future protection of beleaguered Serb minorities in Kosovo beyond that concerning the safe and free return of refugees and DPs. In sum Kosovo has been languishing under its interim status as an international protectorate supposedly still an integral part of the Republic of Serbia though in large respects functioning as a separate self-governing entity since 1999. Thus it has remained in a state of institutional limbo for almost a decade, overwhelmingly dependent on the presence of the international community despite the self-governing institutions that have supposedly been put in place.

¹²⁴ See <http://www.unmikonline.org> (accessed November 28, 2007)

¹²⁵ See WP4 by LSE team for an evaluation of The Stability Pact and SAP.

Macedonia

Provisions for Making the Peace Hold

The Ohrid Framework Agreement with accompanying annexes was signed in Ohrid in August 2001 by the then President of Macedonia Boris Trajkovski and by leaders of the four biggest political parties Ljubco Georgievski (then Prime Minister and leader of VMRO-DPMNE), Branko Crvenkovski (then leader of SDSM), Imer Imeri (then leader of PDP) and Arben Xhaferi (leader of DPA) and guaranteed by James Perdue as the American representative and Francois Leotard, European Union representative.¹²⁶ President Boris Trajkovski had played a significant role throughout the negotiations for the conflict settlement.¹²⁷ The OFA was accompanied by three annexes: (a) constitutional amendments; (b) legislative modifications and (c) a reasonably comprehensive set of implementation and confidence building measures, including a timetable for the adoption of some constitutional and legislative measures as well as for new parliamentary elections.¹²⁸ The initial stages of the peace-building process ran along two parallel tracks: the adoption of the constitutional amendments aimed at strengthening minority rights ran simultaneously to the disarmament of NLA under NATO mission 'Essential Harvest' (completed in September 2001) and a partial amnesty for NLA fighters.¹²⁹

Under Annex C of OFA clear steps were outlined for implementation of the agreements including those areas where international involvement in this process would be solicited. In addition to NATO's role in the demilitarization process outlined in 2.1 of Ohrid, UNHCR was to assist in the process of return of refugees and DPs based on action plan drawn up within 30 days, European Commission and World Bank in convening conference of international donors to facilitate financing of OFA provisions, OSCE in election monitoring, OSCE, EU and UN assistance in establishment of new police force including training and assistance programmes as well as help in the improvement of the judicial system as well as other areas ranging from media, higher education and projects to improve inter-ethnic relations. Though the implementation annex was not full of specifics, it provides clear evidence that the engineers of the OFA peace process were engaging different international organisations building on each organisation's respective strengths to facilitate the peace-holding process.

Power-Sharing Arrangements

On 16 November 2001, 15 constitutional amendments based on Ohrid were adopted. Contrary to Dayton which was based on territorial power-sharing principles, Ohrid's approach to state building was embodied in a restatement of the state's 'unitary character' (Article 1.2 of Framework Agreement) thus eschewing 'territorial solutions to ethnic issues' and also a commitment to preserving the multi-ethnic character of Macedonia' through range of policies aimed at improving minority ('communities') rights and protection.¹³⁰ The preamble to the constitution states that the citizens of the republic of Macedonia are made up of 'the Macedonian people' and the 'citizens that live within its borders, who are part of the Albanian people, Turkish people, Vlach people, Serb people, Roma people, Bosniak people, and others'. Ohrid and constitutional annex refer to communities rather than national minorities or

¹²⁶ http://www.usip.org/library/pa/macedonia/pa_mac_08132001.html.

¹²⁷ Macedonia report, WP3, 9.

¹²⁸ Legislative modifications were to be introduced to the Law on Self-Government; Law on Local Finance; Law on Municipal Boundaries; Law Pertaining to Police Located in the Municipalities; Laws on the Civil Service and Public Administration; Law on Electoral Districts; Rules of the Assembly; Laws Pertinent to the Use of Languages; Law on the Public Attorney, etc. See http://www.usip.org/library/pa/macedonia/pa_mac_08132001.html.

¹²⁹ Macedonian report, WP3, 19-20

¹³⁰ Macedonian report, WP3, 19.

nationalities. Though there is no special legal provision for the inclusion of ethnic minorities in government or special rules for election of president or government, the formal institutional rules need to be considered in conjunction with fact that since independence ethnic Albanian parties have always formed part of the governing coalition and presidents have always sought support across the ethnic divide. The Macedonia report encapsulates this duality as 'the duality of nonexistent de jure obligation for multiethnic governments juxtaposed against de facto practice of such governing coalitions made up of ethnic Macedonian and ethnic Albanian political parties'.¹³¹

The approach of Ohrid to resolving the majority-minority tensions centred around a strategy of local devolution and of the strengthening of the minority rights of the Albanian community in Macedonia in a broad range of policy areas. The main reforms directed at improving provisions on minority rights in local self-government, use of language, education, culture and symbols were the following:

- Devolution to sub-national government. Municipal councils would have the right to select local head of police, though police service would remain centrally administered.
- Equitable representation for minorities in public administration jobs.
- Legislation affecting minority rights or status would only be passed by a majority vote including at least 50% of the minority's members of parliament (the so-called Badinter majority').
- Albanian was to be an official language where Albanians comprised 20% of the population or more.
- At primary and secondary level instruction was to be provided in the students' native languages. State funding would be provided for university education in languages spoken by at least 20% of the population.
- The Macedonian constitution was to be amended with a preamble stressing Macedonia's civil society, and listing all the religious denominations in the country.
- Macedonia's new 'Committee on Interethnic Relations' would comprise equal numbers of Macedonian Slavs and Albanians and proportional representation of the smaller minorities.

Though the establishment of a unitary state would appear to fall under a more integrative approach to conflict regulation with its unitary state structure and multi-ethnic coalition governments which force different ethnic parties to cooperate and consider 'the political agenda and electorate of their 'traditional coalition partners, etc, the acknowledgement of group rights seems closer to a consociational approach as does the Badinter decision rule on minority sensitive issues (at present this does not apply to election of government or of the President of the Republic) and the provision for equitable representation of minorities in public administration. Other reforms are under negotiation.¹³² As the Macedonia report states 'an examination of the terminology used in the present constitution of Macedonia show the results of complex negotiations that have produced a hybrid model'.¹³³

From the above case by case discussion, it can be seen that a varied range of institutional mechanisms have been employed in the new states of the former Yugoslavia and the international protectorate in Kosovo to accommodate majority-minority relations:

¹³¹ Macedonia report, WP3, 25.

¹³² Macedonia report, WP3, 27.

¹³³ Macedonia report, WP3, 24-25.

- In post-conflict Croatia the unitary state model has remained in place though even here legal reforms have been introduced to promote increased minority rights including proportional representation at the local and central levels. (To date these have only been weakly implemented in some areas.)¹³⁴
- The complex institutional framework of Bosnia-Herzegovina made up of the Bosniak-Croat Federation and the Serb entity with a weak ‘confederal centre’, a set of arrangements that have been classified under the consociational model, is beset by serious governance problems which to this day remained unresolved - segmentation was put in place to secure the peace, but mechanisms for building consensus and thus facilitating stable governance have remained elusive. In effect, the DPA institutionalised an ethnically based separation of the three main ethnic groups in the country. (In fact Dayton and the accompanying constitutional annex would appear to be the archetypal example, in the Yugoslav case at least, of the disjuncture between the necessary compromises to make the peace and subsequent deadlock in making the transition to stable democratic governance and moving away from dependence on international capacities to.)
- Kosovo is still labouring under its interim status position - its final status remains an unresolved and contested issue between the Serbian government and the Kosovar Albanian leadership, an issue which is still able to drive a wedge among differing members of the international community not only between Russia and the West but within the member states of the EU. Though de facto separated from Serbia, Kosovo remains a self-governing international protectorate but de jure still part of the Republic of Serbia.
- Finally there is the power-sharing set-up in Macedonia. Macedonia is a unitary state but with substantive local devolution and extensive minority rights for its ethnic Albanian population including special voting procedures on minority-sensitive issues. In practice ethnic Albanian parties have formed part of every coalition government since Macedonian achieved its independence; however the ethnically based cleavage which lies at the heart of the party system militates against the growing integration of society and the lessening of ethnic divides.

Classification of Power-Sharing Arrangements

| Country | Power-Sharing Arrangements |
|--------------------|--|
| Croatia | Unitary state with extensive minority rights |
| Bosnia-Herzegovina | Territorial self-government based on three ethnic groups - comprised of two entities - Federation of BiH and Republika Srpska both with considerable autonomy; weak central government, continued though declining international presence. De facto partition. |
| Kosovo | Interim self-governing arrangement centred on international protectorate. Repeated failure of talks over final status. De facto separation from Serbia but final status in limbo. Imminent independence. |

¹³⁴Croatia Report, WP3, 17-19.

| | |
|----------------------------------|--|
| Macedonia | Unitary state, largely civil approach to membership in the nation, extensive minority rights plus minority sensitive issues decided by Badinter majority veto. Presence of ethnic Albanian parties in governing coalition. Combination of integrative and consociational elements. |
| Montenegro ¹³⁵ | Unitary state, broken down into self-governing municipalities. Will expand - need to get hold of copy of new constitution |

5. Conclusion

Through an exploration of the multi-level (domestic, regional and international) interaction of actors, institutions and contingencies, this report has sought to shed new light on the process of conflict settlement and within this the shifting position of minorities and minority rights in the republics of the former Yugoslavia and the erstwhile province of Kosovo. In the first section of the report, new attention is drawn to the institutional origins of the conflicts with shifting majority-minority relations identified as a key contributing factor to the initial escalation of conflict potential amplified in certain cases by the timing of the founding elections in the nascent states of the Former Yugoslavia. In its unpacking of the peace process into multiple at times overlapping stages with intricate interactions between and among domestic, regional and international players and institutions, the report sheds new light on the complexities of peace-making processes and the different multi-level conditions and constraints which shape the process at any particular stage and mean that at times worst best compromises need to be made to stop the violence even if this subsequently hampers the process of viable state-building.

In terms of power-sharing arrangements there is no single recipe for success. Rather this report has sought to highlight certain key constraints on particular power-sharing solutions taking into account the specific circumstances of majority-minority relations in each of the post-(violent) conflict situations. Thus integrative power-sharing solutions may not be viable in deeply divided societies emerging from violent conflict with large minority communities. Conversely, though consociational solutions may further embed existing ethnic cleavages, in the short term there may be no other option. However, where the descent into widespread violence has been averted, and there is a sizeable minority community a combination of integrative and consociational elements may be the most appropriate approach ensuring guarantees for the still insecure minority population while also providing a framework for further integration. In countries with no sizeable minorities or multiple small minority communities a unitary state framework ensuring extensive minority rights would appear to be a viable option. Finally in terms of the post-(violent) conflict phase, it has also been suggested that just as electoral sequencing may have contributed to the exacerbation of conflict potential at the outset of the conflicts, careful thought needs to be given to the sequencing of state-building and democratization policies as part of the reconstruction and reconciliation processes.

¹³⁵ New constitution of Republic of Montenegro adopted on 22 October 2007, despite criticisms from Serb and Albanian communities.
http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2007/10/26/feature-02 Web link to constitution to follow.

List of Acronyms

BiH - Bosnia-Herzegovina

DPA - Dayton Peace Agreement

FRY - Federal Republic of Yugoslavia

IC - International Community

OFA - Ohrid Framework Agreement

RS - Republika Srpska

HDZ - Croatian Democratic Union

Political parties in Macedonia

DPA - Democratic Party of Albanians

DUI - Democratic Union for Integration

PDP - Party of Democratic Prosperity

SDSM - Social Democratic Alliance of Macedonia

VMRO-DPMNE - Internal Macedonia Revolutionary Organization-Democratic Party of
National Unity of Macedonia

References

I. MIRICO Reports

Work Package 3

Bosnia-Herzegovina: Dino Abazovic and Zarije Seizovic, *Conflict Settlement in Bosnia: Unbearable Lightness of Ethno-Political Being*, 2007`

Croatia: Antonija Petricusic, *MIRICO Country specific report Croatia: Conflict Settlement Agreements*, 2007

Kosovo: Slatin Kllokoqi, Blerim Ahmeti, Glauk Konjufca and Valon Murati, *Country Specific Report Kosovo: Conflict Settlement Agreements Kosovo*, 2007

Macedonia: Zoran Ilievski, *Country Specific reports on conflict settlements: County Report on Macedonia*, 2007

Serbia: Vidan Hadzi-Vidanovic and Bojan Duric in conjunction with Marko Kmezic, *Conflict Settlement in the Former Yugoslavia: The Role of Serbia in the Peace-Building Process*, 2007

Work Package 2

Nina Baltic, *Theory and Practice of Minority Rights under the Yugoslav Communist System*

Nina Baltic, Tomasz Milej, *Synthetic Report on Human Rights under the Yugoslav System, Processes of Ethnic Mobilization and EU Crisis Management*, MIRICO

Stefan Wolff and Anne-Marie Rodt, *Reactive Crisis Management of the EU*

II. Books and articles

Geert-Hinrich Ahrens (2007) *Diplomacy on the Edge: Containment of Ethnic Conflict and the Minorities Working Group of the Conferences on Yugoslavia*, Baltimore: The Johns Hopkins University Press

Florian Bieber and Zidas Daskalovski (eds) (2003) *Understanding the War in Kosovo*, London: Frank Cass

Sumantra Bose (2002) *Bosnia After Dayton: Nationalist Partition and International Intervention*, London, Hurst & Company

Rogers Brubaker (2000) *Nationalism Revisited: Nationhood and the national question in the New Europe*, Cambridge: Cambridge University Press

Richard Caplan (2007) *Europe and the Recognition of New States in Yugoslavia*, Cambridge: Cambridge University Press

Lenard J. Cohen (1996) *Broken Bonds: Yugoslavia's Disintegration and Balkan Politics in Transition*, Oxford: Westview

Larry Diamond and Marc F. Plattner (1994) (eds) *Nationalism, ethnic conflict and democracy*, Baltimore: Johns Hopkins University

Spyros Economides and Paul Taylor (1996) 'The Former Yugoslavia' in James Mayall (ed) *The new interventionism, 1991-1991: United Nations experience in Cambodia, former Yugoslavia and Somalia*, Cambridge: Cambridge University Press

Jon Elster, Clauss Offe and Ulrich Preuss (1998) *Institutional design in Post-communist societies: rebuilding the ship at sea*, Cambridge: Cambridge University Press

Misha Glenny (1996) *The Fall of Yugoslavia: the third Balkan War*, London: Penguin

James Gow (1997), *Triumph of the lack of will: international diplomacy and the Yugoslav War*, New York: Columbia University Press

Fen Osler Hampson (1996) *Nurturing peace: why peace settlements succeed or fail*, United States Institute of Peace

Donald Horowitz (1985) *Ethnic Groups in Conflict*, Berkeley: University of California Press

Donald Horowitz (1993) 'Democracy in Divided Societies', *Journal of Democracy*, vol 1, no 4, 18-38

James Hughes, Gwendolyn Sasse, Claire Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe, The Myth of Conditionality*, Palgrave, Basingstoke, 2004.

James Hughes and Gwendolyn Sasse, 'Monitoring the Monitors: EU Enlargement and National Minorities in Central and Eastern Europe', *Journal of Ethnopolitics and Minority Issues in Europe*, 1, 2003, pp.1-38
(http://www.ecmi.de/jemie/download/Focus1-2003_Hughes_Sasse.pdf).

James Hughes and Gwendolyn Sasse (2002) (eds) *Ethnicity and territory in the former Soviet Union: regions in Conflict*, London: Frank Cass

James Hughes and Gwendolyn Sasse (2001) 'Comparing Regional and Ethnic Conflicts in Post-Soviet Transition States', *Regional and Federal Studies*, Vol. 11, No.3, pp. 1-35

Tim Judah (2000) *Kosovo: War and Revenge*, 2nd edition, London: Yale University Press

William Kymlicka and Magdalena Opalski (2001) (eds) *Can liberal pluralism be exported? Western political theory and ethnic relations in Eastern Europe*, Oxford: Oxford University Press

Juan Linz and Al Stepan (1996) *Problems of Democratic Transition and Consolidation*, Johns Hopkins University Press

Arend Lijphart (1977) *Democracy in Plural Societies*, New Haven: Yale University Press

John McGarry and Brendan O'Leary (1993) 'Introduction: The Macro-Political Regulation of Ethnic Conflict', in John McGarry and Brendan O'Leary (eds) *The Politics of Ethnic Conflict Regulations*, London: Routledge, 1-30.

Noel Malcolm (1996) *Bosnia: A Short History*, Macmillan

Dunkwart Rustow (1970) 'Transitions to Democracy: Towards a Dynamic Model', *Comparative Politics*, 2, pp.337-363

Philip Roeder and Donald Rothchild (2005) (eds) *Sustainable Peace: Power and Democracy After Civil Wars*, Cornell University Press

Gwendolyn Sasse, 'The Political Rights of National Minorities: Lessons from Central and Eastern Europe', in Wojciech Sadurski (ed), *Political Rights under Stress in 21st Century Europe*, Oxford: Oxford University Press (Academy of European Law Series), 2007, pp. 239-282.

Gwendolyn Sasse, 'EU Conditionality and Minority Rights: Translating the Copenhagen Criterion into Policy', EUI Working Paper No. 2005/16, European University Institute, Robert Schuman Centre for Advanced Studies, Florence (<http://ideas.repec.org/p/erp/euirsc/p0154.html>).

Gwendolyn Sasse, 'Minority Rights and EU Enlargement: Normative Overstretch or Effective Conditionality', in Gabriel Toggenburg (ed), *Minority Protection and the EU: The Way Forward*, Budapest: LGI, Open Society Institute, 2004, pp. 61-84

Peter Siani-Davies (2003) (ed) *International Intervention in the Balkans since 1995*, Routledge

Laura Silber and Allan Little (1995) *The Death of Yugoslavia*, Penguin Books

Timothy D. Sisk (1996) *Power-Sharing and International Mediation in Ethnic Conflicts*, Carnegie Corporation of New York

Unfinished Peace: Report of the International Commission on the Balkans (1996), Carnegie Endowment for International Peace

Robert Thomas (2000) *Serbia Under Milosevic: Politics in the 1990s*, London: Hurst & Company

Barbara Walter and Jack Snyder (1999) (eds) *Civil Wars, Insecurity and Intervention*, New York: Columbia University Press

Marc Weller and Stefan Wolff (2005) (eds) *Autonomy, Self-governance and Conflict Resolution: Innovative approaches to institutional design in divided societies*, London: Routledge

Stefan Wolff (2007) *Ethnic Conflict: A Global Perspective*

Susan L Woodward (1995) *Balkan Tragedy: Chaos and Dissolution after the Cold War*, The Brookings Institution

Web links

Constitution of Republika Srpska
<http://www.vladars.net/en/zakoni/ustav.html>

For UN Security Council resolutions:

<http://www.nato.int/ifor/un/un-resol.htm>