FROM DIPLOMACY BACKED BY FORCE TO FORCE BACKED DIPLOMACY - A COMPARATIVE LOOK AT THE BOSNIA AND KOSOVO TALKS

Aleksandar Kocić

Abstract

This paper takes a closer look at the Bosnia and Kosovo peace talks and attempts to analyse why the former was a success and the letter a failure in terms of ending the war. This is done through the prism of the three main theoretical approaches in IR - realism, liberalism, and constructivism - as well as the negotiation theory. The paper argues that in its essence the Yugoslav crisis was very realistic - an ethnic security dilemma caused by an emerging internal anarchy in Yugoslavia. The resulting conflicts presented liberal Western states with a difficult riddle of finding the right balance between support to self-determination and sovereignty. The paper shows that in trying to solve this riddle they chose the middle way of alternating between realist and liberal policies, leaving behind imperfect solutions.

Keywords: Bosnia, Kosovo, Yugoslavia, Dayton, Rambouillet, war, peace, International Relations.

1.- Introduction.

In the Balkans, the fall of communism and the end of the Cold War were followed by a very violent disintegration of the former Yugoslavia. Hundreds of thousands of people were killed in the conflicts that broke out one after another, many more were made refugees, and the economy of what was once a relatively prosperous country laid in ruins. TV pictures of brutal killings and human suffering at the end of the twentieth century made the wars in the former Yugoslavia a major and urgent international issue. However, the international community was for a long time unable to find a solution to the crisis that was unfolding at a critical time in international relations.

Bosnia and Herzegovina was the bloodiest and longest of Yugoslav conflicts. It would take four years of mostly fruitless political effort by the EU and thousands of deaths for the warring parties to sit together and engage in meaningful peace talks[1]. Three interrelated elements played a key part in making the Bosnian Serbs, Muslims, and Croats finally accept the need for a negotiated solution: a decision by the Clinton administration in the US to get seriously involved in the search for a solution to the problem that could no longer be ignored, NATO's air campaign against Bosnian Serb military positions, and a joint offensive against the Serbs by the recently armed Muslims and Croats, which helped significantly change the balance of power and territorial gains[2]. The peace talks held at the US air force base in Dayton, Ohio, in November 1995 took three weeks and resulted in an agreement that ended the war in Bosnia and preserved the country within its previously recognized international borders.

Three years later, the former Yugoslavia would again dominate the international agenda. This time it was Kosovo, at the time a Serbian province with a majority ethnic Albanian population. Stripped of its autonomy by the Serbian regime of President Slobodan Milosevic and under police repression, Kosovo had been a disaster waiting to happen. With Kosovo Albanians totally excluded from all aspects of public life in the province, and with their strategy of peaceful resistance through parallel institutions, Kosovo had for a long time looked as it had been a problem brushed under the carpet[3]. This situation began to change in 1997-8 when an until-then unknown Kosovo Albanian guerrilla force intensified its attacks against Serbian police forces in the province. When the fighting and the humanitarian crisis caused by it intensified, the Serbs and Albanians were summoned to peace talks in France.

The talks at the French chateau in Rambouillet were quite different from the ones in Dayton. They were preceded by a threat of force rather than use of it, as was the case with Dayton; the venue - a castle outside Paris - was, in all its splendour, a total opposite of the grim and basic US Air Force base in Ohio; the talks between the Albanian and Serbian delegations were exclusively of the proximity type, with the two delegations never meeting directly, and they were mediated by the representatives of the Contact Group (made up of France,

[1] Hereafter, Bosnia-Herzegovina will be referred to as Bosnia.
[2] Bosnian Muslims have, especially after the conflict, been referred to in the media and academic literature as Bosniaks. Another term, also frequently in use, is Bosnians, but it is misleading as it was originally used to refer to the people of Bosnia, regardless of their ethnic origin or religion.
[3] I find the alternative terms for Kosovo Albanians, used in the media and the literature, such as Kosovars and Kosovans, somewhat misleading as they can be interpreted to refer to all citizens of Kosovo, regardless of their ethnic origin.

Germany, the UK, Italy, Russia and the US). The talks ended without an agreement and were followed by NATO bombing of the Federal Republic of Yugoslavia.

This paper will take a closer look at the peace talks in Dayton and Rambouillet and an attempt to answer why the former was a success and the latter a failure. The paper will argue that in Dayton there was genuine willingness by at least one of the parties to end the conflict, after the situation on the ground had been significantly changed. It will also argue that there was no such willingness at Rambouillet, where the talks were held under a threat of an outside intervention in favour of one of the sides, and where mutual distrust between the parties was much deeper.

2.- Origins of the crisis.

After the death of President Tito in 1980 it quickly became clear that the leaders of Yugoslavia's six republics and two autonomous provinces were unable to agree on how to reform the country beset by deep economic problems[4]. They increasingly resorted to nationalism, portraying their own nation as victim and accusing others of exploiting it. Posen (1993:27) characterizes the situation in the former Yugoslavia at that time as being one of 'emerging anarchy' - in which the absence of an effective central government meant that the country's various ethnic groups were compelled to provide for their own security. When the western republics of Slovenia and Croatia decided to leave the Yugoslav federation, the central republic of Bosnia and Herzegovina, with its ethnically mixed population of Muslims, Croats and Serbs, was left with an extremely difficult choice: to go for independence and risk serious internal conflict, which by then the Bosnian Serbs had been threatening, or to stay in a rump Yugoslavia, dominated by Milosevic's Serbia.

The end of the Cold War and the demise of the Soviet Union brought about unipolarity, which caused the United States, as the only remaining superpower, to redefine its security strategy in terms of the spread of US political and economic values. This inadvertently reduced the security and power of the Yugoslav government relative to its constituent republics, and created an internal anarchy and emerging security dilemma among various ethnic groups that lived in Yugoslavia (Adams, 2006:18). The Yugoslav case demonstrates that international anarchy is not only the permissive cause of *international* war; it is also the permissive cause of *civil* war because it helps create an internal anarchy in which

[4] Under the 1974 Constitution, the provinces were formally part of Serbia, but with separate representation and voting rights in the Yugoslavia's collective Presidency

domestic politics come to resemble international ones. As Yugoslavs watched their state weaken, they took steps to provide for their own security, and in doing so, each group increased the insecurity of the others. The various ethnic groups were thus both power and security maximisers: power maximisers in their relations with the federal government, and security maximisers in relations with one another. Finally, in the absence of a strong federal government, another great power, or a strong international institution to mediate their differences, the Yugoslavs resorted to war.

In looking at the causes of Yugoslavia's disintegration and wars, one must not ignore the issues of identity and victimhood that fuelled the conflict. In Yugoslavia the idea of a united nation of Southern Slavs competed with, and eventually lost to, the idea of particularistic nationalisms. By using Finnemore and Sikkink's (1998) theory of a norm life-cycle, we can understand the emergence of and competition between ideas of collective identity like Yugoslavianism and particularistic nationalities[5]. The Yugoslav idea, in its most recent form, was introduced partly through coercion by Tito after World War II (Hoffmann, 2006:126). A look at the history of the post-WWII Yugoslavia would show that the Yugoslav idea was not fully internalized by the people who resided within the borders of the country. Beginning in the 1960s, there was an emergence of "entrepreneurs" (Finnemore and Sikkink, 1998) who used nationalist ideas to pursue a variety of agendas. Nationalism fit with a general population suffering through economic crisis while nationalists reminded that population of recent past atrocities (Hoffmann, 2006:134). Unlike the Yugoslav one, the particular nationalist ideas, combined with the changing international circumstances, did reach critical mass and thus removed the underlying foundation for the state of Yugoslavia.

3.- Dayton peace talks.

At the beginning of the Yugoslav crisis, hardly any Western governments wanted to see Yugoslavia break up into its constituent republics, let alone into new states based solely on the criteria of blood and the winner takes all (Judah, 1997:200). After the US Secretary of State James Baker's unsuccessful trip to Belgrade on the eve of the declarations of independence by Slovenia and Croatia in June 1991 - when he famously said: "We don't have a dog in this fight" (quoted in Silber and Little, 1996:201) - the US decided to take a back seat and leave the problem to the

[5] The norm life cycle, which explains the emergence of norms, is composed of three linked stages: emergence, cascade, and internalization.

Europeans to deal with[6]. Lord Carrington, the former British foreign secretary, was asked by the then European Community to chair a peace conference in The Hague. He proposed recognition for the Yugoslav republics that requested it after all outstanding issues had been resolved. In the face of German pressure, this point was ignored and the EC recognized Croatia and Slovenia on January 15 1992. Bosnia was asked to have a referendum if it wanted recognition. At the same time, however, Lord Carrington warned that "early recognition" would mean that none of the parties would be "much interested" in continuing to talk (Judah 1997:200). His advice was ignored and after a referendum on independence in February 1992 (which the Bosnian Serbs boycotted), Bosnia was promptly recognized as an independent country. The war broke out less than two months later.

After several failed attempts at ending the war (1993 Vance-Owen peace plan[7], and 1994 Contact Group plan), things began to change in 1995, when the US decided to take the leading role. This decision was motivated partly by the changing situation on the ground, with the Bosnian Serbs making a final push to end the war on their terms and increasingly committing horrifying atrocities, and partly by a US Congress bill to unilaterally lift the UN imposed arms embargo on former Yugoslavia, which left the Bosnian Muslims at a military disadvantage[8]. The Clinton Administration felt that such a move would almost certainly prompt the withdrawal of UN forces on the ground in Bosnia, which would then trigger an earlier US commitment to assist militarily in that withdrawal (Bass, 1998:99-100).

The US decided to lead a new negotiating effort, whose main goal would be a unified Bosnia. Although the talks at the US air force base in Dayton, Ohio, were planned to be of the proximity kind, on the very first day direct meetings between parties began to take place. The remaining twenty days of negotiations included a combination of direct and proximity, formal and informal talks between the Balkan leaders themselves, and often, but not always, with the US and European negotiators. The success at Dayton hinged on territory and after 21 days of talks and some last minute drama worthy of a Hollywood film, a deal was reached.

The Dayton Peace Accords consisted of the General Framework Agreement for Peace in Bosnia and Herzegovina and eleven annexes setting forth

[6] From 1990 until the outbreak of wars in Croatia and Bosnia in March 1992, the US administration's strategy was to forestall the collapse of the Yugoslav federation, but once violence erupted, the policy shifted from prevention to containment (Western, 1999:118-119).

[7] Named after the UN Bosnia representative Cyrus Vance and his EU counterpart David Owen.

[8] At the beginning of the conflict, the UN imposed an arms embargo on Yugoslavia. The embargo did not have any significant effect on Bosnian Serbs, who got their supplies from Serbia, which had a large domestic industry and plentiful stocks.

obligations by the parties and the international community to implement the agreement[9]. The essence of the Accords included the provisions that: Bosnia and Herzegovina will continue to exist as a single state within its current, internationally recognized boundaries; it will consist of two entities, the Muslim-Croat Federation and Republika Srpska, which respectively occupy 51 and 49 percent of Bosnia; the central government will be composed of a popularly elected three-member presidency and parliamentary assembly, which will reflect the multiethnic character of Bosnia and guarantee minority rights.

While it was praised for bringing peace to Bosnia after three years of war, The Dayton Peace Agreement very quickly attracted criticism too. The most serious criticism was that it was simply a successful cease-fire agreement, whose political provisions - giving refugees the right of return and affirming a single country and a central government - could never be implemented. The Dayton indeed brought peace to Bosnia, but the Bosnia created at Dayton is still far from a stable and prosperous democracy, able to stand on its own feet, without international supervision. The ethnic divisions still remain and continue to pose a threat to Bosnia's stability. The Dayton Agreement did not result from a decisive military victory by one of the warring parties on the ground, nor was it a consequence of a mutually hurting stalemate, where exhaustion among all the main parties and the impossibility of major military breakthroughs created strong incentives for a negotiated compromise to emerge. Rather, the Dayton represents a typical case of "enhanced consent" – a peace agreement hammered out and ultimately signed under heavy international pressure (Recchia, 2007:3). The price to be paid for reaching an agreement at Dayton was essentially twofold: first, the Agreement *de facto* ratified the results of ethnic cleansing on the ground; second, it explicitly legitimated the interests of neighbouring states in the Bosnian internal order (Recchia, 2007:3).

The Clinton administration’s Bosnian experience confirmed a key lesson about the relationship between force and diplomacy. It showed that the threat of force, especially of air power, was a useful tool for achieving diplomatic ends. This experience would profoundly influence Washington's thinking during the Kosovo crisis. The use of force would, however, influence the thinking of the local actors too. The Dayton demonstrated that might, rather than reason, brought rewards; and it showed that the carving out of ethnically pure territorial units produced neater maps on which to build a peace settlement (Silber and Little, 1996:382). Three years later, these two points would not be lost on Milosevic and the Kosovo Albanians.

[9] For the complete text of the agreement, see Dayton Peace Agreement (1995)

4.- Rambouillet peace Talks.

Yugoslavia's disintegration forced the question of self-determination of all Yugoslav nations on to the international agenda. While the Badinter Commission[10] recognized the right of the Yugoslav republics to seek independence, the same right was not given to Kosovo[11]. Instead, the governments and international organizations involved in responding to this claim insisted that its human rights should be respected and meaningful self-administration restored in Kosovo (Weller, 1999:215). By that time, Milosevic had abolished the significant autonomy that Kosovo had enjoyed under the 1974 Yugoslav constitution[12]. The ending of the war in Bosnia brought no end to the crisis in Kosovo. On the contrary, the Dayton Peace Agreement completely bypassed the conflict in Kosovo and left the Albanians exactly where they were before. However, the Dayton made it clear to the Kosovo Albanians that violent nationalism is recognized (Buckwalter, 2002:97; D'Amico, 2006:274; Petritsch and Pichler, 2002:73-4; Sterling-Folker, 2006:337). Kosovo's Albanians increasingly gravitated towards armed struggle (Caplan, 1998:752). Hence, new political actors entered the stage demanding more decisive steps and more solid means towards the realization of their goals. The most significant of these was a guerrilla force that called itself The Kosovo Liberation Army (KLA)[13]. The KLA started attacking Serbian security forces in the province[14]. Often indiscriminate in their attacks, the rebels seemed intent on provoking a massive Serb response so that international intervention would be unavoidable. Serbian

[10] In September 1991, three months after the war began following Slovenia's and Croatia's declarations of independence, the EC established an arbitration commission, known as the Badinter Commission after its chief jurist, Robert Badinter, president of the French Constitutional Court. The commission was expected to help resolve differences which might arise in the context of peace negotiations among the Yugoslav parties that were soon to begin in The Hague, but it also issued a number of important opinions concerning the legal status of Yugoslavia and its constituent units.

[11] Under theYugoslav Constitution, the people of Yugoslavia were either "nations" or "nationalities". The nations - Slovenes, Croats, Serbs, Montenegrins, Macedonians and from 1971 Bosnian Muslims - were entitled to their own republic. By contrast, 'nationalities' were peoples who were, in effect, cut off from an existing motherland. The most important of the 'nationalities' were the Kosovo Albanians and the Hungarians who lived in Vojvodina in the north. Under the constitution the nations theoretically possessed the right to secede. Kosovo was not a republic, and according to Judah (2000:37), under no circumstances could the Kosovo Albanians ever be allowed to become a republic lest one day they should try to exercise the right to secede. This distinction suited the EC and ultimately the international community well, for it allowed a line to be drawn between entities whose independence would be legitimately recognized and those whose independence would not (Caplan, 1998:748).

[12] Until 1989, together with the province of Vojvodina, Kosovo enjoyed virtually all the prerogatives of a republic, including its own constitution, government, courts and national bank, and an equal voice within the collective federal presidency.

[13] Ushtria Çlirimitare e Kosovës (UCK) in Albanian.

[14] The first significant armed clash between Albanians and Serb forces took place towards the end of 1997 (Malcolm, 2002:xxxviii).

security forces usually responded in a disproportionate manner, indiscriminately attacking whole villages, killing civilians, and creating a growing refugee crisis, thus playing into the hands of the KLA[15]. Serbs too were being kidnapped and murdered, but Milosevic was unable to turn this into diplomatic advantage. Violence achieved in just a few months what peaceful resistance and countless diplomatic consultations could not for years. This new situation forced the international community to take firmer steps in Kosovo.

As the crisis worsened over the summer of 1998, the United States, acting with the involvement and support of the Contact Group, commenced a process of indirect negotiations through shuttle diplomacy between the government of the Federal Republic of Yugoslavia and the political leaders of the Kosovo Albanians[16]. The shuttle diplomacy between Belgrade and Pristina led by Chris Hill, US Ambassador to Macedonia at the time, culminated in the talks at Rambouillet, France, to try to achieve a negotiated solution that would provide for a cease-fire, an interim peace settlement with a system of self-government for Kosovo, and the deployment of an international force within Kosovo to uphold that settlement. According to Zartman (2005:253-4), the Kosovo process had two crossing tracks: the diplomatic track was a previous formula for autonomy which changed only in details, and the military track were the competing efforts of the Yugoslav government and the KLA - the Serbs aiming to achieve military extermination of the KLA, and the KLA aiming to bring about an international military involvement until independence would be granted. Until the two competing efforts at elimination had firmly checked each other, both on the ground and in the two parties' minds, the parties would not engage on the first track toward an agreed outcome. Thus, the challenge to the mediators was not merely to devise a formula agreeable to both sides, since the bargaining zones of the two simply did not overlap, but to convince both parties that they had no alternatives and that their competing efforts to eliminate each other in Kosovo would not work (Zartman, 2005:253-4). The political bargain offered to the two sides at Rambouillet was this: if the Kosovo Albanians agreed to the Contact Group's plan, they would get the international

[15] In late summer 1998, some 200,000 people were displaced within Kosovo (Judah, 2000:177).

[16] A little later, when according to the former US Secretary of State Madeleine Albright (2003: 491), it became obvious that no political settlement would be possible without the rebels, US diplomats began meeting with KLA representatives too. This was a big change from the previous US position, when the KLA was considered a terrorist group (see Judah, 2000:138).

protectorate for the length of the interim period of three years; otherwise, they would be abandoned; if Serbia did not agree, NATO would bomb it17.

The idea was that Rambouillet would host proximity talks in which the negotiators would shuttle between the delegations. A list of non-negotiable principles, prepared by the Contact Group, formed the framework of an Interim Agreement to which the parties were supposed to agree. The principles included the preservation of the territorial integrity and sovereignty of the rump Yugoslavia (FRY consisting of Serbia and Montenegro) and high degree of self-governance for Kosovo, including a President and Government (Petritsch and Pichler, 2002:143-144). The implementation of the Agreement was to be guaranteed by a strong NATO presence on the ground. The parties were invited to submit comments and amendments to the political settlement.

Kosovo Albanians immediately objected that the text did not include a clause on the referendum, which would decide whether the province should become independent (Petritsch and Pichler, 2002:157). They would insist on this until the very end of the talks. The Serbian delegation made opening comments and then fell more or less silent for the next ten days. The Serb move appeared predicated on the assumption that the Albanians would ultimately reject the document and hence shoulder the blame for the collapse of the conference (Petritsch and Pichler, 2002:158). The reason for this was that they were informed by the Russians that in the Contact Group meetings before Rambouillet it had been agreed that the word "referendum" could not appear in the final text. This was because everyone understood that in the event of a referendum the Kosovo Albanians would always win, thanks to their overwhelming numerical superiority in the province (Judah, 2000:206-7).

In the end, the Serbian side was ready to seriously negotiate the civilian aspect of the agreement (Petritsch and Pichler, 2002:170). At the same time, it adamantly refused to discuss the possibility of a NATO-led Implementation Force. The problem for the Serbs was the Military Annex[18]. It had the wording of a standard Status of Forces Agreement (SOFA) that NATO signs with any state hosting its troops, and, according to the then NATO Supreme Commander, General Wesley Clark (cited in Hendriksen, 2007:170), it was modelled on the military

[17] At the same time, German EU Presidency devised a carrot that was offered to the Serbian side. It included phased abolition of all sanctions against FRY within two years (Petritsch and Pichler, 2002:172).

[18] While this term has been adopted and widely used, in the actual text of the proposed Rambouillet Agreement this is called Appendix B: Status of Multi-National Military Implementation Force (Rambouillet Agreement, 1999).

annex used at Dayton[19]. The Serb authorities claimed that this was tantamount to an attempt to occupy the whole of Serbia, and it was one of the major reasons why they rejected the whole package at Rambouillet (Judah, 2000:210). Equally unacceptable to the Serb side was a clause added at the insistence of the Kosovo Albanian delegation, which stipulated that after three years the final status of Kosovo would be determined, *inter alia*, by "the will of the people" (Hosmer, 2001:14)[20]. After further wrangling, the Kosovo Albanian delegation signed the agreement on March 18, while the Serbs refused to do so. The NATO bombing of Serbia started four days later.

Why did, then, the Serbs refuse to sign the Rambouillet Agreement? They cited the Military Annex as the main reason for not signing, claiming that it amounted to occupation of a sovereign country. However, it is more likely that Milosevic had decided that his political survival was less at risk if he rejected the Agreement and saw through what he believed was going to be a short bombing campaign (Kovačević, 2007:253). After all, Kosovo was much more central to his political power base and Serb nationalism than Bosnia and the Bosnian Serb Republic had been (Owen, 2001:69)[21].

The main problem with Rambouillet was that the text offered to the parties did not provide clear clues about the more deep-seated principle - self-determination or territorial integrity[22]. The draft agreement discussed at

[19]The disputed text read: "NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, manoeuvre, billet, and utilization of any areas or facilities as required for support, training and operations". (Rambouillet Agreement, 1999)

[20] By now, according to one American official (in Hendriksen, 2007:171), "the price of saving Rambouillet was to tie ourselves more and more closely to the Albanians".

[21] Hosmer (2001:8-10) lists four reasons why Milosevic wanted to maintain Serb control and dominance over Kosovo: First, the vast majority of Serbs had a strong attachment to Kosovo, which they consider "the cradle of Serbia's identity and the mainspring of its ancient culture; Second, Milosevic's own political persona was closely associated with the Serb ascendancy in Kosovo - he clearly owed his initial rise to power in the Serbian communist party and Yugoslavia to his exploitation of Serbian nationalist sentiments and the promotion of Serbian hegemony in Kosovo; Third, Kosovo, from the early 1990s onward, had provided Milosevic's ruling Socialist Party with sufficient additional seats in the Serbian parliament to give it a near parliamentary majority; Fourth, Milosevic had continued to rely on Kosovo as a means to bolster his sagging political position within Serbia, exploiting the Kosovo issue to raise nationalist passions, mobilize public support, and distract people from the other serious problems facing Serbia".

[22] Madeleine Albright (2003:490) says that the US reluctance to endorse independence was shaped less by principle than by a pragmatic assessment of attitudes in the region: Macedonia and Greece strongly opposed independence for Kosovo because they feared it might inflame separatist ambitions within their own ethnic Albanian populations; other countries also had minorities with aspirations for independence; and more generally, some Europeans feared that an independent Kosovo would become a hotbed of Islamic extremism and organized crime.

Rambouillet committed to territorial integrity of the FRY and made numerous references to the UN Charter and Helsinki Final Act, two documents that affirm the sovereignty as a central norm in the international system. At the same time, it left the question of the final status of Kosovo unresolved and provided for a three-year interim period, after which the issue would be revisited to reflect the will of the people[23]. As to the method of this expression of the will, the document was ambiguous. This created a kind of a prisoner's dilemma, which left no space for a mutually acceptable solution. It appears that the main strategy of the Serbs in Rambouillet was based on the assumption that the Albanians would reject an agreement because it would not offer them the independence they sought (Hendriksen, 2007:170). This would leave Milosevic with a free hand to finish the KLA off militarily. At the same time, realizing they could not get independence right away, the Kosovo Albanians accepted the agreement in the hope that the Serbian rejection of it would bring about NATO intervention. After two and a half months of that intervention, Milosevic finally accepted a deal which on the military side involved a full withdrawal of Serb forces from Kosovo and thus amounted to capitulation, but on the political side referred to Yugoslavia's "sovereignty and territorial integrity" and "a political process designed to determine Kosovo's future status". By then, one of the main proclaimed objectives of the diplomatic process - to stop the violation of human rights and reverse a humanitarian crisis - had been blown to pieces.

5.- A comparative look at the Dayton and Rambouillet talks.

As stated earlier, the Dayton was a success in two crucial aspects: it brought peace to Bosnia after three years of war, and it preserved the country as a single entity, which had indeed been the main goal of the negotiations. Along the same lines, Rambouillet was a failure because it did not bring about peace, but instead ended in a massive escalation of the conflict in Kosovo, which saw a NATO intervention against a sovereign European country. Still, regardless of their different outcomes, the two conflicts and sets of peace negotiations have a lot in common. They involve the same region, similar causes, and some of the same actors and strategies. Also, the two case studies offer similar lessons for further research of intra-state conflicts, third party mediation and the applicability of competing theories of international relations in interpreting conflicts.

[23] Albright (2003:511) says the proposal developed at Rambouillet 'required the Kosovars to delay, but not abandon, their aspirations for independence'.

Both case studies included intensive Pre-negotiation stages - Bosnia with the Holbrooke shuttle, and Kosovo with the Hill process. Although very difficult, this stage in the Bosnian process ended successfully and led to the continuation of the talks in the Formula stage. That stage was also run by the Holbrooke team, which then managed to successfully prepare and run the Details stage as well (for stages of negotiation see Zartman and Berman in Berridge, 2005:29-52). On the other hand, the Hill process in Kosovo was practically dead by the end of 1998, and the subsequent talks in Rambouillet came about as a consequence of the changing situation on the ground. The talks were not actually planned during the Hill shuttle. Prior to Rambouillet, the Formula stage was decided by the Contact Group and presented to the parties as a *fait accompli*. It included detailed arrangements for the envisaged interim agreement for Kosovo - using the Hill process as a starting point and as such, it did not provide for a meaningful Details stage the parties would negotiate at Rambouillet. Rather, Rambouillet was an exercise in getting the parties to agree on a formula drafted and decided without their direct involvement.

In both Bosnia and in Kosovo, the parties accepted a mediator that was external to the conflict, and whose mediation was of the active type. They accepted the United States as the leading mediator, not because of its impartiality, but because of its ability to influence each party and the need to secure guarantees of any settlement from the mediator[24].

To be effective, mediation must take place at the right moment. What are the circumstances that make intra-state conflicts ripe for resolution? According to Ohlson (2008:146), the perception of ripeness most often results from power politics, force, coercion and fear. The change in behaviour is enforced, not voluntary, and it does not normally come from political goodwill, moral reassessment or a genuine change of mind. Instead, it emerges out of power-based pressures inherent in the conflict process itself. Ripeness and war termination are, most often, caused by resource constraints and reduced opportunities to successfully prosecute the war. It often has little to do with changed attitudes or rectified grievances (Ohlson, 2008:146). Here lies the crucial difference between Dayton and Rambouillet (Kovačević, 2004:308; Daalder and O'Hanlon in Hendriksen, 2007:173). In the run-up to Dayton, the war in Bosnia was almost coming to an end, and all three warring parties were exhausted and most likely without chances to realize their ambitions by military means. The ripening process was "manufactured or engineered by the coercing power" (Burg, 2004:253) and the

[24] Although at Rambouillet the Contact Group formally had the leading role in the negotiations, the parties, particularly the Kosovo Albanians, expected the US to influence the process and provide guarantees in case of an agreement. The Serbian side looked to the Russians for support.

mediation came at a late stage in the conflict. In Kosovo, in the run-up to Rambouillet, the war was, in a way, just beginning; the Serbs were preparing for a final showdown with the Albanian rebels, who, on their part, did not comply with a previous ceasefire agreement and continued with the attacks hoping to provoke disproportional response by the Serb security forces and thus bring NATO ever closer to intervening. Here, the mediation came somewhere between early (before the rise of the KLA) and late stages (after a prolonged military conflict and a stalemate), which also helps explain why it was not successful. Furthermore, Milosevic had much to gain from a negotiated solution to the Bosnian War, because indirectly it threatened his domestic power base in Serbia, where the UN economic embargo was affecting the everyday life of the average Serb (Hendriksen, 2007:182). This was not the case in Kosovo, because at that time most of the economic sanctions against Serbia had been lifted. Even more importantly, the stakes were not the same, at least not for Milosevic; Kosovo represented his ascent to power and a very significant part of Serb history and culture - much greater than in Bosnia and thus harder to give up (Hendriksen, 2007:173; Hosmer, 2001:18).

In such circumstances, what was the best strategy for the mediators? In both case studies, the mediator opted for directive strategy, affecting the content and substance, as well as the process of mediation. To achieve this, a mediator usually has two principal tools at its disposal: leverage and problem-solving abilities (Stedman in Ohlson, 2008:147). Leverage mainly refers to the ability of the mediator to alter the objective environment of the conflict and the parties, by influencing their war fighting capacity or by offering security guarantees to minimize the fears of peace. Problem-solving refers to the ability to devise solutions that to a sufficient degree deal with grievances and meet the concerns, demands and goals of the parties. The role of mediators is to make belligerents perceive of a given situation as conducive to a negotiated solution (Ohlson, 2008:147). With regard to leverage, Kissinger (1994:488) argues that it is the pressure on the battlefield that generates the negotiation, and this is exactly what we saw in Bosnia. In Kosovo, the coercing party exercised no known leverage over the KLA and rapidly declining leverage over the Kosovo Albanian political leadership and Milosevic (Burg, 2004:264-5)[25]. The lack of pressure on the battlefield was a

[25] As far as the rebels were concerned, the mediators did not have much of a leverage over them anyway, since the threat of abandoning them was not very clear, and certainly not something they worried about much. As German General Klaus Naumann said after the war, "I think we had a chance to prevent war in the fall of 1998. Milosevic honoured the October Agreement, but the KLA exploited the withdrawal of FRY forces and took some provocative steps. They started the conflict then, but NATO had no instrument to influence them. In fact, the failure by NATO to influence the KLA at that time was the biggest deficiency of the diplomatic effort." (in Hendriksen 2007: 185)

major impediment to successful negotiations. There existed only a threat of force by NATO, which Milosevic did not believe was credible. He felt sufficiently strong to try and crush the KLA.

In both case studies coercive diplomacy played an important part; the crucial difference was that in Bosnia, diplomacy was preceded by the actual use of force, whereas in Kosovo the use of force came only after diplomacy failed. The essence of successful deterrence or coercion is the credibility of your threat, which requires a firm and clear communication of your resolve and also fine calculation of the potential effectiveness of your threat on your opponent's beliefs (Matthews, 1993:109). In Bosnia, the threat was followed by the actual use of force, and that provided a much firmer basis for conducting diplomacy than would have been the case if force had not been used (Daalder, 2000:185). In the case of Kosovo, the threat of air strikes by NATO lacked credibility in the eyes of Milosevic. This was mostly caused by the lack of follow-through on earlier threats of military action over the crisis in the province (Daalder, 2000:185-6)[26]. A further complication with coercive diplomacy is that the threat of external intervention changes the balance of power in favour of the group that is being abused, which in a situation of civil war, makes the potential victims cocky about their prospects in a continued armed struggle (Snyder, 2008:11). We saw this in Bosnia, both before and at Dayton, where the Muslim side, buoyed by recent military successes and after the NATO strikes, thought the Serbs could be completely defeated. This to a great extent explains its inflexibility at Dayton. Similar problem was present in Kosovo, where the KLA did not have strong incentives to negotiate, but rather to keep on provoking the Serb retaliation and thus bring NATO intervention closer.

There were important differences between the problem solving capabilities of the mediators in Bosnia and Kosovo, too. At Dayton it was possible to devise a platform acceptable to all three sides; the deal was a compromise that was easier for the three sides to sell to their constituents than the one offered at Rambouillet. In both case studies the parties were trying to maximize their security and, under the security dilemma, they were looking for relative gains. The crucial difference is that in Bosnia, the American mediators managed to turn the situation into a non-zero-sum one and steer the parties towards a search for an absolute gain. Bosnia was preserved as a single country (which was the goal of the Muslim side), but was in effect partitioned (which was the Serb goal). The Croats played along since they had already got back previously occupied parts of Croatia. At Rambouillet, however, the mediators had a more difficult job of making belligerents perceive of

[26] The Clinton administration first employed the threat of air strikes in the early autumn of 1998.

a given situation as conducive to a negotiated solution - they did not manage to persuade the parties to seek absolute and not relative gains. There were several reasons for that: the two sides had diametrically opposing positions, with the Kosovo Albanians insisting on independence, and the Serb side not willing to accept even substantial autonomy for Kosovo; the sticks were not seen by the parties as credible enough, and the carrots were not seen as attractive enough. Finally, the mediating team had reduced leverage since it was not as united as at Dayton, with the Russian member of the mediating team at Rambouillet refusing to discuss the military part of the agreement.

I now turn to the question of why various international actors decided to get involved in the Yugoslav crisis. The change from bipolarity to unipolarity at the end of the Cold War not only saw an increasing number of intrastate conflicts, but also allowed for a change in the strategic thinking of the United States and other major Western powers. Calls for democracy and respect of human rights became more prominent, and the previously untouchable notion of state sovereignty started to become challenged[27]. As Snyder (2008:8) points out, it is not accidental that humanitarian interventions have been on the rise since the collapse of the Soviet Union, partly because of a proclaimed change in norms, and partly because the costs and risks of interventions seemed more calculable and controllable. The shift in the strategic thinking after the Cold War was mutually reinforced by the changed rhetoric, which emphasized morality, human rights and challenges to sovereignty. The outbreak of violent ethnic conflict in the Balkans, supported by a high level of media exposure, challenged the more reactive and territorial defence-oriented national security cultures and initiated a process of societal learning in a number of states towards a more active role in security and defence (Heiselberg in Meyer, 2005:540). The mobilization of public opinion through the news media was also a major factor which prompted political leaders in the West to actively get involved in the Balkans, despite the lack of obvious national interests. There was an understanding that the best way to deal with the Yugoslav crises was through institutions - the established ones, such as the UN, NATO and OSCE, or ad-hoc ones, such as the Contact Group. In line with the neoliberal theory, these institutions helped major powers involved in the Yugoslav conflicts – the US, EU and Russia - better identify security challenges, overcome various obstacles to cooperation, and therefore produce efficiency gains in security management. It is true that in dealing with the crises in the Balkans, there was, to an extent, rivalry between institutions. This was especially the case in Kosovo, where the UN was to

[27] For examples see Blair (1999) and Annan (1999).

a large extent bypassed in favour of NATO, (and, to a lesser extent, the Contact Group), but this does not undermine the fact that institutions played a major role in the search for solution in the Balkans.

At the same time, the Western powers that got involved in the Yugoslav crisis largely ignored some other conflicts raging around the world. Even in Yugoslavia, principles and norms alone were not enough to get NATO members to go to war – as the 1992-1995 period in Bosnia-Herzegovina demonstrated (Kay, 2005:20). Great powers rarely adhere to norms which are not ultimately compatible with their interests (Desch, 2003:418-419). At the beginning of the Yugoslav crisis the EU wanted to establish itself as a major international player and it only called on the United States to get involved when it realized that it would not be able to solve the problem on its own. The United States remained on the sidelines of the Bosnian conflict until the Clinton administration concluded that a continuation of the war would further undermine the credibility of the US position as the European security guarantor (Taliaferro, 2006:44)[28]. This was even more pronounced in Kosovo, where it was the combination of the previous Bosnian experience and the risk to NATO's credibility that energized the Western leaders into diplomatic action and, ultimately, war. In both conflicts, Russia too had a strong interest because it wanted to preserve its declining power and influence, especially in a region it considered strategically important, and it feared that NATO involvement would threaten its security.

6.- Conclusion.

The search for a solution to the conflicts in Bosnia and Kosovo has demonstrated two things: that liberal states, who have been successful in creating a zone of peace amongst themselves, have difficulties when dealing with a non-liberal world, and; that the academic separation of liberalism and realism matters little to the policymakers when they have to make stark moral choices between a just peace and a quick end to hostilities, or between democracy and efficiency. Hyland (in Hendriksen, 2007:76) notes that the end of the Cold War allowed the United States to shift focus 'from primarily an interest-based foreign policy to one that rested more on such values as democracy, market economics, humanitarian relief, and genocide suppression'. While the dominant rhetoric has shifted towards idealism, the actual practice has retained a degree of caution and pragmatism (Dobson, 2002:591-2). The main architect of the Dayton Agreement, Richard Holbrooke

[28] For an overview of systemic imperatives and the overall goals of US grand strategy after the collapse of the Soviet Union, see Taliaferro 2006, p.42-43.

(1999:370), argues that the choice between realists and idealists was a false one, and that in the long run the US strategic interests and human rights supported and reinforced each other, and could be advanced at the same time. Bosnia and Kosovo illustrate the difficulties policymakers of the leading world powers face when their responsibility to defend international law and protect human rights around the world is posited against the wider strategic concerns, as well as against the responsibility to safeguard their own country and its citizens. The Yugoslav conflict presented liberal Western states with a difficult riddle of finding the right balance between support for self-determination and sovereignty. In trying to solve this riddle, they chose the middle way of alternating between realist and liberal policies, leaving behind imperfect solutions which have impeded development in the region ever since.

Yugoslav conflicts also showed that in the post-communist world, the fall of authoritarian states could easily lead to secession and ethnic conflict. The management of the dissolution of Yugoslavia reflected a far broader process of change in the international system and pointed to three important developments: a fundamental change in the roles of international actors; a struggle about core values of the international system; and the legitimacy of the threat or use of force in international relations (Weller, 1999:211-12). Yugoslav conflicts hardly posed a threat to the US national interest, although the growing refugee crisis and the possible spill-over of the conflict did pose a security threat to the European countries. In the end, Western governments could not ignore the persistence of conflict and massive human rights violations. Bosnia and Kosovo certainly served to reinforce the relevance of NATO to solving security problems in Europe, and to demonstrate that Europe after the Cold War remained every bit as dependent on the USA for its security as it had been before (Cox, 2006:150; Headley, 2003:227; Snyder, 2008:6). However, I would argue that those were secondary reasons for the West's involvement in the crisis. So, what explains the behaviour of the Western powers in the absence of either pressing risks to their national security or institutional commitments?

When the cause of a civil conflict, or of the failure of a state, is ethnic or religious strife, deep divisions exist between those who believe that the right to self-determination must lead to borders based on ethnic or religious demarcation lines, and those who think that formulas of 'consociationalism' or federalism might save multicultural or multi-ethnic societies (Hoffmann 1995:47). These divisions were present at both Dayton and Rambouillet. The Dayton Agreement preserved the nominal unity of Bosnia, but, to paraphrase Bass (1998:106), it masked the shaky realist balancing act between Republika Srpska and the Croat-Muslim Federation.

Rambouillet failed because it came too late to offer the right balance between sovereignty and self-determination. Realists would argue that instead of holding together multi-ethnic states, it would have served the interests of human rights and long-term stability better to divide them up into ethnically homogenous areas. This, however, would have been against the core liberal principles of the post-Cold War Western world. The Yugoslav conflict was among those that presented liberal states with a difficult riddle: to intervene in order to protect individuals whose rights are being abused in non-liberal regimes, but to keep costs as low as possible so as not to antagonize domestic public, or to respect the sovereignty of the nation as the still dominant unit of the anarchic world we live in. In the end, they chose the middle way of alternating between realist and liberal policies, leaving behind imperfect solutions and problems that might reoccur in future.

Bibliography

- Adams, K.R. (2006) Structural Realism: The Consequences of Great Power Politics, in Sterling-Folker, J. (Eds) *Making Sense of International Relations Theory*, Boulder/London, Lynne Rienner Publishers, p. 18-37.
- Albright, M. (2003) *Madam Secretary*, New York, Miramax Books.
- Annan, K. (1999) Secretary General's Annual Report To General Assembly (available 24.04.2018 at: http://www.un.org/News/Press/docs/1999/19990920.sgsm7136.html).
- Bass, W. (1998) "The Triage of Dayton", Foreign Affairs, Vol. 77, No 5, September/October 1998. p. 95-108
- Berridge, G.R. (2005) *Diplomacy: Theory and Practice*, Third Edition, Basingstoke: Palgrave Macmillan.
- Blair, T. (1999) Speech to The Chicago Economic Club (available 23.04.2018 at: https://www.globalpolicy.org/component/content/article/154/26026.html).
- Buckwalter, D.T. (2002) "Madeleine's War: Operation Allied Force", in: Case Studies in Policy Making & Implementation, Naval War College (available 14.03.2018 at: http://www.au.af.mil/au/awc/awcgate/navy/pmi/oaf.pdf).
- Burg, S.L. (2004) "Coercive Diplomacy in the Balkans", in: Art, R.J and Waltz, K. N. *The Use Of Force: Military Power And International Politics*, Sixth Edition, Boulder/New/York/Toronto/Oxford, Rowman & Littlefield Publishers Inc. p 245-269.

- Caplan, R. (1998) "International Diplomacy and the Crisis in Kosovo". International Affairs, 74.4, p. 745-761.
- Cox, M. (2006) "From The Cold War to the War on Terror", in: Baylis, J. and Smith, S. (Eds), The Globalization of World Politics: An Introduction to International Relations, Third Edition, Oxford, Oxford University Press, p. 131-157.
- Daalder, I. (2000) *Getting to Dayton: The Making of America's Bosnia Policy*, Washington DC: The Brookings Institution.
- D'Amico, F. (2006) "Critical Feminism: Deconstructing Gender, Nationalism, and War", in: Sterling-Folker, J. (Eds) *Making Sense of International Relations Theory*, Boulder/London, Lynne Rienner Publishers, p. 268-281.
- Dayton Peace Agreement (1995) (available 14.03.2018 at: https://www.osce.org/bih/126173?download=true).
- Desch, M.C. (2003) "It Is Kind To Be Cruel: The Humanity of American Realism". Review of International Studies (2003), 29, p. 415–426.
- Dobson, A.P. (2002) "The Dangers of US Interventionism", Review of International Studies 28, p. 577-597.
- Finnemore, M. and Sikkink, K. (1998) "International Norm Dynamics and Political Change". International Organization, 52,4, Autumn, p. 887-917.
- Headley, J. (2003) "Sarajevo, February 1994: The First Russia-NATO crisis of the Post-Cold War Era". Review of International Studies (2003), 29, p. 209-227.
- Hendriksen, D. (2007) *NATO's Gamble: Combining Diplomacy and Airpower in the Kosovo Crisis 1998-1999*, Annapolis: Naval Institute Press.
- Hoffmann, M.J. (2006) "Social (De)Construction: The Failure of a Multinational State", in: Sterling-Folker, J. (Eds) *Making Sense of International Relations Theory*, Boulder/London, Lynne Rienner Publishers, p. 123-138
- Holbrooke, R. (1999) *To End a War*, New York: Random House.
- Hosmer, S. T. (2001) *Why Milosevic Decided To Settle When He Did*, Santa Monica: Rand.
- Judah, T. (1997) *The Serbs: History, Myth & The Destruction of Yugoslavia*, New Haven and London: Yale University Press.
- Judah, T. (2000) *Kosovo: War and Revenge*, New Haven and London: Yale University Press.

- Kay, S. (2005) Nato, The Kosovo War and Neoliberal Theory, *Contemporary Security Policy*, Volume (available en: http://www.informaworld.com/smpp/title~db=all~content=t713634773~tab=issueslist~branches=25 - v2525, Issue 2 August 2004, p. 252 – 279).
- Kissinger, H. (1994) *Diplomacy*, New York: Simon & Schuster.
- Kovačević, Ž. (2004) *Medjunarodno Pregovaranje*, Beograd: Filip Višnjić.
- Kovačević, Ž. (2007) *Amerika i Raspad Jugoslavije*, Beograd: Filip Višnjić.
- Malcolm, N. (2002) *Kosovo: A Short History*, London, Basingstoke and Oxford: Papermac/Macmillan Publishers.
- Matthews, K. (1993) *The Gulf Conflict And International Relations*, London, Routledge.
- Meyer, C.O. (2005) "Convergence Towards a European Strategic Culture? A Constructivist Framework for Explaining Changing Norms". European Journal of International Relations, Vol 11(4), p. 523-549.
- Ohlson, T. (2008) "Understanding Causes of War and Peace". European Journal of International Relations, 14, p. 133-160.
- Owen, R. C. (2001) *Operation Deliberate Force: A Case Study on Humanitarian Constraints in Aerospace Warfare* (available 14.03.2018 at: http://unairpower.net/data/uploads/pdfs/un-air-power-chapter-13-operation-deliberate-force-in-bosnia-1995-humanitarian-constraints-in-aerospace-warfare.pdf).
- Petritsch, W. and Pichler, R., (2002) *Dugi Put u Rat: Kosovo i Medjunarodna Zajednica 1989-1999*, Belgrade: Samizdat B92.
- Posen, B. (1993) "The Security Dilemma And Ethnic Conflict". Survival, Vol. 35, No.1 Spring 1993, p. 27-47
- Rambouillet Agreement (1999) (available 14.03.2018 at: https://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/kosovo_ramb.pdf).
- Recchia, S. (2007) "Beyond international trusteeship: EU peacebuilding in Bosnia and Herzegovina", in: *Occasional Paper 66*, February 2007, European Union Institute for Security Studies (available 14.03.2018 at: https://www.iss.europa.eu/sites/default/files/EUISSFiles/occ66.pdf).
- Silber, L. and Little, A. (1996) *The Death of Yugoslavia*, London: BBC/Penguin Books.

- Snyder, J. (2008) Realism, Refugees and Strategies of Humanitarianism (available 04.10.2009 en: www.rsc.ox.ac.uk/PDFs/snyder%20realism%20refugees-1.pdf).
- Sterling-Folker, J. (2006) "Constructivism", in: Sterling-Folker, J. (Eds) *Making Sense of International Relations Theory*, Boulder/London, Lynne Rienner Publishers, p. 115-122.
- Taliaferro, J.W. (2006) "Neoclassical Realism: The Psychology of Great Power Intervention", in Sterling-Folker, J. (Eds) *Making Sense of International Relations Theory*, Boulder/London: Lynne Rienner Publishers, p. 38-53.
- Weller, M. (1999) "The Rambouillet Conference on Kosovo". International Affairs 75, 2, p. 211-251.
- Western, J. (1999) "Sources of Humanitarian Intervention: Beliefs, Information, and Advocacy in the U.S. Decisions on Somalia and Bosnia". International Security, Vol. 27, no. 1 (July/August 1999).
- Zartman, W. (2005) *Cowardly Lions: Missed Opportunities to Prevent Deadly Conflict and State Collapse*, Boulder: Lynne Rienner Publishers.