

THE PROBLEM WITH NEGOTIATED SETTLEMENTS TO ETHNIC CIVIL WARS

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A burgeoning literature has emerged on the utility of negotiated settlements as a method of terminating civil wars.¹ Negotiated settlements comprise less than one quarter of all civil war endings,² but garner the

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1. Examples from a vast and growing literature include Roy Licklider, ed., *Stopping the Killing: How Civil Wars End* (New York: New York University Press, 1993); Licklider, "The Consequences of Negotiated Settlements in Civil Wars, 1945–1993," *American Political Science Review* 89, no. 3 (September 1995): 681–90; T. David Mason and Patrick J. Fett, "How Civil Wars End: A Rational Choice Approach," *Journal of Conflict Resolution* 40, no. 4 (December 1996): 546–68; Stephen John Stedman, "Negotiation and Mediation in Internal Conflict," in *The International Dimensions of Internal Conflict*, ed. Michael E. Brown (Cambridge: MIT Press, 1996), 341–76; Stedman, Donald Rothchild, and Elizabeth M. Cousens, ed., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder: Lynne Rienner, 2002); Charles King, *Ending Civil Wars*, Adelphi Paper 308 (Oxford: International Institute for Strategic Studies [IISS]/Oxford University Press, 1997); Barbara F. Walter, "The Critical Barrier to Civil War Settlement," *International Organization* 51, no. 3 (summer 1997): 335–64; Walter, "Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace," *International Security* 24, no. 1 (summer 1999): 127–55; Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002); Caroline Hartzell, "Explaining the Stability of Negotiated Settlements to Intrastate Wars," *Journal of Conflict Resolution* 43, no. 1 (February 1999): 3–22; Hartzell, Matthew Hoddie, and Donald Rothchild, "Stabilizing the Peace After Civil War: An Investigation of Some Key Variables," *International Organization* 55, no. 1 (winter 2001): 183–208; Nicholas Sambanis, "Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature," *World Politics* 49, no. 4 (July 2000): 437–83; and Mark Peceny and William Stanley, "Liberal Social Reconstruction and the Resolution of Civil Wars in Central America," *International Organization* 55, no. 1 (winter 2001): 149–82. This focus on civil wars makes sense given that they compose the vast majority of current armed conflicts: intrastate wars of one kind or another accounted for 30 of 31 ongoing armed conflicts in 2002. See Mikael Eriksson, Peter Wallensteen, Margareta Sollenberg, "Armed Conflict, 1989–2002," *Journal of Peace Research* 40, no. 5 (September 2003): 594.

2. Of ethnic civil wars that end, 20 to 25 percent terminate in negotiated settlements. See the datasets in Licklider, "Consequences of Negotiated Settlements in Civil Wars"; Mason and

majority of the scholarly attention. Most analysts try to answer questions such as: which factors facilitate negotiated settlements to civil wars? How can such agreements be made to stick once implemented? What types of institutions tend to prevent a reoccurrence of hostilities? How best can third parties assist former combatants to reconcile and share power? Are wars fought over identity issues more or less susceptible to termination by negotiated agreement than those fought over ideological or economic differences?

Ethnic civil wars in particular appear to be difficult to resolve with negotiated settlements. While this type of war is no less likely than wars fought over ideological issues to end in a negotiated agreement, hardly any ideological wars resume after a settlement is implemented, whereas such agreements fail as often as two-thirds of the time in identity wars.³ The conventional wisdom in both academic and policy circles on how best to end ethnic wars contends that secessionist conflicts are best managed by giving regional autonomy to restive ethnic groups, while contests for control of the state should be contained by sharing power. According to Ted Robert Gurr, a leading scholar of ethnic conflict, the “essential principles” of this new regime “are that threats to divide a country should be managed by the devolution of state power and that communal fighting about access to the state’s power and resources should be restrained by recognizing group rights and sharing power.”⁴ That this new conventional wisdom has found its way into the policy community is evidenced by the international community’s preference for autonomy, power sharing, or

Fett, “How Civil Wars End”; Walter, *Committing to Peace* and “Critical Barrier”; and Sambanis, “Partition as a Solution to Ethnic War.” One scholar puts this rate as low as 15 percent (Stephen John Stedman, *Peacemaking in Civil Wars: International Mediation in Zimbabwe, 1974–1980* [Boulder: Lynne Rienner, 1991], 4–9). Others, using a more liberal definition of negotiated settlement, find that 40–45 percent of civil wars end in such agreements (Hartzell, “Explaining the Stability of Negotiated Settlements to Intrastate Wars,” 12; and Hartzell, Hoddie, and Rothchild, “Stabilizing the Peace After Civil War,” 194).

3. Licklider, “Consequences of Negotiated Settlements in Civil Wars,” 686.

4. See Ted Robert Gurr, “Ethnic Warfare on the Wane,” *Foreign Affairs* 79, no. 3 (May/June 2000): 52. For further elaboration, see Gurr, *Peoples versus States: Minorities at Risk in the New Century* (Washington, D.C.: United States Institute of Peace Press, 2000); and Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington, D.C.: United States Institute of Peace Press, 1993). Other prominent works include Graham Smith, ed., *Federalism: The Multiethnic Challenge* (London: Longman, 1995); Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, D.C.: United States Institute of Peace Press, 1996); Ruth Lapidot, *Autonomy: Flexible Solutions to Ethnic Conflict* (Washington, D.C.: United States Institute of Peace Press, 1997); and Yash Ghai, ed., *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-ethnic States* (Cambridge: Cambridge University Press, 2000). Of course, arguments for power sharing and autonomy as solutions to ethnic conflict have been around for a long time. For early works on the former, see Arend Lijphart, “Consociational Democracy,” *World Politics* 21, no. 2 (January 1969): 207–25; and Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977); on the latter, see Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985), 601–28. What is new is the acceptance and promotion of these policies by third party interveners in ethnic wars.

some combination of the two in countries where it has intervened or mediated, such as Angola, Bosnia, Sierra Leone, Kosovo, Macedonia, and most recently Afghanistan and Iraq.⁵ In addition, many countries have either federalized their political systems (Spain, Ethiopia), created new federal units if already a federation (India), granted regional autonomy (Sudan, Sri Lanka, Israel, Nicaragua, Moldova, the Philippines, Russia, Bangladesh), or instituted power sharing (Lebanon in 1958 and 1976, Chad, Northern Ireland) to curb ethnic rebellions.

Despite the appearance of this new regime, lasting solutions to ethnic civil wars remain elusive. Since 1945, power sharing governments instituted after ethnic wars have collapsed into renewed conflict (Lebanon 1958 and 1976, Chad 1979, Angola 1994, and Sierra Leone 1999), other power sharing deals agreed to were abrogated before they could be implemented (Uganda 1985 and Rwanda 1993), while the success of still others recently negotiated remains unclear (Bosnia 1995, Northern Ireland 1998, Burundi 2000, and Macedonia 2001).⁶ Furthermore, agreements that provided regional autonomy for rebellious ethnic groups usually either failed to end the conflict (Moros in the Philippines, Ethiopia's Afars, Somalis, and Oromo, Sri Lankan Tamils, India's Assamese and Bodos), saw serious conflict resume sometime after the agreement was implemented (India's Kashmiri Muslims, Nagas, and Tripuras, Sudan's Southerners, Palestinians in the West Bank and Gaza, and Russia's Chechens), or could not prevent the onset of a serious armed conflict after autonomy was agreed upon (India's Sikhs and Pakistan's Baluchis). Overall, despite a few recent apparent successes in relatively mild conflicts (India's Mizos, Nicaragua's Miskito Indians, Moldova's Gagauz, and Mali's Tuaregs), the record of negotiated settlements to ethnic wars which share or divide power is far from stellar.⁷

This article has three goals: (1) to explain why negotiated solutions to all types of civil wars are relatively rare; (2) to investigate why agreements specifically in ethnic wars involving power sharing or territorial autonomy are so hard to sustain; and (3) to suggest that ending such wars with partition or military victory may be more stable than agreements to share or diffuse power within the confines of a single state.

5. Ghai, "Ethnicity and Autonomy: A Framework for Analysis," in Ghai, *Autonomy and Ethnicity*, 15–16. There was also a sharp increase in the number of civil wars settled via negotiations in the 1990s. Monica Toft observed that negotiated settlements outnumbered decisive military victories as methods of civil war termination in the 1990s for the first time. See Monica Duffy Toft, "Peace Through Victory?" (paper presented at the annual meeting of the American Political Science Association, Philadelphia, PA, 27–31 August 2003), 10.

6. Dates given indicate the year when settlements were agreed upon.

7. This data is summarized in Alexander B. Downes, "The Holy Land Divided: Defending Partition as a Solution to Ethnic Wars," *Security Studies* 10, no. 4 (summer 2001): 89–97.

I argue that the experience of warfare provides combatants with ample evidence of their adversary's malign intentions. Although the enemy appears willing to settle now, the war just fought gives each side little reason to be sanguine about the other's future intentions. Negotiated settlements to civil wars, however, require that groups forsake their armed forces—and hence their ability to protect themselves and enforce the terms of any agreement negotiated—in order to unify the country. How, though, can they be sure that their former adversary will not cheat on the deal and attack when they are most vulnerable?

Structural realism traditionally has argued that states' inability to know whether other states' present or future intentions are malign or benign inhibits cooperation in a world without a sovereign authority to provide protection or enforce contracts. States wishing only to protect themselves amass military power that threatens other states, which then arm themselves in self-defense. This process of competitive arming can cause states to infer malign intentions and lead to conflict and war. Should war actually occur, a state may not always be able to change its enemy's intentions—although this does happen, by changing its regime, for example—but it can at least reduce its foe's capability to act on those malign intentions. Most importantly, after a war between them, states retain their own armies and institutions, and thus their ability to defend themselves in the future.

Civil war combatants, however, do not have this luxury. Forced to surrender their arms and share the same state, groups legitimately fear cooperating while the other cheats, or that their opponent's intentions will turn malign again in the future. Given the high stakes involved—group survival—and the recent history of hostility, combatants are understandably reluctant to take the risk of settling. Militarily, therefore, negotiated single-state solutions founder on the issue of disarmament.

Politically, uncertainty regarding an adversary's future intentions undercuts the functioning of institutions designed to share or diffuse power after the war. Both the government and the rebellious group(s) are uncertain as to how political institutions will work, and distrust that their recent adversary will sincerely abide by the rules of the game. In power sharing arrangements, each side fears that the other will attempt to capture the state, exclude them from power and resources, and use the instruments of state power to repress them. In a federal or autonomous arrangement, the government fears groups will use autonomy to prepare for secession while groups suspect that the government may curtail or revoke their liberties.

Ironically, although ethnic civil wars in theory have a greater number of possible solutions owing to the territorial concentration of most ethnic groups,

the military and political problems engendered by uncertainty regarding intentions are particularly problematic in ethnic civil wars. First of all, many ethnic wars are secessionist, raising the possibility that groups will not share one state after the war. Furthermore, warfare heightens ethnicity as the relevant line of cleavage in society, but negotiated settlements leave intact groups' infrastructure and organizations, leaving them able to continue the struggle at a future time. Moreover, because most ethnic groups are deeply attached to territory, viewing it as integral to their identity and security, they are highly sensitive to encroachments on the autonomy they have gained in a peace settlement.

Taken together, concern over the future intentions of former adversaries and the specific properties of ethnic wars discourage solutions to ethnic wars short of military victory for one side or partition, and undermine the success of negotiated settlements if implemented. These difficulties hold even if the parties are largely segregated on the ground or if a third party intervenes temporarily to keep the peace. For the former, if a state is to exist, there must be some form of central government, in which case uncertainty regarding intentions will inhibit cooperation. In the latter, the parties to the conflict know that interveners will eventually depart; the security they bring, therefore, is temporary, which forces the parties to worry about each other's intentions and their future security.

My conclusion is that once a full-scale ethnic war breaks out, solutions predicated on autonomy or power sharing are unlikely to settle the conflict: the more stable solutions are partition, that is, separation *plus* independence, or a decisive military victory for one side over the other.⁸ Partition has potential because it minimizes the degree to which groups must cooperate with and trust one another; does not require them to disarm or merge their militaries; limits the level of external military intervention required and allows it to be used to better effect; and, by satisfying nationalism and the need for physical security, allows passions to cool between formerly hostile groups. Military victory, on the other hand, renders a decisive verdict to the struggle for power in favor of one side, thus leaving its opponent less willing and less able to renew the contest. Thus, the international community (IC) should perhaps be more circumspect about its ability to engineer negotiated single-state solutions to ethnic wars, and more willing to consider facilitating partition or military victory.

The remainder of the paper is divided into three parts. The first section discusses my argument in greater detail, delineates the military and political

8. Stability in this context means solely that the likelihood of renewed warfare is minimized. I do not mean to imply that ethnic domination or separation is normatively superior or desirable.

difficulties that hinder negotiated single-state solutions to ethnic wars, and briefly evaluates the empirical evidence regarding the success of such solutions. The second section presents a pair of case studies to illustrate my argument. Bosnia and Kosovo should be strong cases for other arguments: the Dayton Peace Agreement established a federal state with extensive power sharing provisions in the former, while the latter stands to gain substantial autonomy. Furthermore, the IC is strongly committed in both areas, providing robust civil administration and military occupation forces. Moreover, war produced three ethnically homogeneous regions in Bosnia, and a nearly homogeneous Albanian population in Kosovo, thereby reducing incentives for ethnic cleansing. These conditions notwithstanding, the legacies of large-scale interethnic armed conflict stymie solutions based on autonomy and power sharing. I draw out four observable propositions for likely behavior, including reluctance to disarm and merge armies, popular support for nationalist politicians, gridlock in political institutions, and opposition to refugee return, and test these propositions against evidence from Bosnia and Kosovo. The third section concludes by addressing potential objections to my argument.

REALISM AND CIVIL WAR

PRESENT AND FUTURE INTENTIONS OF THE ADVERSARY

Existing realist literature on civil conflict uses the security dilemma to explain the causes, conduct, and endings of internal wars. Realists have mainly focused on ethnic civil wars, arguing that ethnic intermingling gives rise to a security dilemma which can both cause ethnic wars and prevent them from ending short of ethnic separation.⁹ My argument, on the other hand, focuses

9. On the ethnic security dilemma as a cause of war, see Barry R. Posen, "The Security Dilemma and Ethnic Conflict," *Survival* 35, no. 1 (spring 1993): 27–47; William Rose, "The Security Dilemma and Ethnic Conflict: Some New Hypotheses," *Security Studies* 9, no. 4 (summer 2000): 1–51; Jack Snyder and Robert Jervis, "Civil War and the Security Dilemma," in *Civil Wars, Insecurity, and Intervention*, ed. Barbara F. Walter and Jack Snyder (New York: Columbia University Press, 1999), 15–37; and Flemming Splidsboel-Hansen, "The Outbreak and Settlement of Civil War: Neorealism and the Case of Tajikistan," *Civil Wars* 2, no. 4 (winter 1999): 1–22. On the security dilemma as preventing wars from ending, see Chaim D. Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security* 20, no. 4 (spring 1996): 136–75; and Kaufmann, "When All Else Fails: Ethnic Population Transfers and Partitions in the Twentieth Century," *International Security* 23, no. 2 (fall 1998): 120–56. Closely related to the security dilemma are arguments that focus on commitment problems: the inability of a majority group to do anything credible to commit itself not to use the power of the state to exploit the minority in the future. See Walter, "Critical Barrier" and *Committing to Peace*; and James D. Fearon, "Commitment Problems and the Spread of Ethnic Conflict," in *The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation*, ed. David A. Lake and Donald Rothchild

on another important realist variable: the impact that fighting the war has on each side's estimate of the other's intentions and thus their ability to trust each other enough in the future to share a state.¹⁰ Barbara Walter was the first to observe that civil war combatants face a particularly severe dilemma. Unlike negotiated settlements to wars between states, implementation of such agreements within states requires groups to disarm and merge their militaries. Disarming, however, increases their vulnerability and reduces their ability to enforce compliance with the agreement by the other side. Civil war combatants, therefore, face an unappealing choice should they decide to terminate the conflict via negotiations. "As groups send their soldiers home, hand in their weapons, and surrender occupied territory," writes Walter, "they become increasingly vulnerable to a surprise attack; and once they surrender arms and cede control of territory, their rival can more easily seize control of the state and permanently exclude them from power."¹¹ The non-trivial risk of betrayal, combined with the enormous costs of being cheated, inhibits groups from gambling on a settlement.

A structural realist approach argues that uncertainty regarding an adversary's present and future intentions fuels the security dilemma in international politics and thwarts negotiated settlements to intrastate wars. In the international realm, although realism assumes that states seek only to survive (and hence attempt to maximize their security), security competition still occurs because "[t]here are many possible causes of aggression, and no state can be sure that another state is not motivated by one of them."¹² In other words, knowledge about state type is not public, but only indirectly observable via state behavior. Uncertainty about current intentions inhibits cooperation because of the possibility that the other side is motivated by goals beyond simple security that

(Princeton: Princeton University Press, 1998), 107–26. Other authors have adjusted the security dilemma concept to include the state, arguing that if "the state cannot protect the interests of all ethnic groups, then each group will seek to control the state, decreasing the security of other groups and decreasing the ability of the state to provide security for any group." See Stephen M. Saideman, "The Dual Dynamics of Disintegration: Ethnic Politics and Security Dilemmas in Eastern Europe," *Nationalism and Ethnic Politics* 2, no. 1 (spring 1996): 23; and Saideman, "Is Pandora's Box Half-Empty or Half-Full? The Limited Virulence of Secession and the Domestic Sources of Disintegration," in Lake and Rothchild, *The International Spread of Ethnic Conflict*, 127–50.

10. I accept as given that ethnic war tends to cause ethnic separation, and that solutions to such wars should be based on separation; as Stathis Kalyvas puts it, "civil wars tend to produce segregation even when the intention is not to 'cleanse'" (Stathis Kalyvas, "The Logic of Violence in Civil War," unpub. ms., University of Chicago, April 2003, 25). Intermingling by itself, however, does not cause ethnic wars in the first place; it is the effect of the war that makes intermingling dangerous.

11. Walter, *Committing to Peace*, 21.

12. John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: Norton, 2001), 31. See also Kenneth N. Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979), 105–6.

will lead it to cheat on the agreement. Moreover, a state's intentions are never fixed, but are subject to change with little advance notice, making it dangerous to cooperate too closely because today's ally might be tomorrow's enemy: "No matter how much decision makers are committed to the status quo, they cannot bind themselves and their successors to the same path. Minds can be changed, new leaders can come to power, values can shift, new opportunities and dangers can arise."¹³

In a civil conflict, each of these problems is more severe because the requirements for settling an internal war—disarmament and demobilization of military forces—make the penalty for being wrong about the other side's intentions far worse than in relations between sovereign states.¹⁴ In a civil war, each side knows for a fact that the other has malign intentions; after all, both "have been killing one another with considerable skill and enthusiasm" for some time.¹⁵ Even if one party wants to end the war, it may be prevented from doing so by the belief that it cannot trust the other side. "Whatever the obstacles to an arrangement that would have prevented war," remarks Fred Iklé in the context of interstate war termination, "the use of violence itself engenders new obstacles to the reestablishment of peace. Fighting sharpens feelings of hostility. It creates fears that an opponent might again resort to violence, and thus adds to the skepticism about a compromise peace."¹⁶ As Joanna Spear puts it, "where violence has been extreme and the conflict long-running, confidence and mutual trust will be more difficult to build between the erstwhile enemies."¹⁷

Should its enemy appear willing to strike a bargain, however, how can a group be sure that its opponent is not trying to deceive them and that the adversary's seemingly benign attitude is a façade behind which malign

13. Robert Jervis, "Cooperation Under the Security Dilemma," *World Politics* 30, no. 2 (January 1978): 168. See also Dale C. Copeland, "The Constructivist Challenge to Structural Realism," *International Security* 25, no. 2 (fall 2000): 202–03. Jervis and other defensive realists argue, however, that when offensive and defensive military technologies are distinguishable, and the balance between them favors defense, not only is the security dilemma likely to be less intense, but states can signal their type (security-seeker or revisionist) by the types of weapons they procure (Jervis, "Cooperation Under the Security Dilemma," 190; and Charles L. Glaser, "Realists as Optimists: Cooperation as Self-Help," *International Security* 19, no. 3 [winter 1994/95]: 67–70).

14. Jervis, "Cooperation Under the Security Dilemma," 172; Walter, "Critical Barrier," 338; and Thomas Hobbes, *Leviathan*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1996), 85.

15. Roy Licklider, "Early Returns: Results of the First Wave of Statistical Studies of Civil War Termination," *Civil Wars* 1, no. 3 (autumn 1998): 122.

16. Fred Charles Iklé, *Every War Must End*, rev. ed. (New York: Columbia University Press, 1991), 107. Put another way, "no matter what a civil war may initially have been about, once antagonists have set about killing one another they are likely to be concerned about their future security" (Hartzell, Hoddie, and Rothchild, "Stabilizing the Peace After Civil War," 203).

17. Joanna Spear, "The Disarmament and Demobilization of Warring Factions in the Aftermath of Civil Wars: Key Implementation Issues," *Civil Wars* 2, no. 2 (summer 1999): 12.

intentions lurk? Combatants in the face of such uncertainty often choose to continue fighting rather than take that risk. Moreover, even if each side is nearly certain that the other's present intentions are benign, both also worry that those intentions could change in the future. Nothing prevents either party to the agreement from changing its mind at a later date, for example if the current group leadership is flanked or replaced by hard-liners.

The "problem of other minds" is bad enough in international politics, in which uncertainty regarding other states' present and future intentions inhibits potentially beneficial cooperation, fuels security competition, and sometimes leads to war. It is nearly intractable in intrastate conflict, however, in which combatants are not allowed to retain their military forces and retreat behind fortified frontiers. I sketch the deleterious effect of uncertainty about the other side's intentions on the military and political aspects of negotiated settlements to civil wars below.

MILITARY OBSTACLES: DISARMING AND INTEGRATING ARMIES

If a negotiated settlement to a civil war is to succeed, the rebellious group(s) must relinquish its arms and permit its soldiers to be integrated into the government army or returned to civilian life. Such groups, however, are reluctant to part with their weapons because to do so removes both their ability to defend themselves and their ability to threaten or use violence to enforce the agreement should the other side cheat. By the very act of disarming a group forfeits its leverage over its rival, thereby making itself vulnerable. An attack at this crucial time would be devastating, perhaps decisive. Unfortunately, in this case the consequence of cooperation could be destruction, a disaster few groups are willing to risk. Thus, even if the payoff for continuing to fight is negative, it often appears the more attractive option.¹⁸

A second military issue that must be overcome if a single state is to be preserved is how to integrate the former combatants' military forces. Negotiations must invent some formula acceptable to both sides of how to create a united army. If separate armies are allowed to exist, any political disagreement can quickly become militarized, leading to the resumption of hostilities. In some cases military units retain their ethnic or regional loyalties even years after they have supposedly been integrated into the government army, and

18. Walter, "Critical Barrier," 338. On the difficulties inherent in disarming and demobilizing, see Mats R. Berdal, *Disarmament and Demobilization after Civil Wars*, Adelphi Paper no. 303 (Oxford: IISS/Oxford University Press, 1996); and Joanna Spear, "Disarmament and Demobilization," in Stedman, Rothchild, and Cousens, *Ending Civil Wars*, 141–82.

can form the nucleus of a renewed rebel force.¹⁹ Moreover, separate armies prevent the central government from exercising any real authority in parts of the country controlled by different ethnic groups. This situation can easily drift toward de facto partition, or war if the central state attempts to impose its will on the area it does not control.²⁰

Most students of civil war termination focus on measures to reassure the combatants about each other's present intentions and preventing (or lowering the costs of) immediate betrayal. Settlement optimists argue that independent monitoring and verification or third party security guarantees can mitigate fears of cheating, but this is not always the case.²¹ Even a sizable military occupation force—and peacekeeping detachments are often far from robust—cannot prevent combatants from simply stashing their weapons in secret locations rather than turning them in, or giving up only old, relatively useless guns. It is widely acknowledged by observers, for example, that Albanian fighters in Kosovo relinquished only a small fraction of their arms in 1999.²² Moreover, third parties rarely have incentives to remain involved for extended periods of time. Knowing that the outsiders will eventually leave, parties to the settlement wish to keep their weapons as insurance against renewed attack in the future.

POLITICAL OBSTACLES: WHY SETTLEMENTS ARE HARDER TO SUSTAIN IN ETHNIC WARS

Settlement optimists contend that institutions that “seek to balance, divide, or share power among competing groups” using power sharing, proportional representation, regional autonomy, or federalism can solve the security dilemma by constraining the use of force, and distributing political power and material resources.²³ Properly designed institutions, according to this view, allow all parties to participate in the exercise of state power at the national or regional level, permitting groups to protect their core interests and prevent them from being shut out of power.

19. This was the case in Sudan, where Southern units in the army rebelled in 1983 (eleven years after they were integrated) when president Jaafar al-Nimeiri attempted to transfer them to the north in response to increasing tension between the two regions. See Nelson Kasfir, “Peacemaking and Social Cleavages in Sudan,” in *Conflict and Peacemaking in Multiethnic Societies*, ed. Joseph V. Montville (Lexington, Mass.: D.C. Heath, 1990), 363–87.

20. These twin problems contributed to the failure of three negotiated settlements in Angola (1989, 1991, and 1994). See Human Rights Watch, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, at <http://www.hrw.org/reports/1999/angola>.

21. On the former, see Spear, “Disarmament and Demobilization of Warring Factions,” 17–19; on the latter, see Walter, “Critical Barrier.”

22. See the case study of Kosovo below.

23. Hartzell, “Explaining the Stability of Negotiated Settlements,” 6. See also Hartzell, Hoddie, and Rothchild, “Stabilizing the Peace After Civil War,” and Walter, *Committing to Peace*.

By contrast, I argue that uncertainty regarding the present and future intentions of one's negotiating partner exacerbates the difficulty of implementing political institutions after ethnic civil wars and regularly causes them to fail. Most generally, the lack of trust between groups in a post-conflict situation handicaps the likelihood that democracy will survive. As columnist Thomas Friedman has argued, "democracy means the willingness to have your group or party be outvoted and have power go to the competing group or party . . . To do that, though, the party or group that loses has to trust the new majority and believe that its basic interests will still be protected and that there is nothing to fear from a change in power."²⁴ Some new data, however, suggests that "democratic" solutions to civil wars do not result in democratic outcomes over the long term. States that have civil wars ended by negotiated settlement receive a short term boost in their level of democracy, but 20–30 years after the agreement these same states tend to be less democratic than those which had a civil war end with a decisive victory.²⁵

Problems specific to ethnic wars. More specifically, skepticism regarding intentions induced by civil war, combined with several unique features of ethnic conflicts, handicaps the mechanisms proposed by the conventional wisdom for stemming ethnic disputes. The theory as described thus far applies to all types of civil wars. Indeed, both the ethnic and ideological varieties are about equally likely to end in a negotiated settlement. The difference between the two only emerges after an agreement is implemented: hardly any ideological civil wars begin anew, but at least half of the ethnic wars start again. I argue that several distinctive properties of identity-based conflicts render negotiated settlements in these wars especially difficult to sustain.²⁶

First, as opposed to ideological civil wars, which are almost always fought for control of an existing state, and which thus may be won outright or settled by power sharing between the various factions, ethnic wars are often fought to break away from an existing state and form a new political unit. Political independence, although often not a goal when the war began, can become an

24. Thomas L. Friedman, "Not Happening," *New York Times*, 23 January 2001, A21.

25. Using the Polity IV dataset, Toft finds that twenty years later, states that had a civil war end with a negotiated settlement are on average five points less democratic (on a 21-point scale) than they were before the war. After thirty years, such states are nearly seven points less democratic (Toft, "Peace Through Victory?" 23). These results are preliminary, however, and should be viewed with caution: because there are few negotiated settlements, one or two bad outcomes could wreck an otherwise positive trend.

26. Other scholars have found some support for the argument that the *causes* of the two types of civil wars are different. See Nicholas Sambanis, "Do Ethnic and Nonethnic Civil Wars Have the Same Causes? A Theoretical and Empirical Inquiry (Part 1)," *Journal of Conflict Resolution* 45, no. 3 (June 2001): 259–82.

objective during the course of the fighting. As Yash Ghai and Anthony Regan observe regarding the conflict in Papua New Guinea, “the conflict certainly intensified Bougainvillean ethnic identity and the depth of ethnic division, and, as a result, the degree of autonomy that might be acceptable to accommodate ethnic identity is now far greater than it was in the 1990s.”²⁷ Ethnic groups that reach full-scale rebellion, furthermore, typically have a deep attachment to a homeland, viewing it as an essential piece of their identity and a key to their cultural and physical security.²⁸ These features of ethnic wars lend to them an indivisible quality that not only makes them harder to settle in the framework of a single state, but also tends to undermine the variety of possible territorial outcomes below the level of independence, such as regional autonomy or federalism.²⁹

Second, ethnic wars tend to polarize societies more severely than do wars in which civilian loyalties are viewed as more malleable. In the prototypical ideological insurgency, guerrillas and government forces alike compete to draw support from the same underlying population. In ethnic wars, on the other hand, each party to the conflict tends (at least initially) to recruit and draw support almost exclusively from members of its own group.³⁰ Suffering extensive violence at the hands of another group increases peoples’ identification with their own ethnic group (often referred to as “hardening” ethnic identity). The ability to make cross-ethnic appeals is lost as people are forced by violence to choose sides, sometimes against their will.³¹ Invariably, however, they choose their own ethnic kin, and violence increasingly polarizes society.

27. Yash Ghai and Anthony Regan, “Bougainville and the Dialectics of Ethnicity, Autonomy and Separation,” in Ghai, *Autonomy and Ethnicity*, 264.

28. Monica Duffy Toft, “Indivisible Territory, Geographic Concentration, and Ethnic War,” *Security Studies* 12, no. 2 (winter 2002/3): 81–118; and Toft, *The Geography of Ethnic Violence: Identity, Interests, and Territory* (Princeton: Princeton University Press, 2003).

29. Because most ethnic groups have a territorial base, regional autonomy or federalism are applicable, whereas those solutions usually do not pertain to ideological wars. Some form of regional autonomy has been implemented after a few ideological civil wars, such as the twenty-three development zones allocated to the Contras by the Nicaraguan peace accords in 1990. According to a study of the role of territorial autonomy in divided societies, however, “These zones were chosen not because the Contras controlled that territory or represented a majority group within those areas, but because the land was available for settlement” (Donald Rothchild and Caroline Hartzell, “Security in Deeply Divided Societies: The Role of Territorial Autonomy,” *Nationalism and Ethnic Politics* 5, nos. 3–4 [autumn/winter 1999]: 261).

30. Incumbents in a subset of ethnic wars—typically colonial wars—attempt to recruit from the “enemy” ethnic group. This practice tends to reduce the reliability of ethnicity as a marker of loyalty over time (Kalyvas, “The Logic of Violence in Civil War”).

31. John Mueller points out that people often face the choice of “being dominated by vicious bigots of one’s own ethnic group or by vicious bigots of another ethnic group: Given that range of alternatives, the choice was easy” (John Mueller, “The Banality of Ethnic War,” *International Security* 25, no. 1 [summer 2000]: 56).

“The trauma of the wars [in the Balkans],” argues the Independent International Commission on Kosovo, “has left a trail of fear and insecurity, guilt and mistrust—emotions that cannot be easily allayed but which seek reassurance in the apparent certainties of ethnic identification.”³² “The result [of violence],” two scholars remark, “is a deeply divided society whose members may withdraw temporarily into their communal containers for life support.”³³

A final problem with negotiated settlements to civil conflicts that may be worse in ethnic wars is that the factor which, according to many analysts, is the prerequisite for a negotiated settlement—a “mutually hurting stalemate” or a balance of power—also makes a resumption of armed conflict more likely.³⁴ According to Robert Wagner, “because no combatant is able to disarm its adversaries, a settlement requires that all the adversaries retain some semblance of their organizational identities after the war, even if they are disarmed.”³⁵ Ethnic groups are relatively enduring social formations, and thus can function as built-in organizations, especially in the wake of large-scale violence with an out-group that reinforces in-group identification. This ethnic organization is always available, and hence the start-up costs for returning to war may be lower when the conflict is ethnic in nature.³⁶

How institutions for sharing and diffusing power are undermined. Power sharing, as proposed by Arend Lijphart (who terms it “consociational democracy”), calls for government by a cartel of elites from a country’s ethnic groups in which power is exercised jointly, ministries and government funds are parceled out proportionately, groups have autonomy on ethnic issues, and all groups possess a minority veto on issues they deem threatening to their vital interests.³⁷

32. The Independent International Commission on Kosovo (ИМК), *The Follow-Up: Why Conditional Independence?* (November 2001), 4. This document updates and restates the findings of the commission’s original publication, *The Kosovo Report* (October 2000), found at <http://www.reliefweb.int/library/documents/thekosovoreport.htm>.

33. Rothchild and Hartzell, “Security in Deeply Divided Societies,” 256. The polarization of identity induced by violence, as these authors point out, declines over time: wartime levels of hostility do not remain constant forever. As discussed in the case studies below, however, uncertainty regarding the future political arrangements of the state and fear of what one’s former adversary will do when unconstrained by a third party provides a rational reason for continuing to identify with ethnic kin.

34. The term is Zartman’s; see, for example, I. William Zartman, “The Unfinished Agenda: Negotiating Internal Conflicts,” in Licklider, *Stopping the Killing*, 24.

35. Robert Harrison Wagner, “The Causes of Peace,” in *ibid.*, 261.

36. For an explanation of ethnic competition along similar lines, see Robert H. Bates, “Modernization, Ethnic Competition, and the Rationality of Politics in Contemporary Africa,” in *State Versus Ethnic Claims: African Policy Dilemmas*, ed. Donald Rothchild and Victor A. Olorunsola (Boulder: Westview Press, 1983), 152–71.

37. Lijphart, “Consociational Democracy,” and Lijphart, “The Power-Sharing Approach,” in Montville, *Conflict and Peacemaking in Multiethnic Societies*, 491–509. See also Sisk, *Power Sharing and International Mediation*.

After an ethnic civil war, however, the more trust and cooperation a political system demands from former adversaries after ethnic wars, the more likely it is to fail. The hostility and mistrust that pervade relations between groups after they have fought a war cause power sharing institutions to be gripped by gridlock. Moreover, power sharing systems often apportion power based on each group's percentage of the population, which makes them extraordinarily sensitive to demographic changes over time.

Regional autonomy is also increasingly recommended as a solution for ethnic conflict because it seemingly satisfies everybody: the ethnic group obtains greater self-rule and the state retains its unity. "The popularity of autonomy as a solution," writes Svante Cornell, "undoubtedly stems from its being one of the few conceivable compromise solutions in conflicts over the administrative control of a specific territory."³⁸ Unfortunately, this promise is not borne out in practice, as doubts about intentions hinder the implementation of regional autonomy and federalism following ethnic civil wars. From the perspective of the rebellious group, although the government is making concessions now, what prevents it from going back on its word in the future? Authoritarian governments have routinely impinged upon the prerogatives of autonomous regions,³⁹ but this problem is not unknown in democracies.⁴⁰ Moreover, distrust of the government among the rebellious group is often so pervasive that some group leaders reject even generous autonomy arrangements in favor of fighting on for full independence.⁴¹ From the government's perspective,

38. Svante E. Cornell, "Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective," *World Politics* 54, no. 2 (January 2002): 247. See also Hartzell, Hoddie, and Rothchild, "Stabilizing the Peace After Civil War," 191. In an autonomous or federal solution, an ethnic group gains control of governmental structures that have both symbolic and practical power, fulfilling group aspirations for greater independence and providing members with tangible benefits, such as the ability to conduct business and education in the native tongue, keep more tax revenue at home, and access to expanded job opportunities in the regional bureaucracy that were previously unavailable. The difference between the two is that regional autonomy grants these powers only to the particular region in question whereas the rest of the state remains unitary, while in a federal solution all regions of the state are given substantial powers of self-government, a bicameral legislature is created at the center having an upper house in which the regions are represented equally regardless of population, and a judiciary is established to adjudicate disputes between the federal and regional authorities.

39. Sudanese president Jaafar al-Nimeiri frequently violated the details of the autonomy agreement that ended his government's civil war with the country's Christian South in 1972, finally provoking a new war by re-dividing the region into three provinces in 1983. See Kasfir, "Peacemaking and Social Cleavages in Sudan." Other examples of autocracies revoking autonomy agreements include Pakistan (Baluchistan, 1973) and Yugoslavia (Kosovo and Vojvodina, 1989).

40. India provides an example, as central authorities have repeatedly dissolved regional governments and instituted presidential rule to crack down on ethnic unrest. Thus, regional governments in India ultimately serve at the pleasure of New Delhi.

41. Stedman has coined the term spoilers to describe such actors: Stephen John Stedman, "Spoiler Problems in Peace Processes," *International Security* 22, no. 2 (fall 1997): 5–53.

state leaders fear that their ethnic opponent will use autonomy as a platform to make further demands, up to and including the right to secede,⁴² and that granting autonomy to one group may prompt others to demand it as well, possibly provoking additional protests or armed rebellions.⁴³ Finally, autonomy provides an institutional base for ethnic groups that increases their ability and motivation to make further demands or launch a rebellion.⁴⁴

Federalism, although institutionalized to a greater extent than a regional autonomy agreement, is sensitive to changes in the initial conditions of the federal bargain, problems that are made worse by the fear and uncertainty that follow a civil war. Should the majority group's demographic dominance in the region appear to be threatened by immigration of other ethnic groups, the chance increases that the majority group will either attack the minorities to drive them out, or try to secede from the state and hence gain control of its

42. See Alicia Levine, "Political Accommodation and the Prevention of Secessionist Violence," in Brown, *International Dimensions of Internal Conflict*, 332. Gurr ("Ethnic Warfare on the Wane," 56) argues that autonomy rarely leads groups to make greater demands, and is thus not a slippery slope toward independence.

43. Toft, *Geography of Ethnic Violence*, 26–29. For statistical support for this finding, see R. William Ayres and Stephen Saidean, "Is Separatism as Contagious as the Common Cold or as Cancer?" *Nationalism & Ethnic Politics* 6, no. 3 (autumn 2000): 91–113. State leaders thus usually prefer to oppose rebel groups militarily to discourage other secession-minded groups that might view the government's cutting a deal as a sign of weakness. Offers of autonomy to groups in traditionally unitary states can also provoke conflict within the government over the appropriateness of autonomy as a solution. See Keith B. Richburg, "France Split on Self-Rule for Corsica," *Washington Post*, 1 October 2000, A23.

44. As one scholar puts it, "The institution of autonomous regions is conducive to secessionism because institutionalizing and promoting the separate identity of a titular group increases that group's cohesion and willingness to act, and establishing political institutions increases the capacity of that group to act" (Cornell, "Autonomy as a Source of Conflict," 252, emphasis in original). Following the collapse of communism in Eastern Europe, for example, the only states to undergo partition were federal ones: Yugoslavia, Czechoslovakia, and the Soviet Union. See Valerie Bunce, "Subversive Institutions: The End of the Soviet State in Comparative Perspective," *Post-Soviet Affairs* 14, no. 4 (October–December 1998): 323–54; Bunce, "Peaceful versus Violent State Dismemberment: A Comparison of the Soviet Union, Yugoslavia, and Czechoslovakia," *Politics & Society* 27, no. 2 (June 1999): 217–37; and Philip G. Roeder, "Soviet Federalism and Ethnic Mobilization," *World Politics* 43, no. 2 (January 1991): 196–232. This is because federal structures in those countries "provid[ed] an excellent organizational base for political leaders to exploit with nationalist appeals once the center began to weaken" (Robert H. Dorff, "Federalism in Eastern Europe: Part of the Solution or Part of the Problem?" *Publius* 24, no. 2 [spring 1994]: 104). Within the former Soviet republics in the Caucasus, moreover, regional autonomy was an excellent predictor of ethnic rebellion as those states became independent in the late 1980s/early 1990s (Cornell, "Autonomy as a Source of Conflict"). Regional autonomy also supplies the group with the experience of self-government, which by itself can be significant, and opens up "multiple, competing political arenas rather than a common political space" when states democratize. On the former, see Gail W. Lapidus and Edward W. Walker, "Nationalism, Regionalism, and Federalism: Center-Periphery Relations in Post-Communist Russia," in *The New Russia: Troubled Transformation*, ed. Gail W. Lapidus (Boulder: Westview, 1995), 87. For the latter, see Carol Skalnik Leff, "Democratization and Disintegration in Multinational States: The Breakup of the Communist Federations," *World Politics* 51, no. 2 (January 1999): 207.

immigration policy. Furthermore, conflict over the distribution of revenues within a federal system can induce grievances in both advanced and backward groups, advanced groups because they believe they are being forced to support backward regions, and deprived groups because they feel discriminated against or left behind.⁴⁵

NEGOTIATED SETTLEMENTS IN ETHNIC CIVIL WARS: EMPIRICAL EVIDENCE

Negotiated settlements in general. Uncertainty regarding the intentions of one's adversary in the particularly dangerous environment of an internal armed conflict is responsible for the fact that military victories provide more stable endings to civil wars than do negotiated settlements.⁴⁶ The most current research on civil war termination finds that 77 percent of such conflicts that reach a conclusion end in decisive victory, compared to 23 percent that end in negotiated settlements.⁴⁷ Of these two types of war termination, decisive victories are more stable: only 12 percent of wars (4 of 42) ended in this way reignited, whereas 23 percent of negotiated settlements (3 of 13) broke down into renewed warfare.⁴⁸ Each of the three failures occurred in an ethnic civil war, however, and fully one-half (three of six) of the identity-based wars settled by negotiated agreements in Walter's dataset experienced further fighting.⁴⁹ This is similar

45. These dynamics were documented in the disintegration of the former Yugoslavia and Soviet Union. In Yugoslavia, Slovenia and Croatia were the more advanced republics, while the Baltic and Caucasian republics were relatively advanced in the Soviet Union. For details on Yugoslavia, see Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington, D.C.: Brookings Institution, 1995); for the USSR, see Roeder, "Soviet Federalism and Ethnic Mobilization."

46. As Charles King puts it, "such attempts run against the tide of history" (King, *Ending Civil Wars*, 25).

47. Twenty-two percent remain unresolved. When these conflicts are included, decisive victories account for 60 percent and negotiated settlements 18 percent (Walter, *Committing to Peace*, 169–70).

48. Walter's full dataset may be found at <http://www-irps.ucsd.edu/irps/faculty/bfwalter/data.html>. I coded a war as having resumed if fighting broke out again between the same combatants over the same issues, whether within the five year limit generally used to define successful settlements or after. These codings were based on Licklider, "Consequences of Negotiated Settlements in Civil Wars," and Sambanis, "Partition as a Solution to Ethnic War." Monica Toft's work produces similar results: 60 percent of civil wars end in victory, 18 percent in negotiated agreements, and 9 percent in cease-fires or stalemates. Of these types of termination, 12 percent of the victories experienced renewed warfare whereas 29 percent of negotiated settlements broke down into war (as did 33 percent of cease-fires; Toft, "Peace Through Victory?" 9, 11).

49. The three failures are Lebanon (1958), Sudan (1972), Croatia (1992), while the three successes are Zimbabwe (1979), Mozambique (1992), and Bosnia (1995). Zimbabwe experienced a war (1982–87) after its negotiated settlement, but it was between former allies who turned against each other after settling with their common enemy. For more on such cases, see Pierre M. Atlas and Roy Licklider, "Conflict Among Former War Allies After Civil War Settlement: Sudan, Zimbabwe, Chad, and Lebanon," *Journal of Peace Research* 36, no. 1 (January 1999): 35–54.

to Licklider's earlier finding that half of all negotiated settlements to civil wars broke down as compared to 15 percent of military victories. Again, however, every instance of a civil war starting again after a settlement was negotiated occurred in an ethnic war: two-thirds of negotiated settlements in ethnic wars failed to endure, compared to a failure rate of only 21 percent for decisive victories.⁵⁰

Power sharing. Unsurprisingly, power sharing governments instituted after ethnic wars have generally failed eventually: agreements in Lebanon (1958 and 1976), Angola (1994), Chad (1979), and Sierra Leone (1999) all collapsed into renewed warfare between the same parties over the same issues.⁵¹ The Arusha agreement in Rwanda (1993) failed before it could be implemented, as did the Nairobi agreement in Uganda (1985), while the success of deals in Bosnia (1995), Northern Ireland (1998), Burundi (2000), and Macedonia (2001) remains to be seen.

Autonomy and federalism. Nor does the empirical record support the assertion that autonomy or federalism lead to ethnic peace after civil wars. Kaufmann claimed eight successes for autonomy, but seven of these cases remain unresolved or experienced violence after autonomy was implemented.⁵² Ted Gurr presents a more comprehensive dataset that documents 24 cases in which states granted autonomy to ethnically defined regions.⁵³ Examples of all three methods of self-government are present: autonomy for one region in a unitary state, creating a new federal region within a federation, or federalizing a unitary state. Of these 24 cases, however, only four resulted in a clear and lasting cessation of hostilities, and these four were mostly low-casualty cases, which is consistent with my argument that full-scale ethnic war makes negotiated single-state solutions unlikely.⁵⁴

50. The failures in Licklider's dataset are Cyprus (1964), India (1948, 1965), Lebanon (1958, 1976), and Sudan (1972); the successes are Chad (1987), Cyprus (1974), and Zimbabwe (1984). No ideological civil wars re-started no matter how they were settled (Licklider, "Consequences of Negotiated Settlements in Civil Wars," 688–89, 686). The failure rates for negotiated settlements in ethnic wars in Walter's and Licklider's data roughly coincide with the 58 percent rate I found in a previous work (Downes, "Holy Land Divided," 90). Although the codings of each particular analyst are somewhat different, the fact that they tend to converge in the same range gives us greater confidence in the finding (for a similar conclusion, see King, *Ending Civil Wars*, 25).

51. Walter (*Committing to Peace*, 94–95) found that unless accompanied by a third-party guarantee, power sharing failed to end civil wars in eight of ten cases.

52. Kaufmann, "Possible and Impossible Solutions," 160. Cases with violence continuing after autonomy are the Nagas and Tripuras vs. India, Basques vs. Spain, Palestinians vs. Israel, Moros vs. Philippines, Chittagong vs. Bangladesh, and Abkhazians vs. Georgia. The sole success is the Miskito Indians vs. Nicaragua.

53. Gurr, *Peoples versus States*, 198–202.

54. The four successes are Mizos vs. India, Miskitos vs. Nicaragua, Gagauz vs. Moldova, and Tuaregs vs. Mali. Chittagong vs. Bangladesh (1997, different from the 1989 agreement

Statistical analyses have produced conflicting results regarding the efficacy of federalism as a means of conflict prevention. Two studies using the Minorities at Risk (MAR) dataset found that countries with federal systems experienced greater levels of non-violent protest but lesser intensities of violent rebellion.⁵⁵ A third study, however—also using the MAR data—found federalism to have no significant impact on rebellion, a finding confirmed by a fourth study using states rather than groups as the unit of analysis and civil war onset as the dependent variable.⁵⁶ Considering the known issues of selection bias in the MAR dataset,⁵⁷ and the fact that no study has specifically examined the impact of federalism instituted after a civil war, this debate should be considered as yet unresolved.

cited in note 52) was originally counted as a success, but I recoded it as a failure owing to the fact that the government has failed to implement the autonomy provisions of the peace agreement, which has sparked renewed violence. See Sharier Khan, "Hill Violence Threatens Bangladesh Peace Treaty," *OneWorld.net* at <http://www.oneworld.net/article/view/76728/1>. Of the 20 non-successes, low-level conflict continued in three; serious conflict erupted after autonomy was granted in two; serious conflict resumed after a period of inactivity in six; and serious conflict continued with no cessation in seven. Two others were suppressed by third party occupation, hence no judgment is possible (Downes, "Holy Land Divided," 94–96). Several studies, however, have found that the inclusion of autonomy in a negotiated settlement reduces the likelihood of the country experiencing another conflict (Hartzell, "Explaining the Stability of Negotiated Settlements," 15–18, Rothchild and Hartzell, "Security in Deeply Divided Societies," 266–67, and Hartzell, Hoddie, and Rothchild, "Stabilizing the Peace After Civil War," 196–201). These datasets, however, are flawed for two reasons. First, they include far more negotiated settlements than previous studies because they code any war that ended after a process of negotiations as a negotiated settlement no matter what the battlefield outcome. This problem leads the authors to code several stalemates or military victories as negotiated settlements, which in turn causes a number of false positives for autonomy as these victories or deadlocks have proven stable (examples include Azerbaijan 1994 [Nagorno-Karabakh], Croatia 1995, and Georgia 1992 and 1994 [South Ossetia and Abkhazia]). Second, the coding rules are biased in favor of agreement success: negotiated settlements that broke down into war after more than five years are excluded, as are settlements in which the parties did not fully implement the agreement (the 1993 Arusha Accords in Rwanda are excluded, for example).

55. Frank S. Cohen, "Proportional Versus Majoritarian Ethnic Conflict Management in Democracies," *Comparative Political Studies* 30, no. 5 (October 1997): 625; and Stephen M. Saide-man et al., "Democratization, Political Institutions, and Ethnic Conflict: A Pooled Time-Series Analysis," *Comparative Political Studies* 35, no. 1 (February 2002): 118–20. The first of these studies examined only democracies and did not control for wealth. The second study controlled for income but found that federalism in democracies had no significant effect on rebellion, contradicting the earlier analysis. Moreover, the authors of the second study note that federalism was sensitive to changes in other variables in the model (*ibid.*, 120n34).

56. Alexander B. Downes, "Federalism and Ethnic Rebellion: A Quantitative Analysis" (unpub. ms., University of Chicago, May 2000); and James D. Fearon and David D. Laitin, "Ethnicity, Insurgency, and War," (unpub. ms., Stanford University, 30 March 2000), 30.

57. The unit of analysis in the MAR dataset is the ethnic group, but not all ethnic groups are included, and the sample that is included is not random. Groups must have suffered or benefited from discrimination in the past or present, or be politically mobilized to make it into the study (Gurr, *Minorities at Risk*, 6–7). These criteria probably bias the sample toward higher levels of conflict.

IMPLICATIONS

Clearly negotiated settlements to civil wars are rare, and such agreements in ethnic civil wars seem quite prone to failure. Power sharing, regional autonomy, and federalism succeed only rarely in preventing the recurrence of ethnic wars. Decisive military victories in ethnic civil wars, on the other hand, almost never result in a recurrence of serious armed conflict. This evidence suggests solutions to identity wars based on decisive victory for one group, leading either to the consolidation of control over the original state—or a new state created by partition—are likely to be more stable than those based on efforts to divide or disperse power among formerly warring groups in one state.

This study, therefore, implies a very different intervention strategy by international actors. If the IC values stability—defined as the absence of war—it should allow or assist governments or rebels to win civil wars decisively.⁵⁸ Depending on the objective of the group, military victory can result in one state or two. In the former case, victory is more stable because it resolves uncertainty regarding the relative strength of the contending parties and establishes the dominance of one over the other.⁵⁹ “An unpleasant truth often overlooked,” remarks Edward Luttwak, “is that although war is a great evil, it does have a great virtue: it can resolve political conflicts and lead to peace.”⁶⁰ Unlike a negotiated settlement, which preserves both parties and leaves uncertain the true balance of power between them, when one side conclusively overwhelms its opponent, there is little room for uncertainty about their relative strength. This outcome makes a renewed challenge unlikely.

Should the goal of the victorious group be secession, on the other hand, decisive victory will result in multiple states. In this case, partition should provide independence for relatively homogeneous states and attempt to draw defensible borders and establish a balance of power between them. Independence eliminates the military and political uncertainties that plague solutions to ethnic war short of partition (detailed below), does not require the parties to trust each other, and satisfies nationalist desires and desires for security induced by war.⁶¹ Moreover, working to draw defensible borders and ensure a

58. I defend this controversial recommendation further in the article's conclusion.

59. Wagner, “Causes of Peace,” in Licklider, ed., *Stopping the Killing*, 260–63; and Toft, “Peace Through Victory?” 31–32.

60. Edward N. Luttwak, “Give War a Chance,” *Foreign Affairs* 78, no. 4 (July/August 1999): 36.

61. While Kaufmann agrees that formal partition will often accompany demographic separation in practice, he does not prefer independent states, arguing instead that autonomy is sufficient once separation is achieved (Kaufmann, “Possible and Impossible Solutions,” 162; and “When All Else Fails,” 123n7). Kaufmann offers no theoretical basis for this assertion, however; his argument is grounded solely in demography, not institutions.

balance of power reduces the danger should one side repudiate the agreement by making it harder for each party to mount a successful attack and reverse the verdict of partition.⁶²

WILL THEY SUCCEED? CASE STUDIES OF NEGOTIATED SETTLEMENTS IN BOSNIA AND KOSOVO

The remainder of the article demonstrates the plausibility of my argument by focusing on two prominent recent cases in which the IC implemented or is trying to implement single-state negotiated solutions to ethnic civil wars: Bosnia and Kosovo. I chose these cases because they represent easy cases for other arguments. Bosnia's civil war ended in a negotiated settlement that established a highly institutionalized framework including both federal and extensive power sharing provisions, is enforced by a robust third-party military presence, and came at a time when both parties knew they could not decisively win the war. The Kosovo war ended when Serbia agreed to pull its military forces out of the embattled province following NATO's airborne intervention. The alliance, however, never unambiguously endorsed the population's separatist aspirations, and has sought since the war to retain the province as an autonomous unit in Serbia.⁶³ Intervention in both cases, therefore, took place to bring about negotiated settlements. Finally, ethnic intermingling was largely eliminated by war in both Bosnia and Kosovo, thus fulfilling Kaufmann's criteria for post-war stability. To the extent that we observe problems even in these post-conflict situations, my argument gains strength.⁶⁴

Four observable propositions for behavior flow from the uncertainty about intentions and concerns for physical and political security described above that I trace through the cases. First, groups will prove recalcitrant when it comes time to lay down their arms. Even if separated from each other and with a third party present, groups want to keep an insurance policy to protect themselves when the intervener departs because that is when they will be most vulnerable. This security fear is compounded by uncertainty regarding how political institutions will function and whether they will protect the group's vital interests.

62. For a more detailed exposition of the argument for partition, see Downes, "Holy Land Divided," 74–77.

63. Technically, Kosovo would be part of the "Union of Serbia and Montenegro," as of February 2003 the successor to Yugoslavia.

64. It should be noted, however, that the length and intensity of the Bosnian war, and the long history of Albanian dissent and Serb repression in Kosovo, makes these cases relatively strong ones for my argument as well.

Second, past experiences of war and uncertainty regarding future military and political security solidifies support for nationalism, ensuring that nationalist politicians and parties will dominate the political dialogue. Even if they did not enter the war bent on secession, groups often come to believe that the only way they can assure their survival is by acquiring their own state. Furthermore, compared to the dangers inherent in placing its safety in the hands of a former adversary, or the uncertainty of how power will be divided in a state of autonomies, an ethnic group may find its own state attractive.

Third, fears about the future increase the likelihood that statewide institutions will devolve into deadlock. Both sides will be suspicious that autonomy agreements will not be respected, while power sharing, which requires far more trust and cooperation, is even more susceptible to the effects of mistrust. Ironically, international intervention and administration only exacerbates this problem because the institutions established by the agreement will never have had to function. Thus, no one knows if they will actually work.

Finally, groups will oppose the return to their territory of members of the enemy group displaced by the fighting. These returnees are the object of war-generated hatred and are liable to have their return blocked by protests or be attacked once they come home. Moreover, minority returns are particularly difficult because the houses of those who fled are often occupied by members of other ethnic groups (usually the locally dominant one) who have been turned out of their homes in other regions of the country. Minority returns also increase competition for employment and economic resources and, if they occur in large numbers, can threaten the local majority's demographic dominance. Lastly, returnees are vulnerable to re-cleansing should the agreement break down or its international enforcers depart. A return to a true multiethnic society after the war, therefore, is unlikely.

BOSNIA

The problems inherent to, and in the implementation of, the Dayton Peace Agreement (DPA) that ended the Bosnian War have been amply documented.⁶⁵ The DPA is an agreement at war with itself: unable to avoid a deal based on

65. See, for example, Ivo H. Daalder, "Bosnia After SFOR: Options for Continued US Engagement," *Survival* 39, no. 4 (winter 1997/98): 5–18; Jane M.O. Sharp, "Dayton Report Card," *International Security* 22, no. 3 (winter 1997/98): 101–37; Charles G. Boyd, "Making Bosnia Work," *Foreign Affairs* 77, no. 1 (January/February 1998): 42–55; Gideon Rose, "The Exit Strategy Delusion," *Foreign Affairs* 77, no. 1 (January/February 1998): 56–67; Warren Bass, "The Triage of Dayton," *Foreign Affairs* 77, no. 5 (September/October, 1998): 95–108; Michael O'Hanlon, "Turning the Bosnia Cease-Fire into Peace," *Brookings Review* 16, no. 1 (winter 1998): 41–44; Gary Dempsey, *Rethinking the Dayton Agreement: Bosnia Three Years Later* (Washington, D.C.: Cato Institute, 1998); Ivo H. Daalder and Michael B.G. Froman, "Dayton's Incomplete Peace," *Foreign*

ethnically-defined entities, but unwilling to abandon the ideal of a multiethnic Bosnia, Western negotiators incorporated aspects of both into the final settlement. Thus, the DPA accepted the verdict of the war—partition and ethnic cleansing—but at the same time sought to reverse it through power sharing and refugee return. The result has been gridlock: a large portion of the Croats in Herzegovina have left for Croatia;⁶⁶ most Bosnian Croats and Serbs do not wish for their regions to remain part of Bosnia;⁶⁷ nationalist parties dominate the electoral process; and federal institutions function poorly, with Bosnia's international administrators repeatedly stepping in to dictate contentious decisions. Three separate military forces exist on Bosnian soil, and hundreds of thousands of Bosnian refugees and internally displaced persons remain dislocated from their homes. Returns to areas where the returnees would be in the minority have been especially slow; although the pace has quickened lately, it mainly comprises old people returning to destroyed villages in isolated areas. In sum, according to David Chandler, "The extended mandates of the international implementation of the Dayton settlement, which have undermined all the main parties, have not created a political basis for a unitary Bosnian state, except in so far as it is one artificially imposed by the international community."⁶⁸ "It thus remains the case," agrees the International Crisis Group (ICG), "that were it not for the significant international presence in Bosnia, and especially the NATO presence, the Dayton Peace Accords would rapidly unravel."⁶⁹ After nine years under international tutelage, peace in Bosnia is still not self-sustaining.

The Dayton framework. The initialing of the DPA in November 1995 officially ended three and a half years of war.⁷⁰ The agreement created a federal state

Affairs 78, no. 6 (November/December 1999): 106–13; Elizabeth M. Cousens and Charles K. Cater, *Toward Peace in Bosnia: Implementing the Dayton Accords* (Boulder: Lynne Rienner Publishers, 2001); and Sumantra Bose, *Bosnia After Dayton: Nationalist Partition and International Intervention* (New York: Oxford University Press, 2002).

66. The Croat share of Bosnia's population, approximately 17 percent before the war, was estimated in 1999 at 8 percent and falling. See International Crisis Group (ICG), *Preventing Minority Return in Bosnia and Herzegovina: The Anatomy of Hate and Fear* (Sarajevo: August 1999), 3. All of the ICG reports referenced in this article are available at ICG's website, <http://www.crisisweb.org>.

67. A survey of Serb university students in 2000 found that 74 percent preferred either independence for the Serb region of Bosnia or union with Serbia. See ICG, *Bosnia's November Elections: Dayton Stumbles* (Sarajevo: December 2000), 19. Similarly, in a referendum in November 2000, 99 percent of the Bosnian Croats who voted (turnout was 71 percent) supported the creation of a "third entity" that would be dominated by Bosnian Croats and which eventually might join Croatia proper (Bose, *Bosnia After Dayton*, 29).

68. David Chandler, *Bosnia: Faking Democracy After Dayton*, 2nd ed. (London: Pluto, 2000), 197.

69. ICG, *Bosnia's November Elections*, ii.

70. The best work on the war's origins, conduct, and endgame is Steven L. Burg and Paul S. Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk, N.Y.: M. E. Sharpe, 1999).

composed of two autonomous entities—a Bosniak/Croat Federation (FBiH) and a Serb republic (Republika Srpska, or RS)—under a weak central government. The presidency consists of one member from each of the three ethnic groups, and each group can exercise a minority veto in the presidency or the legislature if it deems a measure harmful to its vital interests. Most ambitiously, Annex 7 of the DPA calls for all refugees displaced by the war to have the right to return to their former homes in areas where they would now comprise an ethnic minority. It is this provision that is at the heart of the IC's vision for Bosnia, since returning refugees to their pre-war homes will reintegrate the ethnically homogeneous regions that emerged from the war, thereby recreating a multiethnic state and preventing the *de facto* ethnic partition of Bosnia.

NATO, led by the United States, sent a 60,000-strong military implementation force (IFOR) to implement the terms of the agreement, initially intended to complete its work and withdraw after one year. IFOR metamorphosized into SFOR (Stabilization Force) in November 1996 as little progress toward integration occurred. Originally scheduled to pull out after eighteen months, SFOR's mandate was extended indefinitely in June 1998. SFOR was replaced by a 7,000-strong European Union force (EUFOR) in December 2004.⁷¹

The civilian implementation of Dayton is presided over by the Office of the High Representative (OHR). Annex 10 to the agreement grants OHR a sweeping mandate as the "final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement."⁷² Originally scheduled to give way to a Bosnian government after elections in September 1996, OHR's mandate was extended from one to three years in November of that year, and later (June 1998) prolonged indefinitely. The High Representative, initially empowered only to coordinate international activities, facilitate the efforts of the parties, and promote compliance with the agreement, was granted vastly increased authority in 1997 by the Peace Implementation Council (PIC) to recommend and, later, even formulate policy on his own when the parties could not agree, and to dismiss officials deemed to be obstructing implementation of the agreement.⁷³

Reluctance to disarm. Despite this robust security and institutional environment, anxiety about the future has led each of Bosnia's ethnic groups to refrain from dismantling and integrating their armies. Bosnia's military is now legally integrated at the top as a result of reforms in 2003 and 2004, but in

71. See <http://www.euforbih.org>.

72. *The Dayton Peace Accords: General Framework Agreement for Peace in Bosnia and Herzegovina*, Annex 10, Article V, available at OHR's website, <http://www.ohr.int>.

73. The PIC is the international body, composed of representatives of the major Western countries, that oversees implementation of the DPA.

reality remains divided into the Army of the Federation of BiH (the VF, with, 13,200 troops) and the Army of the Republika Srpska (VRS, 6,600 troops). The Federation Army is further divided into a Bosniak component (VF-B) and a Bosnian-Croat component (VF-H). Bosniaks and Croats serve in separate corps and “only at the headquarters is the VF [Federation Army] manned with officers and soldiers of the two components.”⁷⁴

Establishing a single, integrated Bosnian military is a crucial aspect of unifying Bosnia, but progress toward this objective has been slow. In 1998, the PIC noted with displeasure the “lack of real progress toward improving the level of co-operation and confidence between the Entity Armed Forces (and within the Federation army),” and warned that “it is important to do everything possible to minimize the instability that is inherent in having two—and in practice three—armies present in one country.”⁷⁵ Reports in 2000 indicated that the Bosnian Serbs remained implacably opposed to unifying their army with that of the Federation. “Talk of creating a single Bosnian army,” said the *Economist*, “wins a hearing from some Muslims, but from few Croats or Serbs.”⁷⁶ Despite formally integrating its command structure with that of the Federation army in 2004, the VRS remains largely independent and opposed to a real merger.⁷⁷ The VRS, for example, apparently kept its former leader and fugitive war criminal Ratko Mladić on the payroll until 2002, and sheltered him at a military facility as late as 2004.⁷⁸ This lack of military integration—and the failure of the VRS to cooperate with the International Criminal Tribunal for the former Yugoslavia in handing over wanted war criminals—caused NATO to reject Bosnia’s application to join the Partnership for Peace program in December 2004 for the second time.

Underscoring the division within FBiH forces, in late March 2001 virtually all of Bosnia’s Croat soldiers walked out of their barracks in support of the revolt for Croat self-rule then underway.⁷⁹ Although most eventually returned, this

74. Sgt. Peter Fitzgerald, “The Armed Forces in Bosnia and Herzegovina,” *SFOR Informer Online* no. 127, 28 November 2001 <http://www.nato.int.sfor/indexinf/127/content.htm>. The VF and VRS are in the process of reducing their numbers to 8,000 and 4,000, respectively (SFOR, *Main News Summary*, 4 February 2004, at <http://www.nato.int/sfor/media/2004/ms040204.htm>).

75. Peace Implementation Council, “Part VII: Military and Security Issues,” *Annex to the Madrid Declaration of the Peace Implementation Council* (Madrid, Spain: 16 December 1998), at http://www.ohr.int/pic/default.asp?content_id=5191.

76. “The Delicate Balkan Balance,” *The Economist*, 19 August 2000, 42.

77. Nicholas Wood, “Bosnian Serb Premier Quits, Criticizing West,” *New York Times*, 18 December 2004, A5.

78. OHR Press Release, “High Representative Maps Out Process to Tackle War Criminal Networks and to Reform BiH’s Security Institutions,” at http://www.ohr.int/ohr-dept/preso/pressr/default.asp?content_id=33742.

79. Nick Thorpe, “Croatian Soldiers Mutiny in Bosnia,” *The Guardian* (London), 29 March 2001, 17.

protest highlights the fragility of Bosnia's armed forces and the widespread sympathy of the Croat component for Croat nationalism. "Six years after the end of the war in BiH and seven and a half years after the end of the Muslim-Croat armed conflict," remarks Sumantra Bose, "the Federation's armed forces are formally integrated, with a standard uniform for personnel and insignia reflecting the national symbols of both Croats and Bosniacs. In practice, however, erstwhile HVO [Croatian Defense Council] and Armija BiH units exist more or less separately within this nominally unified force, and despite the appearance of a 'joint command', there is little scope for illusions."⁸⁰

The fact that each of Bosnia's ethnic groups remains armed increases the probability that the internationals leave, the political gridlock that is likely to grip Bosnia will be backed up by force. Bosniaks, Croats, and Serbs fear disarming because of their political insecurity, but the fact of their separate armies makes it clear that no Bosnian government will be able to enforce its will over the state's territory. This *de facto* partition would become formal as soon as a political dispute leads to disagreement between the groups. Refugees who have returned under the DPA's auspices to areas where they constitute minorities may be re-cleansed. Thus, the DPA's autonomous solution could relapse into war should EUFOR ever leave.

Support for nationalist parties. Support for nationalist parties is fed by fears for security and uncertainty regarding the intentions of other groups. Even though separation is largely a fact and the country is occupied by foreign soldiers, state institutions are weak and the autonomy of Serb and Croat areas questionable: "Political insecurities are still rife as to the political autonomy of the Serb entity and the Croat areas of the Federation, and the central political authority of the state remains very weak with state authority as reliant on outside support as when Bosnian recognition was called for in 1991."⁸¹ This political insecurity, and doubts about the future viability of the state's political institutions, lead people to cast their lot with nationalist parties and the hope of ethnically homogeneous states: "The overwhelming concern for Bosnian people is security, the two entities and the state itself have been established on very weak foundations and there is little guarantee that current arrangements, as they stand, will last past international withdrawal. The lack of political security has, in effect, guaranteed continuing support for the three main nationalist parties despite disillusionment with their leaderships."⁸²

80. Bose, *Bosnia After Dayton*, 77–78.

81. Chandler, *Bosnia*, 160.

82. *Ibid.*, 195.

Unsurprisingly, nationalist parties have performed strongly in Bosnia's post-war elections. The DPA decreed that elections would take place within nine months of the agreement entering into force, a provision driven by the scheduled withdrawal of IFOR after one year.⁸³ The results of the voting were a severe setback for the IC's vision of a multiethnic Bosnia. In the balloting for the Parliamentary Assembly, the three principal nationalist parties—the Muslim Party for Democratic Action (SDA), led by wartime president Alija Izetbegović, the Croatian Democratic Union (HDZ), and the Serb Democratic Party (SDS), headed by indicted war criminal Radovan Karadžić—captured 86 percent (36 of 42) of the seats.⁸⁴ These three parties also dominated the entity assemblies.⁸⁵ Rather than pave the way for a return to a multiethnic Bosnia, the 1996 elections “turned into a glorified ethnic head count . . . As in 1990 [Bosnia's first elections], Croats voted for Croats, Serbs for Serbs, and Bosniaks for Bosniaks.”⁸⁶ Two analysts of Bosnia describe the results as follows:

As [OSCE chairman] Cotti and others had noted, indicted war criminals still dominated political life, opposition politician figures had been targets of attack, freedom of media and of movement was minimal, civilians who belonged to minority communities were subject to systematic violence and intimidation by authorities, and brute uncertainty prevailed among Bosnia's residents and its refugees about whether their country could be rebuilt as one or would be split into three. In short, Bosnia's climate was one of such manifest insecurity that the rational vote for people to cast was for the nationalist parties, which most reliably, if narrowly, had always promised to protect their interests.⁸⁷

The dominance of ethnic parties changed little in the municipal elections of September 1997: nationalist parties won 129 out of the 136 municipalities that their group controlled militarily, and took 90 percent of the vote

83. The Organization for Security and Cooperation in Europe (OSCE) was designated to organize and oversee the balloting, but it was “overwhelmed” by and “unprepared” for the task. Moreover, conditions in the country were far from ideal: refugee return had not yet begun, intimidation and fraud were rampant, and nationalist propaganda dominated the airwaves. See Paul Shoup, “The Elections in Bosnia and Herzegovina: The End of an Illusion,” *Problems of Post-Communism* 44, no. 1 (January-February 1997), 7, 10. OSCE chair Flavio Cotti initially refused to certify that free and fair elections were possible. Under heavy pressure from the US, though, Cotti reversed himself and the elections went forward (Cousens and Cater, *Toward Peace in Bosnia*, 113–14).

84. Chandler, *Bosnia*, 70.

85. Between them, the SDA and HDZ garnered 80.7 percent of the votes for the FBiH Parliament, while the SDA, SDS, and SRS (Serb Radical Party, an ultra-nationalist party led by Vojislav Šešelj), took 78.3 percent of the votes for the RS Assembly (*ibid.*, 72, 75).

86. ICG, *Is Dayton Failing?: Bosnia Four Years After the Peace Agreement* (Sarajevo: 28 October 1999), 13.

87. Cousens and Cater, *Toward Peace in Bosnia*, 115.

country-wide.⁸⁸ The ethnic parties that wanted to preserve the homogeneity of their territory—the SDS and HDZ—pressured their Serb and Croat displaced voters to register where they currently lived, or in towns where a large absentee Bosniak vote was expected, while the party that had the most to gain from refugee return—the SDA—pressured displaced Bosniaks to vote in their pre-war places of residence.⁸⁹ Responding to these pressures, displaced Serbs voted overwhelmingly in their new municipalities, whereas Bosniaks voted where they used to live.⁹⁰

The IC's hopes for Bosnia received another setback in the general elections of September 1998. International officials had swung their support behind "moderate" RS president Biljana Plavšić after her split with the SDS's hard-line leadership in Pale.⁹¹ Unfortunately, Plavšić went down to defeat at the hands of the Serb Radical Party's Nikola Poplasen, a wartime paramilitary leader. IC support for Plavšić was reported to be a significant factor in her defeat.⁹² Together the nationalist parties (including the SRS) won 69 percent of the votes for the BiH House of Representatives. At the entity level, nationalist parties won 57 percent of the ballots for the RS Assembly and 69 percent for the FBiH Assembly. In addition, opinion polling done in 1998 by the United States Information Agency (USIA) showed that 92 percent of Serbs in the RS believed that their region should leave Bosnia, while 74 percent of Bosnian Croats held the same preference.⁹³

The year 2000 was supposed to be the year in which non-ethnic parties would break through in Bosnia. Although the non-nationalist Social Democratic Party (SDP) did make significant gains in the Federation, elections in 2000 also

88. ICG, *Is Dayton Failing?*, 14; and Michael Pugh and Margaret Cobble, "Non-Nationalist Voting in the Bosnian Municipal Elections: Implications for Democracy and Peacebuilding," *Journal of Peace Research* 38, no. 1 (January 2001): 34.

89. ICG, *Is Dayton Failing?*, 13–14.

90. Pugh and Cobble, "Non-Nationalist Voting in the Bosnian Municipal Elections," 31, 39.

91. A special election took place in the RS in November 1997 after president Biljana Plavšić dissolved the RS Assembly. Owing to the split in the SDS caused by Plavšić's defection and subsequent formation of the Serb People's Alliance (SNS), the SDS lost its parliamentary majority. In the ensuing struggle to form a government, Plavšić—with the connivance of the IC—succeeded in excluding the SDS and SRS. Plavšić proposed Milorad Dodik for prime minister, head of the Independent Social Democrats (SNSD), which had garnered only two seats. When the nationalist parties adjourned the session for the night on 17 January 1998 and walked out, those remaining reconvened the session, and SFOR intercepted a legislator who had headed home but who was needed to provide a majority for Dodik.

92. ICG, *Is Dayton Failing?*, 15. Although she was embraced by the West and trumpeted as a moderate, Plavšić was later indicted and convicted of war crimes by ICTY and is currently serving an eleven-year sentence. Poplasen, who defeated her in the 1998 balloting, was removed from office by High Representative Carlos Westendorp for obstructing the DPA's implementation in March 1999.

93. United States Information Agency, *Public Opinion in Bosnia and Herzegovina*, Vol. v (Washington, DC: Office of Research and Media Reaction, 1998), 35–37.

showed the resilience of the nationalist parties in general and the resurgence of the SDS in particular. In the municipal elections, held in April, the SDS captured forty-nine out of sixty-one municipalities in the RS, whereas the “moderate” Serb parties, Dodik’s SNSD and Plavšić’s SNS, took a total of but seven.⁹⁴ In Croat areas of the Federation, although voter turnout was down, the HDZ took majorities in all municipalities except Zepce (where it boycotted) and Glamoč (where it only gained a plurality due to high levels of Bosniak absentee voting). Elsewhere in the Federation, the moderate SDP took the most votes in eighteen municipalities, but the SDA, alone or in combination with wartime prime minister Haris Silajdžić’s Party for Bosnia and Herzegovina (SBIH, a moderate ethnic party), won in thirty-nine.⁹⁵ Thus, nationalist parties dominated in both Serb and Croat areas, and retained significant strength in Bosniak areas, winning two-thirds of those municipalities.⁹⁶

In the general elections held in November 2000, the main ethnic parties again dominated Serb and Croat regions, and remained strong among Bosniaks. In the RS, the SDS won the races for RS president and vice-president and formed the largest party in the Assembly, where it later came to power as part of a coalition with new prime minister Mladen Ivanić’s Party of Democratic Progress (PDP). The HDZ again obtained an absolute majority among Croat voters, while the Bosniaks split their support among three parties: the SDA, SDP, and the SBIH.⁹⁷ The more moderate parties in Parliament (the Alliance for Change, led by the SDP and SBIH), however, were eventually able to form a coalition government that excluded the SDA and HDZ.⁹⁸ While the results of this election showed that the Bosniaks had retreated somewhat from their support for hard-line nationalists, it also demonstrated the continuing commitment of Bosnian Croats and Serbs to nationalist parties, democratic changes in Croatia and Serbia notwithstanding. As ICG put it, “The elections highlighted once again the near complete failure—in the face of determined nationalist extremism—of an international approach that places emphasis on hopes that moderate, co-operative Bosnian partners will come to power through elections.”⁹⁹

94. ICG, *Bosnia’s Municipal Elections 2000: Winners and Losers* (Sarajevo: April 2000), 14. This strong nationalist showing is even more notable given that the OSCE barred the SRS from participating.

95. The SDA won alone in twenty-four municipalities, and in coalition with SBIH in fifteen others.

96. It should be noted that the SDP’s appeal is limited to the Bosniak area of the federation; the party did not obtain a significant percentage of votes in any municipality where Bosnian Croats or Serbs constituted a majority.

97. The SDA and SDP finished neck-and-neck in both the Bosnian and Federation Assemblies with the SBIH trailing about ten points behind.

98. This coalition, which included ten moderate parties, fell apart in June 2002 and did not contest the October election as a group.

99. ICG, *Bosnia’s November Elections*, ii.

A strong resurgence of nationalist parties—especially the SDA among Bosniaks—and the consequent decline of non-nationalist parties characterized the October 2002 elections. Despite open support for “moderate” parties from Bosnia’s international sponsors, and grave warnings regarding the consequences of voting nationalist,¹⁰⁰ Bosnian voters handed all of the country’s major offices to nationalists, and made nationalist parties the largest in the state’s various representative bodies. The SDA candidate for the Bosniak member of the presidency, Sulejman Tihić, upset the favored Silajdžić of the SBiH; the SDA obtained as many votes for the state and entity-level House of Representatives as the SBiH and SDP combined; and the SDA won more seats than its two competitors in eight of the nine cantonal assemblies in which Bosniak parties obtained seats.¹⁰¹ The SDA’s rise came mostly at the expense of the SDP, which saw its vote share decline significantly from its performance in 2000.¹⁰² The HDZ continued its dominance of the Bosnian Croat electorate, easily winning the presidency and receiving by far the largest share of Croat votes for the two Parliaments.¹⁰³ Finally, the SDS swept the Serb high offices, winning the RS presidency, the Serb slot on the state presidency, and the largest number of seats in the state House of Representatives and the RS National Assembly.¹⁰⁴ None of this changed in the October 2004 municipal elections: the three nationalist parties won control over 99 of the country’s 122 municipalities.¹⁰⁵

Clearly, support for nationalist parties remains strong almost ten years after the war’s end. In fact, there are essentially no parties in Bosnia today with a cross-ethnic base, a crucial integrating factor deemed necessary by many

100. US Secretary of State Colin Powell, for example, warned on the eve of the election that Bosnians could vote for reform and integration into Europe, or “elect to go back down the dark and dangerous road to ethnic division, economic stagnation and international isolation.” Quoted in Nicholas Wood, “Nationalists Take Lead in Bosnian Elections,” *Washington Post*, 8 October 2002, A17. The US then refused to work with the nationalist government.

101. Election results for 2002 may be accessed at <http://www.izbori.ba>.

102. The SDP candidate for the state presidency, for example, came in a distant third behind the SDA’s Tihić and Silajdžić of the SBiH with about 17.5 percent of the vote, and the SDP now ranks third among parties which draw their primary support from the Bosniak population.

103. The HDZ’s Dragan Čović won the presidency slot with 61.5 percent of the vote, while the party formed the second largest bloc in both the state and entity House of Representatives with five and sixteen seats, respectively.

104. Dragan Cavić became the RS president, and Mirko Sarović won the Serb spot on the country’s presidency, although he was forced to resign in 2003 after a scandal over selling weapons to Iraq. Overall, the nationalist parties combined obtained about 45 percent of the vote. See OSCE Office for Democratic Institutions and Human Rights, *Bosnia and Herzegovina: General Elections, 5 October 2002, Final Report* (Warsaw: 9 January 2003), 20, at http://www.osce.org/documents/odhr/2003/01/1188_en.pdf. Former RS prime minister Milorad Dodik’s more moderate party, the SNSD, did make a comeback, however, and is now the second largest party after the SDS among Serbs after polling about 22 percent in the various races.

105. See the European Forum for Democracy and Solidarity web page on Bosnia, at http://www.europeanforum.net/country_updates/bosnia_herzegovina_update.

analysts for multiethnic democracies to be successful. The closest contender for such status is the SDP, but, as Sumantra Bose points out, “90% of the total SDP vote [in the November 2000 election] came from the five predominantly Bosniac cantons of the Muslim-Croat federation . . . the conclusion is inescapable that the vast majority of SDP supporters are Bosniacs.”¹⁰⁶ Even worse, all efforts by the IC to foster cross-ethnic voting have failed. Minority returns, although increasing, will never restore meaningful ethnic heterogeneity to the RS, for example, which means that incentives for Serb parties to appeal to voters of other ethnicities to defeat rival Serb parties are absent.

Moreover, attempts to engineer cross-ethnic voting through electoral mechanisms, such as the preferential voting system installed for the 2000 RS presidential election, have backfired. This system was meant to encourage Bosniak voters to indicate the moderate Serb candidate, Milorad Dodik, as their second or third choice for the office, thereby staving off a victory by the SDS slate. Unfortunately, it appears that Serbs voted in larger numbers for the SDS ticket as their first preference—58.5 percent of Serb voters in the RS chose the SDS, whereas the party obtained only 44 percent of the votes in the simultaneous parliamentary elections—in order to prevent a moderate Serb party from winning with the support of Bosniaks. Additionally, hardly any Bosniaks voted for Dodik as a secondary preference: almost all of them supported other Bosniak parties which, of course, stood no chance of winning.¹⁰⁷ Not only did the RS electorate strategically adapt to the altered voting environment, but Bosniak voters proved unwilling to select a Serb as even a secondary or tertiary choice. These two factors, combined with the segregated post-war demographic situation, render the prospects for cross-ethnic voting in Bosnia rather bleak.

Shared institutions or stalemate machines? Dayton established an intricate system of political institutions designed to share power at the state level, and also within the Bosniak/Croat Federation.¹⁰⁸ Unfortunately, these byzantine arrangements more often lead to stalemate than compromise, as exemplified by the frequency with which the High Representative must break decision-making deadlocks, such as on the design of a new currency, a national flag and anthem, automobile license plates, or passports.¹⁰⁹

In fact, the only reason such squabbling has not derailed Dayton completely is that Bosnians themselves wield little actual power: the ultimate authority is

106. Bose, *Bosnia After Dayton*, 209.

107. See *ibid.*, 220–38, for an excellent analysis of this issue.

108. For a full description of Bosnia's institutional structure, see *ibid.*, 60–89.

109. See “A Survey of the Balkans,” *The Economist*, 7, Chandler, *Bosnia*, 64; and the OHR web page on the decisions of the High Representative in the area of state symbols and state-level matters, <http://www.ohr.int/decisions/statemattersdec/archive.asp>.

OHR. Consider the following statement by former High Representative Wolfgang Petritsch in 2000: “Last fall I took two important measures designed to accelerate the return process. First, I imposed a package of reforms to the legislation governing property return in the two Entities . . . And second, I dismissed 22 public officials from across the country, who had a proven track record of obstructionism, particularly of Annex 7 of Dayton, the Annex governing refugee return.”¹¹⁰ This tendency to rule by decree has increased rather than decreased over time: the number of decisions imposed by High Representative Paddy Ashdown in 2004 was 158, up from 86 handed down by Petritsch in 2000.¹¹¹ Ashdown fired 59 RS officials in June 2004 (and 85 individuals overall)—including the interior minister and the president of the SDS—for failing to turn over suspected war criminals to ICTY.¹¹² A similar purge by Ashdown in December 2004 caused RS premier Dragan Mikerevic to resign rather than “accept and implement threats and ultimatums of the high representative.”¹¹³ Actions like these have led some analysts to conclude that “democratization” in Bosnia is not leading to actual democracy because “state and entity institutions exist largely on paper, with policy preparation and implementation in the hands of external agencies.”¹¹⁴ Ashdown, in his November 2004 report to the UN, acknowledged that state-level institutions lacked sufficient capacity to govern the country and needed to be strengthened “if the High Representative’s executive powers are to be phased out and the transition to full domestic ownership completed.”¹¹⁵

Clearly, Bosnia’s political institutions are fragile, dependent on mutual trust, respect, and a cooperative spirit. Unfortunately, these qualities are largely absent in Bosnia, and thus these institutions regularly yield an ethnic stalemate. Moreover, when the international occupation and administration of Bosnia ends, these institutions stand a slim chance of functioning as planned because

110. *Speech by the High Representative, Wolfgang Petritsch, to the United Nations Security Council*, New York, 9 May 2000 (http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=3236).

111. See <http://www.ohr.int/decisions/archive.asp>.

112. Paddy Ashdown, *26th Report of the High Representative for Implementation of the Peace Agreement to the Secretary-General of the United Nations*, 18 November 2004, at http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=33537.

113. Wood, “Bosnian Serb Premier Quits, Criticizing West.”

114. Chandler, *Bosnia*, 204. Petritsch basically conceded this point in 1999: “But our presence here has inadvertently absolved them [Bosnian politicians] of their responsibilities as democratically elected leaders. We enable the local politicians to fight their tribalistic battles, and then to place the blame for potentially unpopular compromises squarely on the shoulders of foreigners. I call this the ‘dependency syndrome.’” Wolfgang Petritsch, “The Future of Bosnia Lies with its People,” *Wall Street Journal Europe*, 17 September 1999, at http://www.ohr.int/ohr-dept/presso/pressa/default.asp?content_id=3188.

115. Ashdown, *26th Report of the High Representative*.

they have never had to. OHR has always intervened to impose a solution when the parties could not agree, a tendency that—as we have seen—has become more prevalent over time. Without this higher authority to break recurrent impasses, a tradition of collective problem solving, or extensive trust between community leaders, this system may collapse. Bosnia thus presents a clear example of the paradoxical effect that extensive intervention can have on local capacity: “On the one hand, in the name of efficiency it may make sense for the implementing agents to take over many of the functions of the state and play a pivotal role in the country. On the other hand, however, such actions may undermine the (already weak) capacity of the state, when one of the eventual aims of the peace process is capacity building.”¹¹⁶

The contradiction of refugee returns. The four-year Bosnian war drove an estimated 2.1 million people from their homes—about half of the country’s pre-war population—and resulted in near total ethnic segregation.¹¹⁷ As the ICG has observed, “The key to the successful implementation of the DPA is the ability of refugees to return to their pre-war place of occupancy.”¹¹⁸ Reconstructing a multiethnic Bosnia, and preventing the solidification of ethnic partition, requires that people be encouraged to return to areas where they would now be an ethnic minority.¹¹⁹ The record of returns, however, shows that refugees have not gone back to their old homes in large numbers, and those who have are mostly the elderly spontaneously returning to abandoned or destroyed villages. Those who go back have done so largely in spite of the IC’s efforts, and face difficult conditions owing to massive unemployment, a dearth of financial support to rebuild destroyed homes, and local hostility.

The story of refugee and displaced person (DP) returns through August 1999 can be quickly summarized. A total of 610,920 people returned to municipalities in Bosnia: 340,919 refugees and 270,001 DPs.¹²⁰ The bulk of these individuals did not return to their pre-war homes, but instead settled in areas controlled by their own ethnic group (these are called “majority returns”). In

116. Spear, “Disarmament and Demobilization of Warring Factions,” 12.

117. The percentage of Serbs in the territory that now comprises the RS, for example, rose from 54 percent in 1991 to 97 percent in 1997, while the proportion of Serbs in the FBiH dropped from 18 to 2 percent. Robert M. Hayden, “Bosnia Ten Years After ‘Independence’: The Dictatorship of the Protectorate Under Civicist Self-Management,” *EES Special Report*, May 2002, 4.

118. ICG, *Is Dayton Failing?*, 32.

119. See Catherine Phuong, “Freely to Return: Reversing Ethnic Cleansing in Bosnia-Herzegovina,” *Journal of Refugee Studies* 13, no. 2 (June 2000): 165–83. For a skeptical view of the priority placed on minority returns, see Richard Black, “Return and Reconstruction in Bosnia-Herzegovina: Missing Link or Mistaken Priority?” *SaIS Review* 21, no. 2 (summer-fall 2001): 177–99.

120. These figures can be found in ICG, *Is Dayton Failing?*, 32–33.

fact, only 100,714 people—about 5 percent of all those displaced by the war, and only 16 percent of all returnees—returned to areas where their group was in the minority. The situation was particularly bad in the RS, where a mere 13,586 Bosniaks and Croats had been allowed back since the war's end.¹²¹ As ICG gloomily argued in 1999, "The single greatest area of failure in implementing the DPA has been Annex 7. The numbers speak for themselves. Minority return in bih has more or less failed."¹²²

In 2000, however, minority returns—often spontaneous—began to increase. Whereas annual figures for minority returns hovered around 40,000 in 1998 and 1999, in 2000 the figure jumped to a new high of 67,000. This new high was surpassed by the numbers for 2001 and 2002 of 92,000 and 102,000, respectively, although this figure fell to 45,000 in 2003, and dwindled to 13,000 through October 2004. This makes for a total of about 447,000 minority returns since the war ended, or nearly 45 percent of the 1,004,000 total returns of refugees and displaced persons overall.¹²³

This movement sparked renewed optimism among Bosnia's international administrators and others that a self-sustaining multiethnic Bosnia is in sight.¹²⁴ A closer look at these returns, however, shows this not to be the case. The pattern of minority returns largely conforms to the logic of my argument: the age, ethnicity, and location to which people have been allowed to return is such that they pose the least threat to local majorities. To Bosnian Serbs in the RS, for

121. Most minority returns (64.7 percent, or 65,159 people) took place in Bosniak-dominated municipalities (*ibid.*, 33). OHR's Reconstruction and Return Task Force characterized the pattern of returns as follows in March 1998: "Few people have returned to areas where they would be ethnic minorities, and such 'minority returns' are often localized in the Zone of Separation, and correspond to elderly individuals or large groups with strong international back up" (OHR Reconstruction and Return Task Force, *Report* [March 1998], "Executive Summary," at http://www.ohr.int/ohr-dept/rtrf/key-docs/reports/default.asp?content_id=5612).

122. ICG, *Is Dayton Failing?*, 34. Inadequate housing made increasing the rate of returns extremely difficult, since many homes were damaged or destroyed during the war, or are now occupied by members of another ethnic group driven from elsewhere in Bosnia. ICG estimated that "up to 50% of the entire housing stock was destroyed during the war" (*ibid.*, 37). Moreover, the war accelerated the process of urbanization already underway in Bosnia, and made residents of remote villages dependent on agriculture for a living reluctant to go back. See OHR Reconstruction and Return Task Force, *Report* (March 1998), "Current Situation."

123. All of these figures are updated through the end of October 2004, and may be found at UNHCR's Bosnia website, <http://www.unhcr.ba>, under the heading "statistics."

124. See, for example, *Speech by the High Representative, Wolfgang Petritsch, to the United Nations Security Council*, New York, 9 May 2000 http://www.ohr.int/ohr-dept/preso/presa/default.asp?content_id=3236; Wolfgang Petritsch, "Don't Abandon the Balkans," *New York Times*, 25 March 2001, section 4, 15; Petritsch, "We Must Stay the Course in BiH," *Wall Street Journal Europe*, 12 June 2001 http://www.ohr.int/ohr-dept/preso/presa/default.asp?content_id=3153; Petritsch, "Islam is Part of the West, Too," *New York Times*, 20 November 2001, A19; Joseph Biden, "Nation Building? Yes," *New York Times*, 25 January 2001, A23; Lord Robertson, "The Work Ahead in Bosnia," *New York Times*, 25 November 2000, A19.

example, “the return of Bosniaks . . . means the return of Muslim fighting men who could kill Serbs in the next war.” Unsurprisingly, then, the “substantial majority of all minority returns to Republika Srpska have been elderly people to destroyed rural villages.” Old people returning to isolated villages do not constitute a threat; young Bosniaks do, though, and hence their return to urban areas of the RS has been “non-negotiable.”¹²⁵ Similarly, Bosnian Croats have been far more reluctant to allow minority returns to western Herzegovina than to central Bosnia. The difference is that the Croats could never hope to control central Bosnia militarily in a future war, whereas western Herzegovina is the heartland of Croat secessionism and thus important to keep ethnically pure. If some returnees must be accepted in this region, however, better they be Serbs—who, isolated from the RS, do not represent a strategic threat—than Bosniaks, who do.

Most of the recent minority returns are “spontaneous,” meaning that they were undertaken without IC assistance. People simply got fed up with waiting for the IC’s efforts to produce results and went back on their own. Most returnees continue to be retirement-age people who have nowhere else to go: “A large proportion of returnees consist of elderly persons and couples. Relatively few families with children, and even fewer young individuals, tend to return, raising questions of how ‘sustainable’ these returns will prove to be in the longer run.”¹²⁶ True reintegration, however, is not occurring, as the new return strategy targets “areas of least resistance . . . remote, unoccupied, burned out villages deep within ‘enemy’ territory, where there is little or no presence of the majority group . . . This policy of reoccupying remote or empty regions, is responsible for most of spontaneous returns.”¹²⁷

Minority returnees face three major problems once they reclaim their former homes. First, returnees are sometimes attacked by hostile members of other ethnic groups opposed to their return to the neighborhood. The UN, for example, counted 385 violent incidents in the 2001 return season (April to September), the highlight of which came when Serb rioters prevented the laying of foundation stones for the rebuilding of mosques destroyed during the war in the RS cities of Trebinje and Banja Luka on 5 and 7 May.¹²⁸ In

125. ICG, *Is Dayton Failing?*, 36.

126. Bose, *Bosnia After Dayton*, 35–36.

127. ICG, *Bosnia’s Refugee Logjam Breaks: Is the International Community Ready?* (Sarajevo: May 2000), 3. Some younger people have returned to urban areas, taking advantage of new property laws instituted by OHR in 1998 that allow authorities to evict current residents and let homeowners reclaim their property.

128. Figures are from ICG, *The Wages of Sin: Confronting Bosnia’s Republika Srpska* (Sarajevo: October 2001), 38. In Banja Luka, one man was killed, a minimum of 34 were injured, and hundreds of international officials and Bosniaks visiting for the ceremony were trapped inside the local Islamic Community Center (*ibid.*, 33–36).

2002, return-related crimes numbered over 400.¹²⁹ Incidents occurred all over Bosnia, but the problem was worst in Serb-controlled eastern Bosnia where, according to ICG, “a Bosniak returnee to Bijeljina or Prijedor is ten times more likely to become a victim of violent crime . . . than a local Serb.”¹³⁰ Return-related incidents declined to 277 in 2003 and 135 in 2004, but returns also declined in both these years.¹³¹

Second, the economic situation is bleak. Unemployment among Bosnians able to work is about 50 percent, one quarter of the population lives in absolute poverty, and nearly half lack the right to public health care.¹³² For returnees, the economic situation is even more austere: unemployment among returnees is nearly 100 percent and they face institutional discrimination as employment laws favor locally dominant groups. In fact, local and international officials argued that “economic stagnation was *the* single greatest obstacle to return” in 2002.¹³³ Again, this should surprise no one: the majority group seeks to keep scarce jobs for its own members, and is reluctant to employ unwanted outsiders.

Finally, for all its emphasis on minority returns, the spontaneity and magnitude of the recent movements caught OHR off-guard: the IC lacks the funding necessary to assist the returnees to reconstruct their destroyed homes. In the year 2000, the IC faced a funding gap of as much as 90 percent. Many returnees were living in the rubble of their old houses, awaiting international assistance to begin rebuilding.¹³⁴ By late 2002, this state of affairs had not improved: the funding gap for reconstruction of some 66,500 housing units stood at €599 million, and many refugees “continue to shelter in tent villages or to cram together in partially reconstructed houses, waiting for building materials and other assistance.”¹³⁵

Because of the inhospitable environment for minority returnees, many Bosnians are opting to sell or rent their reclaimed properties and relocate to areas where their group comprises a majority rather than re-occupy their pre-war dwellings and face the hardships and hostility of minority life. When people do choose to go back, it is common for “only older family

129. UNHCR, “Update on Conditions for Return to Bosnia and Herzegovina,” January 2005, at <http://www.unhcr.ba/publications/B&HRET0105.pdf>.

130. ICG, *The Continuing Challenge of Refugee Return in Bosnia & Herzegovina* (Sarajevo: December 2002), 18.

131. UNHCR, “Update on Conditions for Return to Bosnia and Herzegovina.”

132. *Ibid.* More than half of all Bosnians reported in mid-2002 that they did not earn enough money to meet their own needs or those of their families (ICG, *Continuing Challenge of Refugee Return*, 15).

133. *Ibid.*, 15 (emphasis in original).

134. For details on this problem, see ICG, *Bosnia's Refugee Logjam Breaks*, 7–11.

135. ICG, *Continuing Challenge of Refugee Return*, 7.

members to return permanently and for school-age children to remain in or be sent back to their 'majority' areas."¹³⁶ An important factor retarding the return of young people to minority areas is discrimination in education. "Despite the thousands of registered Serb returns to Sanski Most," for example, "only fifteen Serb primary school pupils were reported to have signed up for classes in the municipality this autumn [2002]."¹³⁷ Most students, rather than endure the national curriculum of another group and have few teachers of their own ethnicity, attend school in other areas or do not go at all.

Not only is minority return questionable from a security perspective, but even if it goes ahead it is unlikely to result in a true multiethnic Bosnia.¹³⁸ The majority of returnees are elderly people going back to remote rural areas, creating isolated, unobtrusive pockets of one ethnic group dwelling in the territory of another. There are no jobs in these areas, and hence little opportunity or attraction for young people. Many young or educated people have chosen not to return to the country at all, seeking brighter futures elsewhere.¹³⁹ Needless to say, if few young people return to minority areas, not only will the repatriated community be smaller than it was before the war, but it will dwindle over time as its elderly members pass away. It is thus hard to disagree with Sumantra Bose's assessment of refugee return: "Bosnia's demographic map has probably been changed forever. Even if substantial minority returns occur during 2001 and 2002, what will emerge are minority enclaves within areas otherwise solidly dominated by the majority, rather than a restoration of the pre-war leopard-spot mix."¹⁴⁰

Conclusion. Bosnia, despite robust third-party intervention and extensive institutionalization, stands little chance of surviving the departure of its international patrons as a unified state. Bosnia should have been partitioned in 1995, but partitioning it now could still remove many of the obstacles to peace identified in this article by eliminating the fears for future security produced by uncertainty about Bosnia's political future. Western Herzegovina

136. *Ibid.*, 11.

137. *Ibid.*, 20.

138. In addition, the political-territorial structure set up by the DPA, combined with refugee return, raises the danger that the majority populations of each entity may perceive their dominant status to be under threat by minority returns. As outlined earlier, this is one of two mechanisms that can lead to majority-group violence in a federal state. The dangers of this process argue strongly for limiting minority returns to a small percentage of each entity's population, such that the majority group will not feel its power under siege.

139. Five hundred thousand of Bosnia's 1.3 million refugees had found "durable solutions" outside the country by 1998, and 62 percent of young people surveyed in 2000 "expressed the desire to leave the country if they could" (Bose, *Bosnia After Dayton*, 37).

140. *Ibid.*, 36.

should be allowed to merge with Croatia, and a reduced RS should join Serbia, with a Bosniak state in between. The border between Serbs and Bosniaks in northern Bosnia should be straightened by transferring the bulge of Serb-held land southwest of Banja Luka to Bosniak control. The Serbs would retain the land north of the line roughly demarcated by Prijedor, Banja Luka, Doboje, and Bijeljina, gaining control of Brčko, although the two northern Federation enclaves would join Croatia. This adjustment rationalizes the border, corresponds to the natural terrain of the area, and minimizes the number of people who would be displaced.¹⁴¹

A partition of Bosnia along these lines would have several benefits. First, by giving each group its own largely homogeneous state, partition obviates much of the rationale for nationalist parties. Second, Bosniaks, Croats, and Serbs would not need to disarm and merge their militaries, but could maintain separate armies. Third, partition ends the refugee return process, and hence eliminates fears regarding groups' demographic majorities. Fourth, because these states would be composed mainly of one ethnic group, they would need much simpler institutions than those currently in place to bridge Bosnia's ethnic divides. Finally, partition reduces the magnitude and scope of international intervention required. Turning over governance to local parties obviates the need for OHR, and creating states changes the military mission from nation-building and law enforcement to deterrence, which requires fewer forces and for which military power is better suited.

Most commentators reject partition in Bosnia, arguing that it would lead to renewed ethnic cleansing and war, reward ethnic cleansers, and set a bad precedent for other secession-minded groups in the region.¹⁴² These criticisms miss the mark. For one, partition would not precipitate violent ethnic cleansing; on the contrary, it would plan for ethnic unmixing and ensure that it took place peacefully and as humanely as possible. Furthermore, far from causing a new war, partitioning Bosnia would remove Croat and Serb motives for war. Moreover, partition does not so much reward ethnic cleansing as acknowledge how difficult it is to reverse. The time to stop ethnic cleansing is before it happens, not afterwards. If the IC opposes ethnic cleansing, then it should intervene to prevent it instead of allowing it to occur and in some cases

141. A similar plan advocated by Robert Pape would displace about 200,000 Serbs and some tens of thousands of Bosniaks. See Robert A. Pape, "Partition: An Exit Strategy for Bosnia," *Survival* 39, no. 4 (winter 1997/98): 25–28. An alternative plan—to amputate the western half of the RS—would drastically shorten the Serb-Bosniak border, but would force the Serbs to abandon their capital city and require two-thirds of the RS population to leave. See Daalder, "Bosnia After SFOR."

142. Besides warnings from the various High Representatives, see Carl Bildt, "There is no Alternative to Dayton," *Survival* 39, no. 4 (winter 1997): 19–21.

facilitating it, then trying to reverse it later. Finally, the precedent argument gets it backwards: despite keeping Bosnia firmly unified, secessionism is alive and well elsewhere in the Balkans. Montenegro and Kosovo are likely to become independent regardless of what happens in Bosnia, and whether Macedonia descends into full-scale war depends on whether or not Albanian grievances are satisfied by the Macedonian government, not whether or not Bosnia is partitioned.

KOSOVO

A humanitarian disaster in the tiny Yugoslav province of Kosovo provided the unlikely occasion for NATO's first shooting war. NATO mounted a 78-day bombing campaign to stop and reverse Serb leader Slobodan Milošević's attempt to expel Kosovo's ethnic Albanian population. Milošević's forces succeeded in driving about 800,000 ethnic Albanians into neighboring countries (and internally displacing nearly 500,000 more within Kosovo) before he finally agreed to a peace deal that allowed the refugees to return and placed the embattled province under NATO military occupation.¹⁴³

Since the war ended in June 1999, KFOR (NATO's Kosovo Force) and UNMIK (the United Nations Interim Administration Mission in Kosovo) have presided over an ethnically divided province. While the expelled Albanians poured back into Kosovo, many of the remaining Serbs fled to Serbia, fearing for their lives at the hands of vengeful Albanians.¹⁴⁴ Indeed, many Albanians took their revenge, not only on Serbs, but on Roma and Albanian collaborators as well. Hundreds died. Tim Judah comments that "just as most Serbs had so recently been either indifferent to the fate of the Albanians, or thought they deserved to be expelled for 'asking for NATO air strikes,' now most Kosovars were indifferent to the fate of the Serbs. Indeed, many thought they deserved to be expelled, for having tried to expel them." The flight of the Serbs also served a larger political purpose because "with every Serb that left, Serbia's claim to the

143. For these numbers, see Ivo H. Daalder and Michael O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, D.C.: Brookings Institution, 2000), 151. On the origins and conduct of the war, see Tim Judah, *Kosovo: War and Revenge* (New Haven, Conn.: Yale University Press, 2000), Kelly M. Greenhill, "The Use of Refugees as Political and Military Weapons in the Kosovo Conflict," in *Yugoslavia Unraveled: Sovereignty, Self-Determination, Intervention*, ed. Raju G.C. Thomas (Lanham, MD: Lexington Books, 2003), 205–42; and Wesley K. Clark, *Waging Modern War* (New York: PublicAffairs, 2001).

144. UNMIK reported that 211,000 people, "mostly Serbs," fled Kosovo after the war ended. See UNMIK, "UNMIK 1st Anniversary Backgrounder—Returns—5 June 2000," at <http://www.unmikonline.org/1styear/returnees.htm>. The Yugoslav Red Cross registered 247,391 people who had fled or been expelled from Kosovo by November 1999 (Judah, *Kosovo*, 287).

province for any but legal and historical reasons became that much weaker.”¹⁴⁵ Those Serbs who did not perish or flee are now concentrated mainly in the areas bordering Serbia and Montenegro north of the Ibar River, starting in the divided town of Mitrovica, and in isolated pockets in Albanian-majority areas. As of mid-2004, less than 11,000 minorities had returned to their pre-war places of residence in Kosovo out of a total displaced population of about 230,000.¹⁴⁶

Kosovo is plagued by the same dynamics that operate in Bosnia. First, the massive violence against civilians that characterized Serb counterinsurgency operations against the KLA, and particularly the attempt to expel the entire Albanian population of the province, increased the ethnic identification and nationalism of the Albanians. This legacy has made support for independence unanimous among Albanians: there are no non-nationalist parties in Kosovo. Second, the war and its aftermath have made it impossible for both Albanians and Serbs in Kosovo to trust the future intentions of the other: “The violent means used by the Albanian guerrilla, and the counter-violence, have undermined the basic elements of trust needed, precisely for the viability of a state based on the coexistence of two separate communities.”¹⁴⁷ This lack of trust, combined with the pervasive uncertainty regarding the political future of the province has caused both sides to be reluctant to disarm. Serbs have taken their security into their own hands, hunkering down in northern Kosovo and preparing for a possible partition. Emboldened by NATO’s intervention, and interpreting it as an endorsement of their demands, Albanians took up arms to join the Presevo Valley—an Albanian-majority area just over the border in Serbia proper—to Kosovo, and also in western Macedonia, where the Albanian minority aspires to greater rights. The IC’s attempt to put the conflict on ice by postponing the determination of Kosovo’s final status, however, far from cooling passions and bringing calm to the embattled province, has angered the Albanian population and made their calls for independence ever more strident. This frustration burst forth in a storm of anti-Serb—and anti-UN—violence in March 2004, which dealt the death-blow to the IC’s vision of a multiethnic, autonomous Kosovo within Serbia.

Reluctance to disarm. Uncertainty regarding the future political status of Kosovo makes both sides hesitant to turn over all their weapons. Both ethnic Serbs and Albanians know that the artificial stability provided by UNMIK and KFOR will not last because neither of those institutions can stay forever. Should

145. *Ibid.*, 294.

146. UNHCR Briefing Notes, “Kosovo Minorities Still need International Protection, says UNHCR,” 24 August 2004, at <http://www.unhcr.ch/cgi-bin/texis/vtx/country?iso=yug&expand=news>.

147. IICR, *The Follow-Up*, 6.

the internationals leave, both communities will be forced to rely on self-help for their security, and the side that disarms makes itself vulnerable, perhaps disastrously so. "As long as Albanian fears and Serb hopes of Kosovo's eventual re-incorporation into Yugoslavia are left unanswered," the ICG argues, "efforts to develop normal, constructive relations between the two communities, either within Kosovo or between Kosovo and Serbia, are unlikely to bear fruit. While the issue remains open, each side will continue to regard the other as a threat . . . leaving the matter unresolved perpetuates mistrust between the communities and may encourage extremists who continue to see violence as a means of achieving their aims."¹⁴⁸

If the West continues to press autonomy as its preferred solution, the Albanians have two powerful reasons not to disarm. First, Serbia is likely to attempt to re-impose its authority in Kosovo, a terrifying thought to all Albanians (even without Milošević in power). Second, the Albanians will need arms to turn autonomy into statehood. Thus, even though Kosovo is occupied by 17,000 troops, and the province's Serbs currently number perhaps 130,000,¹⁴⁹ who are largely confined to a few areas, ethnic Albanians are reluctant to disarm completely. Recent surveys estimate the number of small arms in civilian hands in Kosovo at between 250,000 and half a million despite several UN-sponsored drives to collect illegal weapons.¹⁵⁰ According to one Albanian resident of Cernica, a village in eastern Kosovo, "You can't depend on KFOR to protect you . . . There were KFOR troops just up the street when the [grocery] store was grenaded, and they didn't stop it from happening. The only protection is to have your own gun and shoot back."¹⁵¹

Most of the KLA was demilitarized after the war and partially reconstituted in September 1999 as the 3,000-member Kosovo Protection Corps (KPC), supposedly a civilian emergency service. Although the KLA turned in over 10,000 weapons to KFOR, it is widely known that they retained the bulk of their arsenal.¹⁵² KFOR, for example, has repeatedly seized large Albanian weapons stockpiles in Kosovo.¹⁵³ Moreover, according to Daalder and O'Hanlon, "Critics rightly saw this [the conversion of the KLA into the KPC] as camouflage for

148. ICG, *A Kosovo Roadmap (I): Addressing Final Status* (Pristina: March 2002), 6.

149. ICG, *Return to Uncertainty: Kosovo's Internally Displaced and the Return Process* (Pristina: December 2002), 1.

150. These drives have largely failed, the last one in fall 2003 collecting a paltry 155 guns. See "Geneva-Based Organization Says Kosovo Weapons Collection Drive Has Failed," *BBC Monitoring Europe*, 6 December 2003.

151. Quoted in Arie Farnam, "Gun Culture Stymies the UN in Kosovo," *Christian Science Monitor*, 26 September 2003, 8.

152. Judah, *Kosovo*, 299.

153. KFOR troops seized weapons stockpiles in March, May, and June of 2000, the last of these yielding a haul of some 70 tons. See Philip Shenon, "U.S. Troops Seize Weapons from Albanians in Kosovo," *New York Times*, 16 March 2000, A1; Shannon, "U.S. Soldiers Seize Weapons in

the KLA's real intention of retaining some type of military organization and, in addition, of establishing political control in Kosovo."¹⁵⁴ Former KLA men and weapons played a substantial role in the Albanian uprising in the Presevo Valley (located in the security zone between Kosovo and Serbia) and the 2001 uprising by Albanians in neighboring western Macedonia.¹⁵⁵

On the other side, Kosovo's remaining Serbs are greatly outnumbered and believe they need weapons to protect themselves from Albanian revenge attacks, which KFOR has proved unable—and unwilling—to prevent.¹⁵⁶ As a joint report by UNHCR and OSCE declared in March 2003, "Notwithstanding the stabilization of the security situation, the fear of harassment, intimidation and provocation remains part of everyday experience for members of minority communities throughout Kosovo."¹⁵⁷ Given this atmosphere of hostility, regularly punctuated by violence,¹⁵⁸ and the overwhelming desire for an independent Kosovo among ethnic Albanians, for the Serbs to remain armed is a rational response. "The international community is not protecting us," said Oliver Ivanović, a Serb representative from the northern Kosovo town of Mitrovica, "and we have to do it ourselves."¹⁵⁹

Nationalism. As long as the IC insists on autonomy for Kosovo, support for nationalist parties is guaranteed because the war has convinced ethnic Albanians that they can never be safe under Serb governance. Indeed, even before Milošević's army ethnically cleansed Kosovo beginning in late March

Kosovo," *ibid.*, 20 May 2000, A8; and Steven Erlanger, "Aide Takes Stock of U.N. in Kosovo," *ibid.*, 17 July 2000, A1. Arms seizures continued in 2001, primarily of weapons moving from Kosovo to Albanian rebels in Macedonia, but did not end with the dampening of that conflict. See "KFOR Discovers Large Arms Cache in Southern Kosovo," *BBC Monitoring Europe*, 28 August 2002; and "KFOR Seizes 'Large' Arms Cache in Areas Populated 'Solely' by Kosovo Albanians," *Global News Wire*, 9 April 2003.

154. Daalder and O'Hanlon, *Winning Ugly*, 178. "To all intents and purposes," comments Judah, "the KPC is the KLA in mothballs" (Judah, *Kosovo*, 300).

155. See Tim Judah, "Greater Albania?" and Alexander Yannis, "Kosovo Under International Administration," *Survival* 43, no. 2 (summer 2001): 11 and 39, respectively, as well as Steven Erlanger, "Adrift in the Balkans," *New York Times*, 12 March 2001, A1.

156. See Steven Erlanger, "Torn Mitrovica Reflects West's Trials in Kosovo," *New York Times*, 27 February 2000, 16. It is widely believed among Serbs that Kosovo's international administrators are biased in favor of the majority Albanians. See, for example, Daniel Simpson, "A Restive Kosovo, Officially Still Serbian, Squirms Under the Status Quo," *New York Times*, 29 December 2002, 14.

157. OSCE/UNHCR, *Tenth Assessment of the Situation of Ethnic Minorities in Kosovo* (March 2003), 12, at <http://www.unmikonline.org/press/reports/MinorityAssessmentReport10ENG.pdf>.

158. For examples from the last quarter of 2002, see *ibid.*, 14–26. Notable violent incidents in 2003 included the shooting of two young Serb men while swimming in the Bistrica River and an incident in which local Serbs threw stones at the Kosovar prime minister. See "New Violence Feared in Kosovo After Death of 2 Serbian Youths," *New York Times*, 15 August 2003, A4; and "Rocks Thrown at Kosovan PM," *The Gazette* (Montreal), 7 December 2003, A12.

159. Irena Guzelova, "Mitrovica Arms Hunt Sparks Attack on KFOR," *Financial Times*, 21 February 2000, 6.

1999, support for independence among the Albanians was virtually unanimous. For example, a 1995 survey indicated that 43 percent of Kosovo's ethnic Albanians wanted Kosovo to join Albania, while 57 percent wanted the province to become an independent state. Not a single respondent preferred autonomy within Serbia.¹⁶⁰ Some commentators, however, opined that an autonomy agreement and de-escalation of the conflict was still possible as late as March 1998: "The local population still supported its elected 'president,' Ibrahim Rugova, including his nonviolent policies of civil disobedience. The KLA was little more than a small, unorganized, ragtag band of rebels that would most likely have disappeared once a serious political dialogue aimed at granting greater autonomy had started. Therefore a solution well short of independence may still have been possible and would have satisfied most of Milošević's immediate concerns."¹⁶¹

While the possibility of such a solution at that time is open to debate, what is certain now is that the harsh Serb repression made independence for Kosovo the only option. The Report of the Independent International Commission on Kosovo declared that "[a]ny remaining support for a political future involving autonomy within the FRY [Federal Republic of Yugoslavia] vanished in March 1999 when FRY forces began expelling the entire Kosovar Albanian population. Even a substantial exercise of autonomous self-government is now regarded as insufficient."¹⁶² As one member of the commission put it, "To suggest that Serbian police or government officials could be allowed to return is a dangerous delusion. To imagine that after all that has happened, the Kosovo Albanians will be willing and able to live in the same state as Serbs, that they will even pay taxes to Belgrade . . . or to seek passports from a state that has expelled half of them, destroying their identity papers to make sure the bond is severed, is utterly unrealistic."¹⁶³

Kosovo's international governors point to the participation of Serbs and the success of moderate Albanians in elections in the province as support for their optimistic view that autonomy within Yugoslavia can work. Although Serbs largely boycotted the municipal elections—Kosovo's first ever—in October 2000,¹⁶⁴ Serb turnout for the November 2001 provincial assembly elections

160. Julie A. Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley: University of California Press, 1999), 319. The same survey reported that 65 percent of Albanians did not believe the two populations could live together in one state, while the same percentage believed that Serbs wanted all Albanians to leave Kosovo (ibid., 319–20).

161. Daalder and O'Hanlon, *Winning Ugly*, 186–87.

162. ИСК, *The Kosovo Report*, 264–65.

163. Jacques Rupnik, "Yugoslavia After Milosevic," *Survival* 43, no. 2 (summer 2001): 25.

164. Carlotta Gall, "As Albanians Flock to Polls, Serbs Lie Low," *New York Times*, 29 October 2000, A1.

was 46 percent, and Serbs won 22 places in the 120-seat chamber.¹⁶⁵ Moreover, in both elections—as well as the 2002 municipal elections—Ibrahim Rugova's moderate Democratic League of Kosovo triumphed over parties led by former KLA commanders.¹⁶⁶

The optimists, however, neglect a critical point: all Albanians, regardless of where they fall on the political spectrum, favor independence for Kosovo. "Despite their differences on the means," observes Jacques Rupnik, "all Kosovo Albanian parties are united over the goal of independence . . . Any attempt to ignore this assertion and to return Kosovo to 'substantial autonomy' within 'Yugoslavia' is bound to fail, to discredit Kosovar Albanian moderates and to prepare the ground for new violence."¹⁶⁷ Indeed, Rugova, Kosovo's informal president in the 1990s who advocated non-violent resistance to Serb rule, irritated international officials immediately after his election by stating that he intended to move the province quickly toward independence.¹⁶⁸ Thus, the fact that Albanians favor moderate politicians over those advocating violence does not mean they are any less committed to independence for Kosovo. Finally, the Serbs boycotted the last parliamentary elections in October 2004 in the wake of the anti-minority riots the previous March.

Political institutions. Although Kosovo's ethnic Albanians have long sought independence, the West has remained ambivalent toward this goal. For example, during the course of negotiations in 1998 with president Milošević, Secretary of State Madeleine Albright warned that "[w]e have made it clear to Milošević and Kosovars that we do not support independence for Kosovo, that we want Serbia out of Kosovo, not Kosovo out of Serbia."¹⁶⁹ In addition to the destabilizing effect advocating Kosovo's independence might have had on the rest of the region (especially Macedonia, which contains a large Albanian minority), the West feared it would also "set a precedent for Bosnia, where Bosnian Serb and Croat claims for independence—or for merger with

165. Melinda Henneberger, "Serb Turnout in Kosovo Vote Seen as an Encouraging Step," *New York Times*, 20 November 2001, A8. Ten of these seats were guaranteed by the electoral laws. I thank an anonymous reviewer for pointing this out. The OSCE's Kosovo division has the election results on its website at <http://www.osce.org/kosovo/elections>.

166. Melinda Henneberger, "Albanian Moderate's Party Wins Peaceful Kosovo Election," *New York Times*, 18 November 2001, A14.

167. Rupnik, "Yugoslavia After Milosevic," 22–23.

168. Henneberger, "Serb Turnout in Kosovo Vote Seen as an Encouraging Step."

169. Quoted in Roger Cohen, "In Balkans Again, Promises, Promises," *New York Times*, 14 October 1998, A1. Prominent international officials also expressed support for autonomy after the war. As Carlos Westendorp, High Representative in Bosnia at the time, put it, "The only possible solution for Kosovo, once those ethnically-cleansed have been returned to their homes, is the eventual establishment of an autonomous state within Serbia (or Yugoslavia). Autonomy is a necessary condition for a lasting peace, though it cannot bring peace on its own." Carlos Westendorp, "Lessons Bosnia Taught Us," *Wall Street Journal*, 19 May 1999 http://www.ohr.int/ohr-dept/preso/presa/default.asp?content_id=3182.

neighboring states—were at least as strong as those of the Kosovar Albanians.¹⁷⁰ The Rambouillet agreement, however, contained a provision that in effect allowed for a referendum on independence to be held after three years. That said, the “will of the people” would be only one of four factors influencing the final status of Kosovo, so that even a vote for independence would not guarantee such an outcome.¹⁷¹

Unfortunately, Western ambivalence over the final status for Kosovo has led to contradictions. As Michael Mandelbaum pointed out, the air war against Serbia neither prevented the purging of the Kosovars nor fully supported their aims: “While insisting that Kosovo be granted autonomy, NATO asserted that it must remain part of Yugoslavia. The alliance had therefore intervened in a civil war and defeated one side, but embraced the position of the party it had defeated on the issue over which the war had been fought.”¹⁷²

The dilemma in Kosovo is spelled out in UN Security Council Resolution 1244, which calls for the establishment of “an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia.” Unfortunately, as Michael Ignatieff comments, “[t]he problem is that 1244 . . . is political science fiction. It reaffirms the sovereignty of Yugoslavia over Kosovo, and it also calls for the Kosovars to enjoy ‘substantial autonomy and self-government.’ Which sounds fine, except that no Kosovar will ever accept Belgrade’s sovereignty and no Serb in Kosovo wants to accept Kosovar majority rule.”¹⁷³ This dilemma is aptly captured by the phrase “Catch 1244.”¹⁷⁴

The Kosovars unanimously desire independence, and believe that the IC is going to give it to them. The Constitutional Framework for Provisional Self-Government, announced in May 2001 by then-High Representative Hans Haekkerup, although providing for an elected assembly and an executive, leaves significant powers in the IC’s hands. In fact, the “extensive powers accorded to the SRSG mean that, instead of the substantial self-government promised the Kosovars under Resolution 1244, they will instead get very limited autonomy.

170. Daalder and O’Hanlon, *Winning Ugly*, 25.

171. The other three factors would be the opinions of “relevant authorities,” the efforts of the parties to implement Rambouillet, and the Helsinki Final Act (which guarantees the territorial integrity of states; *ibid.*, 82; and Judah, *Kosovo*, 213–14).

172. Michael Mandelbaum, “A Perfect Failure: NATO’s War Against Yugoslavia,” *Foreign Affairs* 78, no. 5 (September/October 1999): 5.

173. Michael Ignatieff, “The Reluctant Imperialist,” *New York Times Magazine*, 6 August 2000, 47.

174. Christian Jennings, “War-Ravaged Kosovo Caught in Catch 1244 Situation,” *Scotland on Sunday*, 9 February 2003, 24.

They will have the illusion of self-rule rather than the reality.”¹⁷⁵ This situation has caused substantial bitterness in the Albanian community, exemplified by prime minister Bajram Rexhepi’s comment in October 2003: “Being ruled 5,000 miles away from New York is simply not working . . . With no road maps, or political deadlines, or sense of resolving their unclear international status as a non-state entity, Kosovars are fast losing hope . . . People voted me into office and instead I find myself with my hands tied behind my back. It’s a total contradiction.”¹⁷⁶

Refugee returns and violence. The Serb exodus that followed the war’s end has made Kosovo even more ethnically homogeneous than it was before. As Albanians returned to the province, Serbs fled or were driven out. Perhaps as few as 100,000 remain, most of whom (55,000) are concentrated north of Mitrovica. Violence gradually declined, partially owing to the increased efforts of KFOR and UNMIK’s international police force, but mainly because of “the virtual segregation of the Serbs, who either continued their exodus or regrouped in mainly rural enclaves within Kosovo.”¹⁷⁷ One Serb woman who returned to Kosovo Polje commented that conditions had improved for Serbs “but only because most were not here anymore. “There are fewer Serbs, so there are fewer problems.”¹⁷⁸ Indeed, the main threat to peace in Kosovo today is caused by the continued presence of some Serbs in Albanian-majority areas, and the attempt to reintegrate the two populations by returning ethnic Albanians to their former homes in Serb-dominated areas.

In such a tense environment, trying to return refugees to areas in which they are a minority simply makes them targets for the other group’s hostility. The repeated attempts to bring ethnic Albanians back to the north side of Mitrovica demonstrate this point. UNMIK and the Albanians remain committed to breaking down the division of the town, but even former Special Representative Kouchner warned “[y]ou have to think of the Serb reaction. The only place they feel protected is in the north—that’s simply the fact.”¹⁷⁹ After an early attempt to escort Albanians over the Ibar River that divides Mitrovica

175. ИСК, *The Follow-Up*, 7.

176. Quoted in Helena Smith, “Angry Kosovars Call on ‘Colonial’ UN Occupying Force to Leave,” *The Observer*, 19 October 2003, 21.

177. Yannis, “Kosovo Under International Administration,” 37.

178. Quoted in Melinda Henneberger, “Dose of Tolerance in a Kosovo Town,” *New York Times*, 2 December 2001, A12. Daalder and O’Hanlon are quick to point out the “silver lining” in this emigration and segregation: it “has reduced the likelihood of interethnic violence by physically separating those who would commit it from their potential victims” (Daalder and O’Hanlon, *Winning Ugly*, 177).

179. Kouchner adds that he opposes a permanent division of Mitrovica. See Steven Erlanger, “Fears Grow Over the De Facto Partition of Kosovo,” *New York Times*, 14 November 1999, 1. A Serb teacher, Zoran Virijevic, commented in the same article, “Only a suicidal Serb would go to the other side [of Mitrovica].”

led to Serb resistance and riots in September 1999,¹⁸⁰ serious violence erupted in the town the following February, including one incident in which seven Albanians were killed.¹⁸¹ Further attacks against UN personnel followed in June 2000, prompting UNHCR to suspend its activities in Mitrovica for a week. The continued atmosphere of violence caused many Albanians to flee the northern, Serb-dominated section of the town.¹⁸² The persistent refusal of Serbs to allow Albanians to return to their former homes in northern Mitrovica set off several days of riots in early February 2001 when a fifteen-year-old Albanian boy was killed in a grenade attack.¹⁸³ On 8 April 2002, twenty-six UNMIK police were injured in a violent clash with local Serbs when officers set up a traffic checkpoint just across the bridge in north Mitrovica.¹⁸⁴

The massive Albanian attacks on Serbs that occurred in March 2004 should dispel any lingering illusions that Kosovo can be reconstructed as a multiethnic society. In response to the drowning deaths of three Albanian children in the Ibar after local Serbs allegedly set dogs on them, Albanian mobs went on a rampage that left nineteen dead, 900 wounded, created 4,500 refugees, and damaged or destroyed 700 homes and 30 religious sites.¹⁸⁵ NATO was forced to rush extra troops to the region to help quell the violence. The apparent orchestration of the attacks led international officials to denounce the violence as an Albanian attempt to complete the ethnic cleansing of the province in anticipation of eventual talks on Kosovo's final status.¹⁸⁶ This is certainly the lesson drawn by Kosovo's Serb population: "It is very difficult to look at the future of Kosovo, but one thing's for sure—there's no more talk about multicultural life. This is rubbish no one here even thinks about any more."¹⁸⁷

180. The Associated Press reported that the September violence in Mitrovica resulted in 184 wounded and 1 dead (an ethnic Albanian). See "K.L.A. Calms Ethnic Riots in Tense Town in Kosovo," *New York Times*, 12 September 1999, 6. Violence also occurred in October as Albanians clashed with French peacekeepers who barred them from crossing the Ibar. See "French Clash With Albanians in Kosovo Town," *New York Times*, 16 October 1999, A5.

181. Carlotta Gall, "7 Killed and 9 Hurt in Kosovo Rampage, Worst Since War," *New York Times*, 5 February 2000, A3; and Gall, "In Riot-Torn Kosovo City, Serbs Force Albanians From Homes," *ibid.*, 12 February 2000, A6.

182. 1,700 Albanians, Turks, and Bosniaks fled the northern section of Mitrovica between 2 and 20 February due to renewed violence. See UNHCR/OSCE, *Update on the Situation of Ethnic Minorities in Kosovo* (February-May 2000), 6, at <http://www.osce.org/kosovo/documents/reports/minorities>.

183. Irena Guzelova, "Kosovo's Albanians Grow Impatient for Self-Rule," *Financial Times*, 8 February 2001, 3. This episode set off further unrest throughout Kosovo, peaking with the Albanian attack on the "Nis Express" bus convoy that killed 10 Serbs on 16 February.

184. ICG, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica* (Pristina: June 2002), 4–5.

185. ICG, *Collapse in Kosovo* (Pristina: April 2004), 1.

186. See, for example, the comments of the Under-Secretary of UN for Peacekeeping Operations Jean-Marie Guéhenno to the Security Council at <http://www.unmikonline.org/news.htm#1304>.

187. Oliver Ivanović, quoted in Adam LeBor, "Troops Pour in as Serbs Flee Kosovo Homes," *The Times* (London), 20 March 2004, 14.

Why partition is better. Three solutions are possible for Kosovo, all based on independence for all or part of the province.¹⁸⁸ One scenario is simply to partition all of Kosovo from Yugoslavia and allow the Albanians to deal with the Serbs as they choose, which would probably result in their forcible expulsion. Alternatively, those Serbs who desired to leave could be transferred peacefully to Serbia. A second option would also partition the entirety of Kosovo from Yugoslavia, but would make independence conditional on minority populations being given extensive rights—such as the right to government services and education in their own language and freedom of religion. Kosovo’s internal minority rights and external security would be guaranteed by the IC.¹⁸⁹ The third option would grant Kosovo independence, but would partition the province along the Ibar River: the land north of this line, where most of Kosovo’s Serbs live, would go to Serbia, while the area to the south would become an independent state. Kosovo would be compensated for this territorial loss by gaining the districts of Presevo, Medveja, and Bujanovac, the Albanian-majority areas along Kosovo’s southeast border.¹⁹⁰ In this scenario, rather than design minority rights provisions, remaining minority populations would be exchanged: the Serb enclaves in the south would leave Kosovo, and Albanians north of the Ibar would go south. A reduced KFOR would remain to police Kosovo’s borders.

Each of these plans has its pluses and minuses, but on the whole option three is preferable.¹⁹¹ Full independence (option one) would cause further violent ethnic cleansing, while conditional independence (option two) looks a lot like the status quo, and begs the question of how long the IC is to protect Kosovo’s minorities. The major objection to partitioning Kosovo is that the Albanians would reject the loss of northern Kosovo because it would deprive them of the Trepçe mines, Kosovo’s main economic asset, thus creating a permanent grievance that could lead to future conflict. The loss of the Trepçe complex, however, would be made much more palatable if compensated with the gain of the Presevo Valley, the sight of a recent armed uprising by ethnic Albanians. Another objection to partition, that it would require forced relocations of populations, is made less significant by the fact that full independence

188. I reject two other options—continued protectorate and autonomy within Yugoslavia—as undesirable and unworkable.

189. For further details on this and other plans for Kosovo’s future status, see ИСК, *The Kosovo Report*, chap. 9, Rupnik, “Yugoslavia After Milosevic,” and ICG, *A Kosovo Roadmap*.

190. These territories were taken from Kosovo and added to Serbia shortly after the Second World War, and Serb-majority districts added to northern Kosovo in compensation.

191. It should be noted that in simulated negotiations conducted under the auspices of the United States Institute for Peace, local Serb and Albanian officials also repeatedly chose partition (Simpson, “A Restive Kosovo”).

would cause expulsions, while conditional independence would probably see most Serbs leave anyway, when the IC no longer remained to protect them. The final objection to partition, that it would spark a domino effect in the region, has it backwards: arguably it is the uncertainty caused by the IC's refusal to grant Kosovo independence that has contributed to armed Albanian rebellions in Presevo and Macedonia. Thus, on balance, a partition plan that gives northern Kosovo to Serbia and the Presevo region to Kosovo seems the most sensible option.¹⁹²

POLICY IMPLICATIONS AND RESPONSES TO COUNTERARGUMENTS

Negotiated settlements to ethnic civil wars, while not impossible, face grave difficulties. The process of fighting imbues the combatants with mutual fear and a deep sense of mistrust. The inability to trust in the adversary's future benign intentions sharply limits the amount of military and political cooperation forthcoming after the war. Rebels fear disarming lest the government betray them in their moment of greatest vulnerability. Politically, both power sharing and regional autonomy agreements are difficult to implement and apt to fail if tried. Nationalist parties dominate politics, institutions become gridlocked, and refugees returning to their old homes face a violent reception. Neither ethnic separation nor international intervention truly surmounts these obstacles.

The policy implication of this argument is that international actors should re-think their strategies for intervening in civil conflicts. If the IC is interested in minimizing the recurrence of ethnic wars, then it may wish to facilitate military victories or partitions. At the very least, the IC should realize that there is likely to be a trade-off between its preferred method of conflict resolution—negotiated settlements—and stability. Where partition is feasible, such as when groups have an attachment to territory, are mostly separated, and capable of holding their own militarily, a settlement which creates multiple states rather than one may be preferable.¹⁹³ Otherwise, it may be wiser to help one side or the other win, or simply let these wars burn themselves out.¹⁹⁴

192. Moreover, combining the partition of Bosnia and Kosovo into a single deal, in which the RS acceded to Yugoslavia, would perhaps gain Belgrade's acquiescence in the loss of Kosovo.

193. In the words of the IICJ: "It is better, in our view, that the international community develop procedures to accord self-government to these groups under appropriate and justifiable conditions than to maintain an obsolete regime of unalterable state sovereignty . . . In such cases . . . the international community must not shrink from its responsibility to devise rules for secession and independence which allow persecuted groups to find a constitutional order which grants them security and self-government" (IICJ, *The Kosovo Report*, 277–78).

194. Luttwak, "Give War a Chance," 37.

Critics argue that these solutions have flaws of their own. For partition, the most serious criticisms contend that it fails to end violence or prevent future wars; causes a domino effect that leads other minorities in the same (or nearby) states to seek self-determination; creates economically unviable and undemocratic successor states; and is unnecessary because it is possible to foster benign ethnic identities.¹⁹⁵ To rebut these objections fully demands more space than I am allowed here,¹⁹⁶ so a few comments will have to suffice. Taking these criticisms in reverse order, partition would be unnecessary if identities could be re-engineered or if single-state solutions provided lasting solutions to ethnic violence. Although identity is changeable in theory, once mobilized it is difficult to manipulate in practice, especially after large-scale violence has occurred.¹⁹⁷ As shown, single-state solutions, such as power sharing or autonomy, as shown do not provide a viable alternative. Partition does not produce undemocratic successor states,¹⁹⁸ and economic viability is a non-issue, as no state has ever “failed” for economic reasons as a consequence of being too small.¹⁹⁹ The weakness of the domino argument is demonstrated by recent Balkan history: holding Bosnia together did not prevent secessionism in Kosovo, and maintaining Kosovo as part of Yugoslavia has not kept Montenegro from moving toward independence or armed conflict by ethnic Albanians in search of greater rights in Macedonia. Nor have these policies discouraged secessionists in other parts of the world, such as Chechnya, Palestine, or Sudan. In fact, the failure to resolve the final status of Kosovo has arguably encouraged assertiveness by Albanians in Yugoslavia’s Presevo valley and western Macedonia.²⁰⁰ Finally, with regard to violence, partition does not stop or prevent future violence when ethnic separation does not also occur.²⁰¹ Where

195. Prominent critiques include Robert Schaeffer, *Warpaths: The Politics of Partition* (New York: Hill and Wang, 1990); Radha Kumar, “The Troubled History of Partition,” *Foreign Affairs* 76, no. 1 (January/February 1997): 22–34; and Sambanis, “Partition as a Solution to Ethnic War.” For others, see Downes, “Holy Land Divided,” 59–60 nn5–8; and 78–89 passim.

196. For a more complete response, see *ibid.*, 77–89.

197. Daniel Byman, “Forever Enemies? The Manipulation of Ethnic Identities to End Ethnic Wars,” *Security Studies* 9, no. 3 (spring 2000): 149–90.

198. Sambanis, “Partition as a Solution to Ethnic War,” 459–64.

199. Moreover, this argument ignores the existence and prosperity of many micro-states, and is an argument against all small states, whether ethnically homogeneous or multiethnic. See Michael Lind, “In Defense of Liberal Nationalism,” *Foreign Affairs* 73, no. 3 (May/June 1994): 94.

200. As the ИСК has commented, “Far from Kosovar independence acting as a domino . . . the uncertainty about the future means that there is still everything to play for and that southern Serbia and parts of Macedonia could still enter the equation through changing the facts on the ground. In other words, the recent conflicts could be treated as a consequence of uncertainty, which provides an incentive to try to change the facts on the ground before a final settlement is reached” (ИСК, *The Follow-Up*, 8).

201. Kaufmann, “When All Else Fails.”

separation was incomplete, violence festered and wars occurred (Northern Ireland, Cyprus before 1974, Kashmir), but where separation reduced the minority population to insignificant numbers, violence ended (Republic of Ireland, Cyprus post-1974, Greece, Turkey, and Bulgaria after the population exchanges of the early 1920s). This evidence simply demonstrates that ethnic separation must be an integral part of partition.

The major criticism of facilitating a military victory is that it entails more bloodshed than a negotiated settlement.²⁰² This is only true, however, if the war does not resume some time after the agreement is implemented. Moreover, if it is true that a “mutually hurting stalemate” is required to facilitate a negotiated settlement, it is equally true that such standoffs often drag on for years after it has become apparent that neither side can prevail. Thus, the conditions that make such conflicts “ripe for resolution” do not always translate into fewer casualties.²⁰³

International actors, of course, value things other than stability, such as promoting democracy and preventing genocide. States that implement negotiated settlements to civil wars, however, may become less democratic (on average) over the long term. Military victories, on the other hand, have no effect on a state’s level of democracy, while partition may increase it slightly.²⁰⁴ A serious drawback of supporting a policy of victory could be that decisive victories in civil wars are more likely to be followed by mass killing than are negotiated settlements.²⁰⁵ Unfortunately, civil wars tend to kill a greater proportion of civilians than interstate wars, and civil war involvement is a powerful predictor of mass killing by states.²⁰⁶ International interveners, therefore, should think long and hard before encouraging such a policy; it could be that the costs in terms of other values would be too high. At the very least, policymakers should be aware of the trade-offs involved.

202. Licklider, “Consequences of Negotiated Settlements in Civil Wars,” 686–87; Stedman, “Negotiation and Mediation,” 375–76; and King, *Ending Civil Wars*, 12–13.

203. Wagner, “Causes of Peace,” in Licklider, *Stopping the Killing*, 260; and Walter, “Critical Barrier,” 362.

204. Toft, “Peace Through Victory?” 23; and Sambanis, “Partition as a Solution to Ethnic War,” 459–64.

205. Nineteen percent of victories in identity wars were followed by genocide, 7 percent of victories in ideological wars had such an outcome, but no genocides occurred after negotiated settlements (Licklider, “Consequences of Negotiated Settlements in Civil Wars,” 686–87). Neither of the first two relationships was statistically significant.

206. Matthew Krain, “State-Sponsored Mass Murder: The Onset and Severity of Genocides and Politicides,” *Journal of Conflict Resolution* 41, no. 3 (June 1997): 331–60.