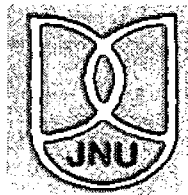


Preventive Diplomacy in the Post-Cold War Era: A Study of the Conflicts in Georgia and Serbia

**Dissertation submitted to Jawaharlal Nehru University in partial fulfillment
for the award of the degree of**

Master of Philosophy

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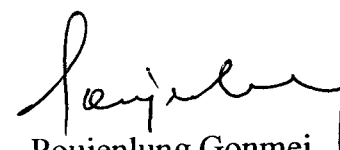
2009



Date 16/07/09


DECLARATION

I declare that the dissertation entitled “**Preventive Diplomacy in the Post-Cold War Era: A Study of the Conflicts in Georgia and Serbia**” submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

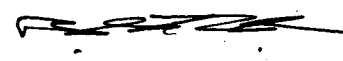

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.


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Acknowledgement

It has indeed been a wonderful and intellectually exhilarating experience being a part of the DAD, CIPOD students' community, especially working under Prof. Pushpesh Pant, the doyen of international negotiations and diplomacy, who also gives his students the luxury of ample space and time to work and learn in their own terms. This work would not have taken this shape without the lively discussions with him.

I thank my parents my brothers and sisters, my in-laws, all my friends and particularly Ms. Asen Newmai for their supports and encouragements.

I wish to acknowledge my heartfelt thanks to the Union Ministry of Human Resources and Development, Government of India, for availing Rajiv Gandhi National Fellowship and also the University Grant Commission for the Junior Research Fellowship (NET).

I wish to thank the Librarians and their staffs at Jawaharlal Nehru University Library (JNU), Institute for Defence Studies and Analysis Library (IDSA), the American Center Library (ACL), Indian Council for World Affairs (ICWA) and the Parliament Library for their help.

Lastly, but not the least this work would not have been possible without the unstinted support from my wife Athonliu and my little son Jethro Jaithaongam especially, for the conducive environment to write this dissertation.

New Delhi

Poujenlung Gonmei

16th July 2009

Preface

The end of Cold War with the break-up of the Soviet Union and Yugoslavia was followed by violent armed conflicts premised upon mythologized ethno-nationalism which were fueled by the failure of political and economic institutions there. Even as some states in the Baltics (Lithuania, Latvia and Estonia) and southern Balkans (Macedonia) transited relatively peaceful after the disintegrations, the rump of Yugoslavia, Serbia disintegrated violently. And so did Georgia. And shortly in 2008, Kosovo, Abkhazia and South Ossetia declared independence from Serbia and Georgia respectively.

Major International Relations Theories conclude that the ordering principle of international politics is anarchy, so conflict is inevitable. But the behaviors of major powers like the US and Russia and the regional powers/states involved in the conflicts indicate that it is more than anarchy and point towards hierarchy and selectivity in dealing with conflicts depending upon the interests of the parties. In spite of the availability of ample signs of impending conflicts brewing up the UN especially the Security Council failed to act on time as it is expected of it. So Saadia Touval (1996) and Agon Demjaha (2000) concluded that Preventive Diplomacy failed in former Yugoslavia. The argument expounded in this study is that the UN failed to implement Preventive Diplomacy in former Yugoslavia and Georgia. Only after the conflicts escalated and got entrenched the UN, OSCE and others intervened diplomatically and militarily.

Proponents of Preventive Diplomacy argue that violent conflicts could be prevented if acted upon early and it pays to do so rather than attempting to resolve or manage them when the parties in conflict have already assumed entrenched positions and expended huge resources. Preventive Diplomacy have been re-conceptualised by Boutros Boutros Ghali in 1992 in his *Agenda for Peace* after Dag Hammarskjold conceptualised it during the Cold War. While Hammarskjold wanted preventive diplomacy to check the rise of conflict between the east-west and its scope was made deliberately small. On the

other hand, the Post Cold-War Preventive Diplomacy which Ghali envisaged is quite broad-based covering not just security but also environment, trade and commerce, etc.

As a matter of fact the idea for this dissertation was shaped by a group of western delegates at a CIPOD Seminar in the spring of 2008 who canvassed for neutral Indian academics' support in favour of the territorial integrity and sovereignty of Serbia against the independence of Kosovo. This led me to probe as to whether there could possibly be a neutral body who umpires international politics and also maintain international peace and security, leading to recalling the debate between Ruggie and Mearsheimer on utility and futility of international institutions. For a possible paradigmatic shift from this debate I chose to use the concept of preventive diplomacy as the analytical framework to probe whether conflict could be really mitigated if not prevented by an international institution like the UN.

It was not just the novelty of the conflicts in Kosovo, Abkhazia and South Ossetia that had prompted this study. As a matter of fact the conflicts in Caucasus and the Balkans have significant bearings upon the peace and security of the region and aroused the geo-strategic interests of the US, EU and Russia. In fact Russia's support for the cause and independence of Abkhazia and South Ossetia was a reply to US sponsored Kosovo's independence. A politics of *quid pro quo* between the once arch-rivals for power preponderance in the region is evident.

In an effort to bring out the finer nuances of the intense debate of the conflict, sources from the scholars belonging to the parties in conflict have been used. Chapter One examines the major IR Theories discourses on conflict and international institutions, touches briefly the concept of war and conflict, especially the attempt to study war with positivist approach by quantifying it and the interface between conflict and preventive diplomacy. Chapter Two examines the existing literature on preventive diplomacy and sets out the analytical framework that is the tools of preventive diplomacy for examining the conflicts. Chapter Three examines the dynamics of conflict between Serbia and Kosovo and the practices of preventive diplomacy using the analytical framework.

Similarly, Chapter Four examines the history of the conflict in Georgia, Abkhazia and South Ossetia and the response of Russia and the US even as the UN simply stood by watching the unfolding developments.

Hierarchy (David Lake) seems to have replaced anarchy as the new ordering principle of international politics especially in the post-Cold War period with the US acting as the global hegemon and the UN rendered ineffective. Until then preventive diplomacy would always fail to be implemented especially when it contravenes the US interests or for that matter any big powers interests.

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Chapter One

Introduction

“Only the Dead have seen the end of War”

- Plato

1. Conflict Prevention: Contested Theories

Whether violent armed conflicts around the world today could be averted and mitigated through concerted preventive measures, or they are really inevitable because of the chaotic and anarchical political settings of the world, or they are dependent upon the identities and interests of the parties in conflicts will be examined in this study. In light of the highly contradictory views propounded by the major International Relations Theories namely, Realism, Liberalism and Constructivism, it would be apt to examine the basic tenets of each theory briefly. Realists argue that international politics being an anarchical system, conflicts and war are inevitable and so states have to resort to self-help in order to survive. And democracies may live at peace with democracies to certain extent, but even if all states became democratic, the structure of international politics would still remain anarchic (Waltz 2000). Therefore, international politics is a realm of perpetual conflict for the Realists. Liberals concede that international system is to certain extent anarchical but they also vouch in the ability of the states and the international institutions to maintain international peace and security. Liberals also argue that democracies do not go to war with another democracy (Fukuyama 1991, Doyle 1986, Owen 1994). And they argue that peace can be achieved through the spread of democracy. Constructivists on the other hand argue that the international system is about how states and the people living in its territory view each other, whether as friends or enemies, and depending upon the perception states behave either cordially or hostilely with each other (Wendt 1992). Amidst these conflicting viewpoints it would be prudent to examine the arguments put forward by the protagonists of preventive diplomacy on the possibility of conflict prevention.

2. Perpetual Conflict?

Before dwelling on the arguments put forward by the proponents of preventive diplomacy it would be helpful to briefly examine as to what is a violent conflict in

International Relations Theory parlance that have been the subjects of such intense study. There seems to be no single universally accepted definition of the concept of conflict as the following contesting constructions will indicate. From the standpoint of the classical thinkers like Clausewitz 'War is nothing but a duel on a larger scale' and he espouses total war in his dictum: "To introduce into the philosophy of war a principle of moderation would be an absurdity – war is an act of violence pushed to its utmost bounds" (Clausewitz 2007). So war is the higher and more intense hostile act than conflict. On the other hand the realist and moderate Sun Tzu's idea of a conflict or a war is, War is a grave concern of the state; it must be thoroughly studied. Here is recognition – and for the first time that – armed strife is not a transitory aberration but a recurrent conscious act and therefore susceptible to rational analysis (Sun Tzu, translated by Griffith 1963). In fact Griffith argue that 'Civilization might have been spared much of the damage suffered in the world wars of this century if the influence of Clausewitz's monumental tomes *On War*, which moulded European military thought in the era preceding the First World War, had been blended with and balanced by a knowledge of Sun Tzu's exposition on the 'Art of War. As a matter of fact Clausewitz's idea of total war/absolute war was misunderstood by most of the European generals and statesman who opted for unrestrained destruction of the enemy as a means of the noble cause of securing peace, security and stability in the 18th and 19th century Europe. War can be viewed as an organized coercive process through which opponents attempt to persuade one another to concede whatever is demanded by the other (Schelling 1960).

On the other hand the strategists and theorists with the Correlates of War Project (COW Project) define interstate war as sustained armed combat between two or more sovereign states that results in a minimum of one thousand battle deaths (Singer and Small 1972; Singer and Small 1982). This is the standard set by the 'grandfather of all data-gathering projects on war, the Correlates of War (COW) Project (Cashman and Robinson 2007). In a similar note war is also defined as a hostile act of violence where military action is involved with at least 1,000 battle deaths during the armed-conflict and the national government actively involved as effective resistance (as measured by the ratio of fatalities of the weaker to the stronger forces) occurring on both side (Collier and Hoeffler 2001). And with an eye on achieving quantification and empirical finesse in the

conflict discourse, conflict has been defined as, 'a contested incompatibility which concerns government or territory where the use of armed force between two parties, of which at least one is the government of a state. And they have categorized conflict into: Minor Armed Conflict, where the number of battle-related deaths during the course of the conflict is below 1,000 whereby at least 25 battle-related deaths result per year but fewer than 1,000 battle-related deaths during the course of the conflict; Intermediate Armed Conflict, whereby, at least 25 battle-related deaths result per year and an accumulated total of at least 1,000 deaths, but fewer than 1,000 per year. War, whereby, at least 1,000 battle-related deaths result per year; and Major Armed Conflict includes the two most severe levels of conflict, i.e. intermediate armed conflict and war (Wallensteen and Sollenberg 2000).

During the long period of the Cold war, the scholarly community accumulated much knowledge bearing on the problems of managing conflicts typical of that era. Unfortunately, quite a bit of this knowledge and experience does not fit very well the different challenges to peace that are so prevalent in the post-Cold War era. The end of the Cold War has created a new geopolitical environment and has spawned many new types of internal conflicts. Such internal conflicts within states now vastly outnumber the more conventional types of war between states. The dynamics of these internal conflicts and ways of avoiding them do not follow the old rules of the Cold War (George 2000). As the maxim 'necessity is the mother of invention' goes the search for possible solution to such incipient conflicts came in the form of reviving and improving the idea of Hammarskjold's preventive diplomacy by Boutros Boutros Ghali in January 1992 after the first meeting of the UN Security Council at the level of Heads of State and Government. The Security Council Meeting authorized the Secretary General to recommend measures to strengthening and making more efficient the framework and provisions of the Charter and the capacity of the United Nations for preventive diplomacy, for peacemaking and for peacekeeping (Ghali 1992).

Departing from the positivists' efforts to quantify the study of conflict and war as expressed above which is concerned more with definition of conflict instead of devising measures to preventing conflict there has been a recent trend to seek a possible preventive measure for the prevention of conflict. There has been mushrooming of research

institutes working on peace and conflict resolution in the west funded by many foundations with the aim to seek and initiate negotiation in a conflict. Conflict has been seen in three different ways, each suggesting a different approach to their resolution. One is as a clash of conflicting unilateral solutions, which then require a formula for a joint or multilateral outcome satisfactory to both parties. A second is as a succession of opposing policies based on cost-benefit calculations, which then require a ripe moment - comprising specific components of mutually hurting stalemate, impending catastrophe, and a formula for a way out for resolution. A third is as an event in a process of change, requiring the negotiation of a new regime to replace an old one that previously embodied certain expectations and behaviors (Zartman 1991).

For the purpose of this study a conflict will be seen as hostility between two entities one of whom is invariably an actor with formal legal entity that is a sovereign state. Defining state, non-state actor, conflict and their inter-relationships has become imperative in the post-cold war era due to significant change in the nature of the conflict whereby non-state actors have come to play critical roles. Predominantly interactions between states during the Cold War era made the environment truly international relations, that is essentially between states but today with globalization and rapid linkages of the world the nature of relations seem to be headed in a different direction, that is globalization. International relations is indeed largely characterized by complex interdependence. Complex interdependence in international relations is the idea put forth by Robert Keohane and Joseph Nye that states and their fortunes are inextricably tied together and that the “Contemporary world politics is not a seamless web; it is a tapestry of diverse relationships” (Keohane and Nye 2000). This theory claims that military power is not always fungible and in complex interdependence, military force loses a lot of its importance, mainly because using force can have negative effects on non security goals.

3. Conflict and Preventive Diplomacy Interface

In similar optimistic note, violent armed conflict could be mitigated if not averted according to proponents of preventive diplomacy and argue that, “The basic logic of preventive diplomacy seems unassailable. Act early to prevent disputes from escalating or problems from worsening. Reduce tensions that if intensified could lead to war. Deal

with today's conflicts before they become tomorrow's crises" (Jentleson 2000:3). Preventing the outbreak of destructive conflict remains one of our most difficult challenges in the 21st century. Even though violent conflicts are 'at a much lower level than at the end of the Cold War' (Gleditsch et al., 2002: 616). And despite a decline in ethnic wars because of new practices in international conflict management, such as preventive action (Gurr 2002) armed conflicts remain a characteristic feature of the international system. Moreover, the cost of violent conflicts, in both financial and human terms, and subsequent international post-conflict peace-building efforts remains staggering (Ackerman 2003). As a matter of fact war or conflict seems to be in no mood to let its grip off the policy makers and the states of developed as well as developing countries. And in place of the conventional strategies like Balance of Power, Alliances and Collective Security the idea of Preventive Diplomacy as the mantra against violent armed conflicts gained currency during the Cold War (Larus 1963). However, the idea of preventing war is not new. It was the dominant theme at the Congress of Vienna in 1815 which put into effect a number of measures, such as mutual consultations, the establishment of neutral states and demilitarized zones, and the peaceful settlement of conflicts (Craig & George, 1995:23). Conflict prevention is a central feature of the United Nations Charter, authorizing the Security Council, the Secretary-General, and the General Assembly in Chapters VI and VII to settle disputes peacefully and to prevent the outbreak of wars and other forms of armed confrontation. Chapter VI contains a series of preventive devices such as fact-finding, negotiation, mediation, conciliation, judicial settlement, and arbitration. Although the term 'preventive diplomacy' was not used until nearly fifteen years later, preventing violent conflict was one of the major objectives of the United Nations throughout the Cold War (Ackerman 2003).

"Article 99 of the UN Charter presaged the idea of preventive diplomacy. For the first time in the history of international organizations, that article gave the Secretary-General the competence to bring matters that might threaten international peace and security to the Security Council for its consideration" (Ramcharan 2008:1). Preventive Diplomacy which was essentially the domain of the UN and the by-product of the Cold-War is touted as the frontline mechanism and instrument in combating international

disputes and conflicts from escalating into violent conflicts and from further spreading (Zartman 2001). Even during the height of the Cold War, Joel Larus (1963) argued that preventive diplomacy had more promises than collective security as is envisaged in the UN Charter. This could be because of the reason that Joel Larus was a close associate of Hammarskjold

Notwithstanding the prospects and promises of preventive diplomacy as espoused by the proponents, its relevance and viability is also fiercely contested by critics. An often heard criticism of conflict prevention in the form of preventive diplomacy is that it is oversold and unrealistic (Stedman 1995). He goes onto argue that, "The idea that early intervention can prevent civil war, state collapse, and attendant humanitarian tragedies has proven potent." Major foundations are investing scarce resources and staking reputations to study preventive diplomacy. However, proponents of Preventive Diplomacy argued that there is 'realism', not just idealism to preventive statecraft. Jentleson vouches for preventive diplomacy by arguing that, "But to write it off would be to commit the mirror-image mistake of those too eager and uncritical in their embrace" (Jentleson 2003). Many studies on Preventive Diplomacy have been undertaken notably the Carnegie Corporation of New York and its Commission on Preventing Deadly Conflict, US Institute of Peace, Carnegie Endowment for International Peace (it proposed the creation of a global crisis team, which would be responsible for providing early warnings of crises to the United Nations), Council on Foreign Relations of the US Congress' Center for Preventive Action to study and test conflict prevention, African Conflict Resolution Act of 1994 (funded the Organization of African Unity's new early warning system "for conflict prevention, management and resolution then the Association for South East Asian Nations (ASEAN), and so on.

Most of the studies are based on interstate relations and their conflicts and generally tend to ignore or pay little attention to conflicts emanating from differences between the non-state actors and the state actors, and who asserts to become international actors, for example the states and provinces of Georgia and Serbia of the former communist countries. In other words, this study examines the prospective role of preventive diplomacy in ushering a peaceful and stable negotiated settlement to intra-

state disputes and conflicts where ethno-nationalism and self-determination happen to be the key variables.

Despite its (preventive diplomacy) post-cold war faddishness, popular usage of this kind of conflict prevention can be traced to the activities of UNSG Dag Hammarskjold (although its underlying logic has existed at least since the emergence of the modern state system; the Westphalian Treaty at its birth was an attempt to prevent the continuation of interstate warfare of the early seventeenth century; and indeed, its rationale is deeply imbedded in such fundamentals of statecraft as deterrence, reassurance and compellence (Carment and Schnabel 2003). In post- Cold War era majority of the conflicts are of intra-state origin. Conflicts today is characterised by the overwhelming resurgence of the ideas and movement of nations and states premised upon ethnic ties which have been considered outdated and relegated by most scholars (George 2000). Since the violent breakup of the former Soviet Union and Yugoslavia in the early 1990s the conflicts emanating from the disintegration have been essentially based upon ethnic ties, and the conflicts showed strong propensity/potentials to engulf the whole of the region into a political quagmire if not checked.

International conflicts are frequently the subject of third-party mediation. We do not know how common mediation was in earlier history, but studies of modern international relations indicate that it has been a frequent occurrence for at least 200 years. It remains so in the present post-Cold War era. Although the Cold War has ended and lot of changes is there in the international system, it has neither reduced the incidence of international conflicts nor the tendency to submit them to mediation (Zartman and Touval 1996:445). Conflict, here refers to politico-security issues. Typically, in international economics or environmental disputes, rival parties are not as forcefully competitive, nor are the means of conducting the dispute as violent as in politico-security issues that take place within a context of power politics, which has a major effect on international mediation. And the term international conflict refers here both to interstate conflicts and to domestic ones that are affected by the involvement of external parties. When external parties provide political, economic, or military assistance or asylum and bases for actors involved in domestic struggles, domestic conflicts inevitably assume an international dimension.

4. Major Issues in Preventive Diplomacy

According to the proponent of the concept of preventive diplomacy neither the literature nor the practice of conflict prevention is in its infancy any longer. In fact, there is now an impressive volume of conflict prevention literature that has emerged since the early 1990s (Ackerman 2003). And the following scholars' works, Bauwens & Reychler 1994; Hampson & Malone 2002 a,b; Jentleson 2000; Munuera 1994; van Tongeren, van de Veen & Verhoeven 2002; Zartman 2001, are cited as growth and maturity of the concept and practice of preventive diplomacy. While scholars and policymakers still struggle with conceptual and policy issues, preventing conflict has become broadly accepted among regional and international actors, even if only on a rhetorical level. Some of the earlier criticisms as to the feasibility and viability of conflict prevention have since given way to advancing knowledge on how to enhance conflict prevention practices on a more global scale (Ackerman 2003). How does one account for the failure of conflict prevention? Several explanations can be put forth: lack of interest, absence of perceived vital interest at stake, propensity to react, traditional diplomacy, lack of consensus, cumbersome decision-making, inadequate infrastructure, lack of know-how (conflict transformation skill) and the complexity of the conflicts (Bauwens and Reychler 1994). Another intriguing question and the debate within the proponents is whether preventive diplomacy is applicable only in the pre-conflict or even in the post-conflict situation.

5. Research Questions

Realists argue that the ordering principle of international relation (IR) is anarchy wherein states resort to self-help to survive and they do not believe in institutions to prevent war and conflicts (Waltz 1979, Mearsheimer 1999). Liberalists on the other hand believe in international cooperation and peaceful co-existence with the spread of democracy through the help of international institutions to avoid cheating by the member states (Keohane and Nye 1992). On the one hand the Constructivists argue that anarchy is what states make it to be (Wendt 1992) and so long as the identities and interests of

different communities, nations and states are shown to be mutually compatible conflicts would be kept at bay.

In these contentious theoretical backdrops, proponents of preventive diplomacy cite the many instances where potential disputes and conflict have been prevented from breaking out. And there is an argument that it would always be prudent and beneficial to prevent the growth and development of conflicts rather than containing and managing them when the parties to the conflicts are already entrenched in their harden postures with investment in man and material resources (Touvaal 1996). Some pressing queries that this study will raise include: What is preventive diplomacy? Could there be such a concept and practice like preventive diplomacy? If, yes. How does preventive diplomacy work in the post Cold War era? What are the challenges of preventive diplomacy today? What could be the measures to enhance preventive diplomacy? Most importantly, how do traditional international relations theories explain the role of ethno-nationalism and the armed conflicts associated with it for self-determination?

Proponent of preventive diplomacy cites the peaceful settlement of the Cuban Missile Crisis in 1962 as another example of successful preventive diplomacy by the UN and its agencies during the Cold War (Ramcharan 2008:1). And in post Cold-War era some of the successful cases of preventive diplomacy are said to be the peaceful transition of the Baltic states from political instability in the aftermath of the breakup of the former USSR to liberal democratic republics and their subsequent membership of NATO and the European Union (Jentleson 2000). In the Balkans the peaceful transition of Macedonia from the violent breakup of Yugoslavia is also touted as the fruit of preventive diplomacy (Lund 1997, George 2000). This study will examine the role of UN and OSCE in Serbia and Georgia as they resorted to preventive diplomacy to bring peaceful solutions to the protracted violent armed-conflicts.

6. Scope and Objective

Much of the conceptual confusion over the scope and the definition of conflict prevention found initially in the literature is still there. It is linked to two questions: (1) Should conflict prevention be limited only to the early and non-escalatory stages conflict, or also encompass the escalation and post-conflict stages of a conflict, as a

number of authors in fact suggested at one point in their writings (for example, Ackermann, 2000; Leatherman et al., 1999); Zartman 2000). Should conflict prevention address only the immediate causes of conflict or also its underlying roots, or both?

This study will examine the concept and practice of Preventive Diplomacy as expounded by the UN, OSCE and the EU especially before and during the conflict in Georgia and Serbia in the post cold-war era. With the end of the Cold-War and the fall of the two communist states in the 1990s the nationalities whose identity and interests were once subsumed under the overall interests of the sovereignty and integrity of the two states broke free and began to assert for their identity and interests in the form of autonomy, self-determination and sovereignty. With the absence of the towering figures of the two communist states gone the different ethnic groups which began to assert for their political spaces and nationalism overstepped each other's limits. Conflicts of interest inevitably led to armed conflict in no time. So international mediations, negotiations and arbitration processes set up for the peaceful and negotiated settlement of the status of Kosovo, Abkhazia and South Ossetia will be considered beginning from the break-up of the two communist states till the constituent units declaring their independence. In the former USSR the transition from the communist regime to other form of governments was relatively peaceful unlike the violent and protracted armed conflicts that swept the former Yugoslavia for nearly twenty years from the early mid 1980s till the mid 2000s. What is interesting to note is the certain semblance of the replay of Cold War quid-pro-quo bargaining and negotiation between the US and Russia over the status of Kosovo vis-à-vis Serbia and the status of Abkhazia and South Ossetia vis-à-vis that of Georgia.

7. Outline of the study

In Chapter Two the origin and development of the concept and practice of preventive diplomacy is examined from the historical perspective. As a concept it is attributed to Dag Hammarskjöld in the 1960s but its logic and practice is traced to the Congress of Vienna, Concert of Europe, and so on (Ramcharan 2008). It also examines the debate within the theorists/students of preventive diplomacy about its broadening and deepening. For coherence and practical utility, deepening of the concept seems to be the need of the hour and more relevant. Existing literature on preventive diplomacy is

examined to find that preventive diplomacy is still mistaken by many as that work/job to be carried by the UN and its agencies generally. Whereas preventive diplomacy would work best only when the regional organizations take the initiative as is spelled out by Ball and Acharya in the case of ASEAN in promoting economic security and cooperation which in turn has deterred conflicts in the region.

The analytic framework of preventive diplomacy to study the conflicts in Georgia and Serbia is devised which is divided into two sections, peace-time measures and the crisis-time measures. The framework is a blend of the preventive diplomacy framework as is practiced in the UN, EU, Organisation for Security and Cooperation in Europe (OSCE) and the Association for South East Asian Nations (ASEAN). Preventive Diplomacy is essentially international negotiations (Zartman 2001) which is carried out before parties to disputes expend their resources and entrenched themselves intractably, for possible negotiated settlement. But given the inability of the parties in conflict to initiate a formal dialogue because of the inherent domestic nature/intra-state nature of the conflict in Georgia and Serbia, UN intervention was hampered and so also the EU, OSCE and the US. What came of this dilemma was the ambiguous stance of the US, EU and the UN leading to even more violent conflicts with the parties to conflict assuming that the international community is on their sides. Briefly the concept of conflict and war is also examined to correlate it with preventive diplomacy. Military philosophy dating at least to the works of Sun Tzu has characterized war as a definitive experience in international relations and an inherently political act. Since Karl von Clausewitz, the problem of preventing or limiting this most violent and volatile of policy instruments has emerged as a principal dilemma for international relations scholarship (Butler 2003).

Chapter Three examines the cause of the violent armed-conflicts in the former Yugoslavia and seeks to explain the reasons/causes for the failure and success of preventive diplomacy there. It has three sections, first deals with the pre-crisis era, second with the crisis era and the third deals with the intense international negotiations for the interim agreement and status of Serbia and Kosovo. Historical background of the conflict is also retraced and examined to bring out how the long-suppressed aspirations and grievances of the Kosovar Albanians premised upon ethnic identity and interests during

the communist regime exploded in the post-cold war era when the constraining effect in the form of the communist state does not exist anymore. Preventive diplomacy's framework and UN Security Council Resolutions, international negotiations like the one at Rambouillet are referred to, and explain the nature and cause of conflict in Serbia. Was Rambouillet Conference a mere eyewash whereby the near impossible terms for Serbia could be used to arm-twist it and finally push in the Just War Theory by the US and NATO? What is touted as humanitarian intervention by the US and NATO is also largely seen as the hegemonic moves of the US and its allies to settle old scores with the cold war rival. Given the highly ambiguous and ambivalent posture of the US and the allies vis-à-vis the Kosovo Crisis

Chapter Four examines the violent armed-conflict in the former republic of Georgia. As in chapter two it is also divided in to three sections, dealing with the pre-crisis era, the crisis era and the intense international negotiations for the final status of the former republics of Abkhazia and South Ossetia. Many studies conclude that Russia's diplomatic move to facilitate the national movements and eventual grant of recognition to Abkhazia and South Ossetia as independent states in 2008 is a repay to the US for doing the same to Kosovo in 2008. Cold War may be officially over today but the US and Russia power politics still seems to be not over. NATO countries have expanded to the extent of reaching the Russian capital within a few hundred miles as against more than thousand kilometers from the US. US and the NATO countries have practically/literally encircled the former Cold War rival Russia from the Baltics in the north to Balkans Kosovo in the south and from the Japanese islands in the east to Central Asian states in the west. It is against such geo-strategic moves and the planting of Anti-Ballistic Missiles Defense System that Russia is against. Buoyed by the resurging economic recovery from the political and economical impoverishment following the denouement of the Soviet Union, Russia aspires to be a regional power again if not yet a global power. Hence, we see Russia keenly contesting in the politics of self-determination/sovereignty vis-à-vis territorial integrity in the Caucasia for at least a foothold in Abkhazia and South Ossetia to wriggle out of the geostrategic strangulation of the US.

Chapter Five is the conclusion inferred from the study that preventive diplomacy is most likely to be successful when the preventive diplomacy techniques are

implemented at the early stages of the disputes along with third parties like the international institutions as mediators who have stakes in the international peace and security and the pacific settlement of disputes takes the initiative to pre-empt any armed and violent conflicts. However, one thing is clear that the disputes and the likely conflict in the post-cold war era between states have decreased. Conversely, disputes and conflicts between state and non-state actors have increased. So armed conflicts in the post-cold war era will be very different from that of the conflicts during the cold war. It will be generally be protracted, intermittent, unpredictable and highly unequal. In such conditions the role of preventive diplomacy through the UN and other international bodies may be required to play the critical role in promoting international peace and security.

Chapter Two

Preventive Diplomacy: Concept and Analytical Framework

1. Origin and Development

The concept of Preventive Diplomacy was articulated by Secretary-General Dag Hammarskjold in 1960 (Lund 1996, Ackerman 2003, Ramcharan 2008). Hammarskjold's perspective of conflict and preventive diplomacy was conditioned by the constraints of Cold War and so he attributed the concept to the efforts made by the United Nations (UN) and its agencies in their attempts to resolving localized disputes and wars that might provoke wider confrontations between the two superpowers. He wanted to develop an independent role for the UN in dealing Cold War crises that were not in the direct line of confrontation between the East and West and to prevent nations from falling within the gravity of that contest. That was his objective, not the prevention of conflicts around the world (Ghebali 1999). The preventive diplomatic efforts he envisaged included both peaceful discussion such as negotiations and use of military forces with the UN as its agents and instruments. According to Hammarskjold preventive diplomacy may be applied when a conflict is likely to start a threat of East-West crisis or war.

However, Hammarskjold's notion of preventive diplomacy operated by definition at the margins of global power politics so it received relatively little attention as a distinct concept (Lund 1996). Moreover, the Cold War politics tied down the smooth functioning of the UN whereby more than 279 vetoes were exercised by the Security Council Permanent members largely by the US and USSR between 1945 till the end of the Cold War so substantial decisions and actions could not be undertaken (Parsons 1992:194). Now, with the end of the Cold War there is general optimism that the UN, especially the Security Council is free of the erstwhile ideological conflicts and so it will be able to undertake the task of timely intervention for preventing conflicts unhindered. However, there is again a note of caution that the optimism of the end of Cold War does not really mean the end of conflict. As a matter of fact the end of Cold War has spawned many new types of conflicts which cannot be tackled or resolved with the knowledge of the Cold War era (George 2000). For many years after the concept of preventive diplomacy was coined the subject was not seriously studied again until the end of the Cold War and the emergence of even more complicated international conflicts in the form of ethno-

nationalistic violence in the Balkans, Caucasus, Middle East, and menacing threats of terrorism.

Secretary-General of the UN has been the lead practitioner of the art of preventive diplomacy under Article 99 of the UN Charter. While the Security Council and the General Assembly have contributed to preventive diplomacy, they were both constrained by political differences during the Cold War. In the post-Cold War period, especially after Boutros-Ghali's "Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping" (1992) report was published, many developing countries displayed caution about agendas of early warning and urgent response out of concern regarding unwarranted interferences in their internal affairs (Ramcharan 2008). And the concept and practice of preventive diplomacy has been given a new perspective by the Secretary-General Boutros Boutros-Ghali in the Agenda for Peace report. Preventive diplomacy is defined as "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur" (Ghali 1992: 11). He includes regional organizations as well as the United Nations as possible agents of preventive diplomacy, and in the instruments of preventive diplomacy he includes early warning, fact-finding missions, confidence building measures, de-militarized zones, and preventive deployment of peacekeeping forces. However, Ghali has not specified nor demarcated the applicability of preventive diplomacy in the pre-conflict or post-conflict situation this dichotomy is one of the major issue confronting the practitioner as well as theorists of preventive diplomacy (Ackerman 2003).

Preventive Diplomacy is an integral aspect of the peace and security role of the UN, whose Charter defines the goal of the organization as 'to take effective collective measures for the prevention and removal of threats to peace' Article 1, UN Charter. Like peace-keeping, preventive diplomacy emerged as a substitute for collective security when the latter became a casualty of superpower rivalry (Acharya 1999). Indeed the idea of collective security which had been highly cherished in Europe since the Treaty of Westphalia was seriously eroded by the Cold War. The twin objectives of Cold War preventive diplomacy were to keep 'newly arising conflicts outside the sphere of bloc differences', and in the case of conflicts on the margin of, or inside, the sphere of bloc

differences ... to bring such conflicts out of this sphere through solutions ...[aimed at] their strict localization (Cordier and Foote). In order to give effect to the preventive diplomacy Hammarskjold envisaged a number of instruments, such as 'hotlines', risk-reduction centers, and transparency measures, that would help to recognize and fill any vacuum of power (in conflict situations) ... to avoid action by any one or the other of the superpowers that might lead to escalation and nuclear confrontation'(Ghali 1992-93).

Preventive diplomacy is also the area in which the United Nations has failed most conspicuously. The Gulf Crisis was one of the major conflicts in post-Cold War era where preventive diplomacy had failed miserably (Rakisits 1994). US the sole superpower and the Arab states like Saudi Arabia sent out mixed and confusing signals to the parties in conflict, so Iraq seized the opportunity to invade Kuwait assuming that annexing Kuwait would go un-protested. And the violent breakup of the former Yugoslavia in the 1990s is also attributed to the failure of preventive diplomacy (Touval 1996). Touval argues that western preventative diplomacy failed in Yugoslavia for two main reasons. First, the western nations did not project clear goals for Yugoslavia. The West's message was ambiguous, and Touval argues that this ambiguity "stemmed from the West's definition of goals in terms of broad values, some of which were contradictory in the context of time and place. Second, Touval argues that western diplomatic effort lacked credible leverage. Western nations attempted to enforce their goals via economic incentives and threats. Economic incentives were practically the only tool available at the time. However, economic pressure was not effective. Withholding economic assistance contributed to the popular frustrations which were in turn exploited to fuel nationalist sentiments. The ambiguity of western goals made it unclear under what conditions aid would be given or withheld. Given the condition that there is no magic to stop wars once they have broken out, particularly conflicts of the kind we have seen and are dealing with, preventive action to nip crises in the bud is the obvious expedient. The Secretary-General's suggestions - confidence-building measures between potentially hostile states, improved fact-finding by the United Nations, a fuller flow of early warning information from UN agencies in the field, the establishment of demilitarized zones and/or the deployment of peacekeeping forces on a potential victim's side of a border or a humanitarian presence within a troubled state - all make

sense. However, the truth is that none of these measures is as effective as vigorous diplomatic action by powerful states or groups of states (Parsons 1992: 196). A lot depends on the UN and Secretary-General in the efforts to prevent violent conflict but what is also required is a strong and powerful states coming together to cooperate in preventing disputes from arising into violent conflicts and containing the conflict from escalating further.

Preventive Diplomacy also does have also its own share of shortcomings and vitriolic critics. Critics argue that Preventive diplomacy has come into vogue recently and it is being waved like a banner over almost any attempt to remedy one or another post-cold war problem. Moreover policy makers have started to use host of terms like preventive deployment, conflict prevention, crisis prevention, preventive action, preventive engagement, etc. which has led to further confusion (Lund 1996). The broad framework of the concept leaves room for confusion the policy makers and the implementers which is not generally acceptable in organizations like the UN and other institutions who are responsible for the international peace and security. One of the most severe criticisms comes from Stedman. Some of his scathing criticisms of preventive diplomacy are: Notwithstanding the welter of new slogans now associated with preventive diplomacy he dismisses it saying there is little substance behind them. And he also charges that proponents of preventive diplomacy 'oversell it potential and naive policymakers are taking the bait'. He also points out that problems of prescience, policy prescription, and political support mean the "intractable" conflicts "endemic" to the post-Cold War period cannot be averted unless major resources are invested in "situations where risks are high and success is in doubt." Preventive diplomacy, he contends, means that "one founders early in a crisis instead of later" (Stedman 1995:14). Critics of "preventive diplomacy" have caricatured it as an attempt to throw away large amounts of money, manpower, and effort based on unrealistically plan (Hitchens 2008). Lakhdar Brahimi, a U.N. official who served as Boutros-Ghali's emissary to troubled areas such as Zaire, South Africa, Liberia and Yemen observed that, "Preventive diplomacy is a beautiful concept very simple to understand: You must stop something before it blows up. But, when you get down to earth, it's very complicated... In preventive diplomacy, the best that can happen to you is that no one notices what you do...When a problem

appears, then you have failed” (Meisler 1995). However, with the end of the Cold War redefining preventive diplomacy became an imperative because it (preventive diplomacy) was originally conceptualized to moderate the superpower rivalry and other disputes which pertained to traditional actors, namely, sovereign states. Now the concept is seen as part of a comprehensive UN approach to deal with the problem of intra-state and regional conflicts in general. As the old German adage goes, ‘throw out the baby with the bath water’, preventive diplomacy may have loopholes as a concept and policy but it will definitely pay to redefine and it might be premature to discard the idea as the critics would have it.

2. Broadening and Narrowing Debate

Much like the debate happening in international relations theory on security whether to broaden or narrow it, the discourse in preventive diplomacy has also attracted broadly two views that is, broadening and narrowing of the concept. Proponents of broadening argue that the scope of preventive diplomacy should cover all possible areas for meaningful conflict prevention effort. On the other hand the proponents of narrowing of the concept prefer identifying only the key variables which are directly correlated with peace and conflict for preventive diplomacy to be meaningful and logical. Boutrous-Ghali’s definition seems to be advocating broadening of the concept. Kevin M Cahill, Mohammed Bedjaoui and others also belong to the school of broadening the concept.

Those who propose narrowing argue that, “So defined, the subject is still broad and there is the possibility of study associated with such loosely defined concept becoming unwieldy and under-productive. A more restricted version of the definition is necessary in order to have a subject focused enough to analyse” (Zartman 2001). Hammarskjold advocated narrowing and focused definition of the concept. The concept of preventive diplomacy requires a narrower focus than is given in *Agenda for Peace* and Lund defines preventive diplomacy as, “Actions taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from the establishing effects of economic, social, and international change” (Lund 2001). On the other hand Acharya defines preventive diplomacy as: “Action (diplomatic, political, military, economic and

humanitarian) taken by governments, multilateral (the UN as well as regional groups) organizations and international agencies (including non-governmental actors) with the aim of: Preventing severe disputes and conflicts from arising between and within states; Preventing such disputes and conflicts from escalating into armed confrontation; Limiting the intensity of violence resulting from such conflicts and preventing it from spreading geographically; Preventing and managing acute humanitarian crises associated with (either as the cause or the effect of) such conflicts” (Acharya 1999: 95). He argues that the above definition is a clarification and expansion of the concept and definition offered by Boutros-Ghali. Bertrand G. Ramcharan goes a little further and argues that the origin of the concept and practice of Preventive Diplomacy could be traced back to the Concert of Europe, the Hague Peace Conferences and the League of Nations in the pre-United Nations period (Ramcharan 2008). A middle-path approach between broadening and narrowing is the need of the hour and the approach for this study which will include the instruments of preventive diplomacy as envisaged by Boutros Boutros Ghali’s definition. The details of the approach will be elaborated later.

3. Rationale of Preventive Diplomacy

Conflict is a universal condition, inevitable, often necessary, and sometimes beneficial. It cannot be exorcised from human relations, and it is present wherever there are incompatibilities that prevent both parties’ demands from being met at the same time (quoted in Zartman, Deng *et al* 1997). When there are no mechanisms in place to rein in disputes and conflict then it leads to violence. And it is the violent expression of conflict that is most properly the focus of preventive diplomacy. However, there is a paradox in this argument, in the sense that, on one hand conflict is seen as destructive and harming the international peace and security. On the other hand it is also seen as a necessary evil, in the sense that the conflict will indicate the actual position and power of any actor. A roughly approximate balance of power if not bandwagoning in the form of hierarchical submission of the weaker to the stronger would managed conflict momentarily. But the states and other actors do not easily balance or bandwagon on their own so easily because of their normative interests like their status, identity and ambitions in the comity of international community. So to resolve their disputes and incipient conflicts states or any

parties in such situations resort to preventive diplomacy which is considered cost-effective and rational.

Strongly advocating the rationale and relevance of preventive diplomacy Zartman argues, "Were it not for the frequent practice of preventive diplomacy on many levels, this conflicted world would be a much more hostile place than it is." Going to more elaborate details on the relevance of preventive diplomacy, Acharya argues that, 'The rationale and relevance of preventive diplomacy in the post Cold-War rests on two main planks. First, it is the most cost-effective of the UN's peace and security functions, since greater emphasis on preventive diplomacy can reduce the need for expensive and politically more difficult peace-keeping, peace-making and peace-building operations. Second, because preventive diplomacy relies primarily on non-military instruments, it provides opportunities for greater burden-sharing within, and decentralization of, international peace and security arrangements' (Acharya 1999). John Mueller argues that major war is in the brink of becoming obsolete especially in the developed countries. Despite the high optimism and rhetoric about the 'obsolescence' of major war, war prevention remains as elusive a dream as it was at the beginning of the century (Mueller 1989). Mueller's argument is highly biased and lacks critical analyst of the latent conflicts prevailing in the developed countries. Even in the developing countries the major war he refers to like the two World Wars is not to be seen anymore save for some low-intensity protracted conflicts whose roots were implanted during their colonial rules of Afro-Asian nations. Stockholm International Peace Research Institute (SIPRI) and many other think tanks and peace and conflict research institutes attests to the endemic nature of conflict irrespective of region, developed or under developed. Within a span of twelve years following the post-cold war period from 1990–2001, there were 57 different major armed conflicts in 45 different locations. In 2007 there was a clear trend towards the further fragmentation of violence in the locations of some of the world's deadliest armed conflicts and other conflict-prone areas (SIPRI Yearbook 2001 & 2007).

4. Can there really be Preventive Diplomacy?

After having examined the origin and development of the concept of preventive diplomacy questions may be raised as to whether 'can there really be conflict prevention

through preventive diplomacy? On this question the Traditionalists that is, the Realist argue that international institutions like the UN or any other institutions and their efforts do not have any significant role in the behavior of states and international relations (IR) and institutions at best are “intervening variables” (Mearsheimer1994/95:13). For them international cooperation is purely a function of hegemony. And on the other hand the Liberalists assume that cooperation rests principally on a complex interdependence and self-sacrifice (Keohane and Nye 1998). This apparent dichotomy of the functional and dysfunctional debate of international institutions is contested by the Constructivists that, “The two bodies of theory do differ on the extent to which they believe institutions (and by extension institutionalization) to play a significant role in international relations, with neoliberalism being the more expansive in this regard. But they are alike in depicting institutions in strictly instrumental terms” (Ruggie1998: 3). One theme of my analysis is that we should not exaggerate the gap separating realism and neoliberalism (Elman 2003). Indeed, Keohane admits that the ‘institutional theory is a half-sibling of neo-realism’ (Keohane and Martin 1984, Keohane 1989, Elman 2003). This study does not intend to delve into the minute debate between the prevailing IR theories. But the debate is recalled so as to help gauge and re-examine as to where the concept of Preventive Diplomacy stands today in IR discourse. It would be also apt to recall Deng Xiaopeng’s adage with regards to the logical propriety of sticking to established theory and ideology vis-à-vis pragmatism, common sense and flexibility in actual life, “No matter if it is a white cat or a black cat; as long as it can catch mice, it is a good cat” (Melamed 2005). So therefore, it will be examined whether preventive diplomacy could really help prevent incipient conflict or not, or would it face the same challenge faced by other forms of diplomacy in the protean political settings of post-Cold War era.

Barry Steiner noting the acute disconnect between theory and practice in the study of diplomacy sums up the challenges of diplomacy succinctly. “No area of world politics has reflected a greater gap between experience and theory than diplomatic statecraft. This has placed students of diplomatic statecraft increasingly out of phase with other international relations analysts who have aimed at controlled comparisons, broader explanation, and cumulative insights”. He attributes three reasons for this disconnect. First, students of diplomacy have not been theoretically oriented. They have stressed its

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extreme variability, and consequently the difficulty of reaching empirical generalisations. 'Of all the branches of human endeavour', Harold Nicolson wrote in support of this view, 'diplomacy is the most protean'. Second, those most committed to comprehensive international theory have excluded diplomacy from their generalisations on the grounds that it is too uncertain and unpredictable. For example, John Mearsheimer, a prominent neorealist theorist, criticises multipolar systems because in them 'coalition strength would depend heavily on vagaries of diplomacy'. A third reason for the failure to study diplomacy theoretically is that those committed to doing so have not provided a satisfactory foundation (Steiner 2004). Generally study of traditional diplomacy involves lot of variables therefore, testing and verifying theory and practice of diplomacy becomes somewhat unwieldy unlike the traditional IR theory which emphasizes parsimony.

Preventing disputes or conflicts from arising is a tall order and goes back so far into the nature of relations among parties on any given issue that it becomes analytically, if not practically manageable. But if attention can be focused successfully on the middle element, escalation, then there is no need to be concerned about the spread of conflicts. So it is escalation and violence which become the principal targets of preventive action as discussed here (Zartman: 2001). And conflict is not like house fires, an unmitigated evil, and preventive diplomacy is not like firefighting, an unquestioned social good. There are a number of problems and ambiguities in the practice of preventing violent conflict. To begin with conflict is a universal condition, inevitable, often necessary and sometimes beneficial. It is impossible to exorcise it from human relations, and it is present wherever there are incompatibilities in parties' demands which prevent them from being accomplished at the same time (cited in Zartman, Deng *et al* 1997). Indeed dispute or conflict is necessarily the outcome of social and political interactions between actors with common interests and conflicting interests. But what this study is focused on is the prevention of those disputes and conflicts from becoming violent and escalating into dangerous wars.

According to Zartman (1997) establishing priorities, allocating resources, setting standards, creating institutions, and providing for orderly methods of making choices are basic means of handling conflict. Only when such methods are not firmly in place and carefully followed does conflict get out of hand and turn violent. It is the violent

expression of conflict that is most properly the focus of preventive diplomacy. When non-violent means of handling conflicts are not available, or, when available, are not used, negotiations are needed to prevent the conflict from turning to violent means. Preventing conflict through the various instruments requires political will that entails substantive human and material resources which are not easily forthcoming from weak parties. That is the job of implementing preventive diplomacy is costly. And yet most of the time it is the inability to pay for such operational costs that leads to conflict escalation and spread to other regions which is even more costly.

5. Post-Cold War Preventive Diplomacy Analytical Framework

In the post-Cold War era, Nye argues that because of “a strong counter-balancing coalition of democratic great powers, nuclear deterrence, and the limited benefits of territorial conquest would continue to make direct great power conflict unlikely” (Nye 1996: 70). And in its place regional, intra-state and ethnic conflicts will occur more than the great power politics (George 2000). Indeed the great powers conflict is seen to be largely declining. But regional and low intensity conflicts will continue to be prevalent (Mueller 2001). Given the precarious situations of the post-Cold War era international peace and security, preventive diplomacy has become a realistic and prudent option for the UN and the international community at large to deal with today’s problem so that tomorrow is safe.

Today in the post-Cold War period many analytical models exist in so far as preventive diplomacy is concerned. In this study amongst the different models in preventive diplomacy, three popular variants of preventive diplomacy will be briefly considered, namely, that of the UN, Organization for the Security and Cooperation in Europe (OSCE) and the Association of South East Asian Nations (ASEAN). The idea and concept of analytical framework for use in this study has been gleaned from the literature of preventive diplomacy pertaining to the UN, OSCE and the ASEAN and the works by Amitabh Acharya, I. William Zartman, Bruce W. Jentleson, Michael S. Lund and Boutros Boutros Ghali, Alice Ackerman, Alexander L George, and others. And this study will use the new analytical framework to study the efforts of preventive diplomacy in the conflict zones of Georgia and Serbia.

The UN's analytical model of preventive diplomacy has been already discussed above, that is, it has confidence building measures, fact-finding, Good Office of the Secretary General preventive deployment, etc (Ghali 1992). It began as a limited exercise during the Cold War under the tutelage of Hammarskjold and was practiced by the successive UN Secretary Generals until the concept was redefined by Boutros Ghali in 1992 and again in 1995 with supplements to address the issues like ethnic conflicts and terrorism (Ramcharan 2008). UN's preventive diplomacy is highly broad-based and generalized to the extent that it is criticized of becoming unwieldy and ineffective. Most of the time the UN do not have the political will and resources to undertake minor/low intensity conflicts until they snowballed and create domino effects causing instability and international crises.

OSCE's Preventive Diplomacy is mainly focused on the ethno-national conflicts in the post-Cold War era. According to this school of thought the preventive diplomacy of the Cold War which emphasized on the 'settlement-and-enforcement-centered model' for international mediation is no longer relevant today due to the following reasons. Firstly, these methods which were highly appropriate to deal with well-defined politico-military disputes, are not appropriate to deal with earlier intervention in the complex internal, ethno-national conflicts that are endemic to the post-cold war period. Secondly, they do not provide a mechanism to initiate a process and quickly gain the cooperation of the parties once a conflict is foreseen. Thirdly, they are inadequate to address the early stages of a conflict in which the parties may not be ready for settlement. Finally, coercive military and economic measures, generally used to generate a willingness to settle, are difficult to assemble and maintain, and thus cannot provide the deterrent (or incentive) for which they are designed (Chayes and Chayes 1994).

Preventive Diplomacy framework devised especially for the ASEAN region model espoused by Ball and Archarya is divided in to peace-time measures and crisis time measures. "The instruments of preventive diplomacy are used in two ways that is, to meet the short term and long-term goals. In a narrow sense, preventive diplomacy is about suppressing or resolving the disputes which have an immediate potential to escalate into armed confrontation. In a broader sense, preventive diplomacy seeks to establish the long-term background conditions which inhibit the use of force as a means of dispute

settlement. As such the instruments of preventive diplomacy may be divided into two categories: peace time measures and crisis-time responses” (Acharya 1999: 96). The following section provides a brief review of these measures

Peace-Time Measures

- (a) Confidence Building
- (b) Institution Building
- (c) Early Warning
- (d) Preventive Humanitarian Action

Crisis-Time Responses

- (a) Fact-Finding
- (b) Good Offices and Goodwill missions
- (c) Crisis Management
- (d) Preventive Deployment
- (e) Negotiation (in Peace-time as well as crisis-time)

In fact the ASEAN Preventive Diplomacy framework is an improvement and combination of the UN as well the OSCE. With the above framework as instruments of preventive diplomacy this study will examine if there were any unexplored possibilities which could have helped minimized the impact of the conflict if not possible to prevent the conflicts in the post communist former states of Georgia and Serbia.

Preventive Diplomacy is essentially about international negotiations before disputes become violent conflicts. And more important than that, before negotiations commence instruments of Preventive Diplomacy like confidence building measures, early warning, preventive deployment, etc. are needed to lay the foundational elements for subsequent dialogues. Preventive Diplomacy therefore, requires some sort of cooperation among state and non-state institutional actors alike to negotiate to prevent disputes from evolving into a full-scale war and spreading to other states or region. So negotiation lies at the core of preventive diplomacy, and to the extent that it moves the conflict toward resolution, preventive diplomacy almost operates through negotiation (Zartman 2000). And for negotiations to be possible, two elements must normally be present: there must

be both common interest and issues of conflict. Without common interests there is nothing to negotiate for, without conflict nothing to negotiate about (Ikle 1965:2). It can be carried out either directly by the parties themselves or by a third party through mediated negotiation or, in multilateral setting, by a mixture of the two in which some of the parties serve as mediators among the others (Zartman 2000). Mediation is simply a form of negotiation in which a third party catalyst is needed to produce negotiations that the parties are unable to perform unaided (Touval and Zartman; Kressel and Pruitt 1989).

Since antiquity all political entities/kingdoms in disputes and conflict situations resorted to negotiations for possible non-violent and pacific settlement. From Jericho, the first recorded war to the eloquently described negotiations in the Melian Dialogue (Wassermann 1947) preceding the Peloponnesian War to the Cold War negotiations have found center stage in all the conflicts. The US and former USSR resorted to intense negotiations over their disputes during the Cold War. Prospects, if not the inevitability of negotiations is well captured by Ikle, "To resolve conflict and avoid the use of force, it is said, one must negotiate (Is this always the best way to settle conflict?). Negotiation requires willingness to compromise (Why?), and both sides must make concessions (According to which law?) Neither side can expect to win all it wants (Not even if its objectives are modest?) If both sides negotiate in good faith (Who judges "good faith"?), they can always find a fair solutions (And what is fair?)" (Ikle 1964: 1).

For Zartman negotiations through Preventive Diplomacy ends when the parties in conflict resort to violence. Negotiations to accomplish preventive diplomacy as defined here need to take place, by definition, before a conflict has entered its violent phase, before the resource and process commitment engendered by escalation has developed its own momentum; once those characteristics occur, negotiations are no longer preventive diplomacy, that is, when it has entered the violent or the uncontrolled escalation (or otherwise worsening) phase, but these are the very signs that mark a conflict as serious enough to warrant attention, or at least intervention (Zartman 2000). The problem with this approach is that it does not satisfactorily account for the conflicts in post-Cold War eras which are characterized by low intensity and are generally protracted and which are fought between state and non-state actors.

Preventive Diplomacy essentially confined to the UN during the Cold War is now taken up also by regional institutions like the EU, OSCE and the ASEAN. This does not mean that this study has already exonerated the Liberalists claim of inevitably of international institutional cooperation but will examine whether the international cooperation is indeed mutually beneficial cooperation or something else. Therefore, this study will examine the concept and practice of preventive diplomacy as practiced by the UN and the regional institutions like the NATO, OSCE and EU in the disputes between the last rump of the Socialist Federal Republic of Yugoslavia (SFRY) that is, Serbia and its former autonomous province Kosovo; and in the provinces of Abkhazia and South Ossetia in Georgia.

Chapter Three

Preventive Diplomacy and Violent Conflicts in Kosovo

1. End of Cold War and emergence of prospect for peace?

The 1990s have been both the decade of ethnic conflict and the decade of the peace process. A number of high profile peace agreements such as those in South Africa, the Middle East and Northern Ireland ended what had seemed to be intractable conflicts and symbolized the possibility of historic compromise on the road towards a just and lasting peace. The reality is that agreements wax and wane, are negotiated and are implemented, or collapse, stall and are renegotiated (Bell 1999). So also, negotiation under preventive diplomacy is a continuing process in the quest to avert violent conflict and it does not end with the outbreak of conflict as some proponents of preventive diplomacy argue. Early international intervention in Macedonia in the form of preventive diplomacy is hailed as one of the most successful examples of such diplomacy (Breletich 2008). Preventive engagement by international groups began almost immediately following Macedonia's declaration of independence in September 1991. In Macedonia the Serbs, Albanians and Macedonians working under the international Working Group mediated with three major preventive measures: frequent fact-finding visits to the country, personal shuttle diplomacy - mostly out of public limelight and media attention, and the creation of trilateral forums (Ackerman 2003:106). Engagements by the warring parties with such early exercises led to mutual trust, confidence and further cooperation in other negotiations and so in spite of the initial hiccups the peace process was salvaged from going Kosovo's way.

The end of the Cold War did not bring an end to conflict in the world. Even as interstate conflicts have decreased, intrastate disputes have increased. One of the most common sources of these internal conflicts is the breakup of states along the lines of ethnicity, with language and religion most often being the main markers of identity. As a result of the end of the Cold War demands for self-determination by peoples who had previously been considered minorities have increased. However, the disintegration and reshuffling of state structures took on significant proportions with the demise of communist system after 1989. Most notable was the collapse of the Soviet Union, whereby one of the two global superpowers split into fifteen independent pieces. Within

many of these states, significant groups of people did not identify with the new identity to which they belong, and they too, demanded self-determination. A similar process occurred as Yugoslavia broke apart into its constituents elements (Hopmann 2000). Some states disintegrated peacefully, example Czechoslovakia, into, the Czech Republic and Slovak Federal Republic, in what has been described as the 'velvet divorce'(Barta 1992). Whereas, Yugoslavia violently disintegrated into Serbia, Macedonia, Croatia, Bosnia and so on, on ethnic, religious and cultural backgrounds. Serbia is further poised or is already on the verge of disintegration from keenly contested nationalisms at work between the Serbs and the Albanians. As of August 2008 Kosovo with the tacit support of the US and her allies have declared independence from Serbia.

2. Failure of Preventive Diplomacy?

Even within the fraternity of those who espoused preventive diplomacy there are those who argued that the Kosovo crisis and the violent conflict that caused so many lives and loss of property and which posed threat to the region's stability was because of the failure of preventive diplomacy (Touval 1996, Demjaha 2000). Whereas the given evidences preceding, during and after the conflict shows that preventive diplomacy was not put into practice before the start of the conflict in Serbia and Kosovo. UN and international NGOs, and others moved into the conflict zone after huge resources have been expended by the two sides in the ethno-national conflict. International mediation came in late and was also followed by ambivalent postures leading to rooms for confusions (Touval 1996). Early part of the conflict saw the US emphasizing on the territorial integrity and sovereignty of Yugoslavia and at the same time asking it to maintain human rights and democracy. Then it shifted its position to enforcing democracy in the Balkans. US approach veers more towards conflict management rather than preventive diplomacy.

Unlike the other six republics that resorted to force for attaining their political independence, the much smaller region of Kosovo invested in diplomacy and negotiations. Its non-violent approach was not rewarded. Kosovo lost the little autonomy it had and, along with Montenegro and Serbia, became an integral part of 'rump-

Yugoslavia (Schnabel and Thakur 2000). The Dayton Accord¹ in 1995 that resolved the larger question of Bosnia-Herzegovina neglected the issue of Kosovo and left many radicals dissatisfied with the way the moderate Fehmi Agani and the pacifist Ibrahim Rugov's Democratic League of Kosovo (DLK) handled the matter. DLK quickly lost its support base while the radical militants gained ground and set up the Kosovo Liberation Army once an obscure group who were not even in Kosovo (Pettifer 2001). Some questions that one could raise in such scenario are: Could preventive diplomacy and negotiations be resorted to and practiced by highly unequal parties to a dispute without third party intervention? Can the cash-strapped and hand-bound UN intervene into the internal affairs of a member state in the name of maintaining international peace and security? Given the highly unequal relations between Serbia and Kosovo mediation and negotiations facilitated by third parties seemed indispensable for successful conflict prevention.

3. Background of the conflict

Serbs and Albanians relations has been highly unequal and stratified since the early medieval times till today. They both have strong historical and emotional ties to Kosovo. Kosovo has always been characterized by cultural diversity and intensive contacts between the Albanians ethnic community and their south Slavic neighbours. Nevertheless, in their conflicting claims over Kosovo they use history and myths to deny the other's claim to Kosovo and the possibility of a shared historical experience so as to underpin their exclusive territorial claims to this province. For example the nationalist-oriented Albanians historians argue that the Albanians are the descendants of the Illyrians and refer to an ancient Albanian state called Illyria (Stipcevic 2009). Thus, they conclude that the Albanians are the original inhabitants of Kosovo and that the Slavs arrived only during the sixth and seventh centuries.

¹ The General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, Dayton Accords, Paris Protocol or Dayton-Paris Agreement, is the peace agreement reached at Wright-Patterson Air Force Base near Dayton, Ohio in November 1995, and formally signed in Paris on December 14, 1995. These accords put an end to the three and a half year long war in Bosnia, one of the armed conflicts in the former Socialist Federative Republic of Yugoslavia.

Serbian nationalists on the other hand are convinced that the area was almost uninhabited when the Slavs settled in this Balkan region in the early middle ages. For the Serbs, Kosovo is the historical and cultural center of the medieval Serbian state. Further they argue that Albanians came to settle in the area only after the Ottoman conquest of Serbia and the exodus of thousands of Serbs during the 17th and 18th centuries (Buckley and Cummings 2001). Marie-Janine Calic (1994) disagrees with either of the two views. Calic pointed out that, first of all, neither history nor linguistics provides enough empirical evidence to prove the theory of the Illyrian origin of the Albanians. Secondly, from the early Middle Ages, the Kosovo region was probably inhabited primarily by Slavs. But they were in all likelihood many more Albanians living in the area, especially in the towns, then Serbians scholars concede.

Kosovo's population underwent many changes, mainly because of huge migration movements after the Ottoman conquest of the Balkan peninsula and the various processes of social intercourse. Although the Slavs may have been the majority in Kosovo during the Middle Ages, by the time of the Serbia's invasion of Kosovo in the beginning of the twentieth century Albanians made up for 75 per cent of Kosovo's population. In spite of the efforts made by the Serbs to change the demography of Kosovo in favour of the Serbs during the First and the Second World Wars the Albanians continued to remain the majority. According to the Serbian census of 1991 which was boycotted by the Albanians, out of the 1,954,747 inhabitants, 82.2 per cent were Albanians, 10 per cent Serbs, 2.9 per cent South Slav Muslims, 2.2 per cent Roma, and 1 per cent Montenegrins; the rest were Turks, Croats, and others (Calic 1994).

The Serbs consider Kosovo as the 'cradle' of their nationhood and the heartland of the medieval Serbian kingdom (Klamencic 1999). In the thirteenth century Kosovo was the cultural and religious center of the Serbian people. The patriarchal throne of the Orthodox Church was permanently established at the Pec monastery in 1346, which, after the Ottoman conquest of the Balkan Peninsula, preserved the national cultural heritage and identity of the Serbs. Today, the presence of medieval Orthodox monasteries in Kosovo provides the Serbs with a tangible link to their medieval state. Serbs attachment to the province contains a strong emotional component that is central to modern Serbian nationalism and folk tradition. On St. Vitus Day, 28 June 1389, the famous battle at

Kosovo Polje against the Turks took place. Serb prince Lazar and his nobles who refused to submit to the Ottoman rule fought at the battle were later executed. Popular epic poetry and folk songs have cultivated the Kosovo myth. Medieval monastic writers portrayed Lazar as God's servant and the Serbian people as 'heavenly people,' depicting the prince's death as martyrdom for the faith, the military defeat as a moral victory, and the Serbs as the immemorial defenders of Christianity against Islam (Roudometof 2005).

In the 19th century the Kosovo myth was used as the legitimizing ideology of the Serb national movement, which was striving for the creation of an independent national state. In the 1980s when the Yugoslav state began to disintegrate and their very existence of the Serbian national state came to the fore, Serbian nationalist propaganda rediscovered the epic Battle of Kosovo. Nationalist-oriented intellectuals and politicians argued that from the Middle Ages up to the Tito era their people had always been discriminated against, oppressed, and threatened by others. By referring to the horrors of the Battle of Kosovo, old national grievances have been successfully recalled (Mertus 1999). When the state machinery and the political power remained with the Serbs and Kosovo seemed being lost to the Albanians the Kosovo myth was exploited to keep out the Kosovar Albanians.

But the Albanians, too, besides the demographic argument, link the making of their modern national state with Kosovo and view the province as their homeland. Kosovo figures as a national and cultural centre because it is where the Albanian national movement started at a meeting of the League of Prizren in 1878. Since then, the Albanian national elites have also been striving for an independent and unified national state. Kosovo has also been used as a metaphor for the injustices inflicted upon the Albanian people throughout their history. Socially the Serbs and the Albanians rarely accepted each other as neighbours, friends, or marrying partners. Generally, there were few social relationships and hardly any marriages. In addition, the revived nationalism of the 1980s and the 1990s exploited the mutual distrust ingrained in everyday life in Kosovo and hostile stereotypes were deliberately used to demonize the other side and to justify the respective political objectives (Bennet 1995). Like many other regions in the Balkans, Kosovo also witnessed several periods of fierce ethnic conflagration, deportation and mass-killings. For instance, the suppression of national identification and self-

determination by the Serbian authorities since 1912, as well as atrocities committed by Albanians against local Serbs during the second World War, left indelible marks on the collective memory of both parties.

In addition, the Albanians felt strongly that they have been politically oppressed economically exploited by the Serbs for decades. Kosovo, since the creation of Yugoslavia remained basically underdeveloped as compared with other republics. In 1948, the proportion of illiterates in the population over the age of 10 was only 2.4 per cent in Slovenia but it was 62.5 per cent in Kosovo. In 1989, Slovenia's national income was 36.55 million dinar, whereas Kosovo's income was only 3.97 million dinar. Therefore, Albanians increasingly felt that they were being the real losers in Yugoslavia. Moreover, because of the low level of economic development, high illiteracy rates, patriarchal attitudes towards marriage and the family, and other social factors, the population in Kosovo had the highest birth rate in Europe, around 23 per 1,000, along with a very low age structure, 52 percent of the population was under 19, with the average being 19. The Albanians had resisted incorporation into Yugoslavia in 1918 and in 1944. And this resistance continued well into the post-Cold War era. In the Federal Republic of Yugoslavia Kosovo was made a part of the Serbian republic, one of the six republics that made up the Yugoslav federation (Calic 1994). So there was an inherent contradiction between the Albanians long-cherished dream to unite Kosovo with Albania and the strong emotional attachments by the Serbs throughout Yugoslavia to Kosovo and its religious holy places.

In 1974 the constitution of Yugoslavia was amended to make Kosovo an autonomous republic of the Serbian republic by Tito. This went a long way towards satisfying the aspirations of Albanian majority, but there were still those who pressed for full republican status for Kosovo and ultimate union in a greater Albania. However, following Tito's death in 1980 the federation grew weak, fissiparous tendencies began to show up, there were widespread student-led riots and a period of federally imposed martial law (Radan 2002). Meanwhile, there was growing political protests among the 200,000 Serbs about their subordinate status and the Albanians oppressive discriminations in Kosovo. Milosevic seized on this as a means of gaining the leadership of the Serbian Communist Party in 1987, which allowed him to appeal to a much wider

constituency in Serbia, including anti-communists and right-winged nationalists. By the time of the 'million-man' celebration of the anniversary of the Battle of Kosovo in 1989, Milosevic had been elected the President of the Serb Republic. More significant, in the multi-party election held in December 1990, the first in half a century, Milosevic Serbian Socialist Party won the support 65 percent of those voting, 47 percent of the full electorate. New laws disadvantaging the Albanians were introduced in 1989 and a constitutional amendment revoking Kosovo's autonomy was passed in September 1990. The Kosovo Albanians responded by declaring independence and holding a clandestine referendum, which elected Ibrahim Rugova, leader of the Democratic League of Kosovo (DLK) a convinced Gandhian, as President (Bennet 1995). However, with the signing of the Dayton Accord in 1996 from which the Kosovars expected something for their political aspirations, the Kosovars began to feel that the DLK policies would not be effective anymore and so the Kosovo Liberation Army (KLA) was set up in 1996 with the guerilla warfare as its tactics. Serbian reprisals in the beginning of 1998 led to an offensive by the KLA in July by which time the KLA could command 30 per cent area of Kosovo especially around Drenica region and by then the conflict had escalated into a major war (Calic 1994).

On 24 September 1997 the International Contact Group (ICG)² for the first time voiced its concern over tensions in Kosovo and issued an appeal for negotiations to both Belgrade and those in Kosovo. It established a working group on this issue and sent a delegation to the FRY. International community urged Belgrade to initiate a 'peaceful dialogue' with Pristina, allow an observer mission led by the OSCE to Kosovo, Sandshak, and Vojvodina, accept international mediation, and grant 'special status' to Kosovo (Krieger 2001). Belgrade, however, declared that "Kosovo is an internal affair and nobody else's business" and rejected the proposals.

By March 1998 the UN Security Council had imposed an arms embargo, as well as economic and diplomatic sanctions against the FRY, calling for a "real dialogue" between the conflicting parties. With continued violence and increasing number of refugees, NATO threatened Belgrade with airstrikes and issued an Activation Warning

² ICG includes France, Germany, Italy, Russian Federation, United Kingdom and the United States.

(ACTWARN) for an air-campaign in the FRY. And by the Resolution 1199 of 23 September 1998, the UN Security Council called for an immediate cease-fire, the withdrawal of military and paramilitary forces, complete access for humanitarian organizations, and cooperation on the investigation of war crimes in Kosovo. By this time the UN High Commissioner for Refugees estimated that there were about 2000,000 refugees. Although, the UN Security Council Resolution did not explicitly spell out use of force, NATO however, interpreted this as legitimization of use of force against the FRY. On 12 October 1998 after the ultimatum issued by NATO, Yugoslav President Slobodan Milosevic and US Special Envoy Richard Holbrooke agreed on a partial withdrawal of the Serbian military forces and the deployment of an OSCE verification mission of 2,000 unarmed personnel. Intermittent clashes between the KLA and the FRY forces led to the eventual break-down of the cease-fire in the winter of 1998 around Christmas time. The Contact Group pressured the two parties into negotiations on the legal status of Kosovo on 6 February 1999 at Rambouillet, where the Contact Group presented a proposal for an interim agreement based on the Contact Groups' decision of 29 January 1999, which provided for a large degree of self-government and an international implementation force. Whereas the Albanian delegation, after long and painful deliberations was finally persuaded to approve the proposal, Belgrade continued to reject the agreement, fearing foreign interference in its internal affairs (Weller 1999). On 24 March 1999, NATO started the air campaign against the FRY with the aim of forcing the Serbian side to accept the Rambouillet agreement and preventing an imminent humanitarian catastrophe.

Among the six republics that constituted the SFRY, Serbia was the most powerful. Under the charismatic leadership of Marshall Tito SFRY became a powerful communist state by incorporating within itself the various ethnic and religious groups. However, after the death of Tito in 1980, the foreign debt crisis of the 1980s and Serbia as the most powerful republic started to reverse the policies of Tito and suppressed the minorities. Dissensions were visible in most of the republics. With the end of the Cold War the west no longer required the SFRY as an ally to contain the USSR. Economically the SFRY was in shambles. All around there were centrifugal opinions. Serbia elected Slobodan Milosevic in the ensuing surge of ethno-nationalism. In such scenario the

breakup of the SFRY came in the form of Croatia and Slovenia declaring their independence in June 24 1991. Serbia launched an offensive against the unilateral declaration of independence by the two former republics. One by one the constituent unit of the federation woke up in ethno-nationalism and declared their independence one after another with violent conflicts.

Kosovo and Serbia engaged themselves in an asymmetric conflict for nearly 20 years which led to the involvement of the international community. The Rambouillet Conference was the proverbial last straw on the camel's back before US-led NATO force led the 78 days aerial bombing of Belgrade beginning on 24 March 1999. The nature and context of the Rambouillet Conference is contested today. On one hand critics argue that Serbia under Milosevic Slobodan was given a raw deal by the 'Military Text' which allowed NATO force to enter not just Kosovo but also Serbia in the name of peacekeeping (Weller 1999). On the other hand the NATO-led allies argued that it was the obduracy and rigid posture of Milosevic that led to the failure of the negotiation.

Because of the alleged genocide and ethnic cleansing by Serbs of the Kosovo Albanians and the following 78-days aerial bombing of Serbia most critics argue that preventive diplomacy failed in the Balkans (Touval 1996). Saadia Touval argues that Preventive diplomacy failed to prevent the protracted armed conflicts between the Serbs and the Kosovars.

It must be noted that the issue at hand is about an established state who attempted to preserve its territorial integrity and sovereignty and on the other hand an actor aspiring to become a state. Although the conflict was inherently domestic by nature, given the geo-strategic location of the region to the security and stability of Europe, the EU took extra efforts in intervening. However, the drawback was the stark ambiguity in the nature of their efforts in speeches made at different international platforms. Seemingly domestic by nature, conflicts such as, Sri Lanka and the LTTE, Israel and the Hamas have also assumed significant bargaining position in terms of questioning the order and stability in the region. UN Charter enshrines the sovereignty of a state and yet if its actions encourages and promotes conflict that could endanger the international peace and security, then Article 99 empowers the UN Secretary General to bring the matter to the

Security Council for taking the necessary preventive measures. These are some of the salient features of the conflicts in post-Cold war era and the challenges of the conflicts.

This study will examine whether international efforts primarily that of the UN and the OSCE in preventing violent conflict in Serbia failed as is made out to be, or whether the negotiations and the diplomatic negotiations helped contained the conflict from escalation and spreading of the conflict to other regions. To assess whether preventive diplomacy helped contain the violence from escalating and spreading into other regions/states the analytical framework as spelled out in chapter 2 is used as the parameters to gauge the relations between conflict and the concept of preventive diplomacy.

4. Preventive Diplomacy

(a) Peace Time Measures

1. Confidence Building Measures

CBMs are agreements between two or more parties regarding exchanges of information and verification, typically with respect to the use of military forces and armaments. Some measures attempt to make military capabilities more transparent and to clarify the intention of military and political activities. Others establish rules regarding the movement of military forces, as well as mechanisms for verifying compliance with such rules. Such agreements are meant to build trust among the conflicting parties and limit escalation. While a single CBM is unlikely to prevent conflict or contribute to peace-building, a series of such agreements can allow for an increased sense of security. In time, such measures may even lead to changed understanding of a country's security needs.³

Limiting or reducing the level of fear among parties in conflict is essential for building confidence and a sense of security. Confidence-building measures (CBMs) aim to lessen anxiety and suspicion by making the parties' behavior more predictable. Some common CBMs are agreements meant to give each party assurance that the other is not

³ The Henry L Stimson Centre, Confidence-Building Measures in South Asia, [Online web] accessed on March 5, 2009. <http://www.stimson.org/southasia/?SN=SA2001112047>.

preparing for surprise military action or pursuing policies associated with such future action. Such agreements provide a way to avoid misunderstandings about ambiguous events or perceived threats, and play an important role in instilling a sense of stability and security. Mutual confidence is crucial to reducing the likelihood of violent confrontations. In addition, such measures can allow for new institutional arrangements that pave the way for more peaceful relations (Acharya 1998).

Confidence Building attempts to make clear to concerned states, through the use of a variety of measures, the true nature of potentially threatening military activities (Macintosh 1990). Typically confidence-building measures include transparency and information exchanges, advanced notification of military exercises and deployments and monitoring of regional arms agreements. Finally, confidence-building measures can be crucial tools in preventive diplomacy. Parties who mutually recognize existing boundaries and work together to build confidence are far less likely to enter into deadly conflict.

Serbs and Albanians relations in spite of their long history of interactions beginning from 1918 the first Kingdom of Yugoslavia till the 1990s have essentially been that of mistrust and severe contests in almost all aspects of life. Socialist regime and the Cold War factors under Marshall Tito helped maintained some semblance of order and stability as a federal state. Although the 1974 Constitution allowed some semblance of autonomy to the Kosovars this was resented by the Serbs. With Tito's death and the end of Cold-War which ushered in acute economic constraints the Serb dominated federal government passed several legislations including the constitutional amendment in September 1990 which reversed the autonomy of Kosovo (Calic 2000). Ethnic Kosovars interests were ignored largely leading to ethnic assertions for self-determination in the lines of the breakaway republic like Croatia and Slovenia.

Milosevic's ethno-nationalist government miscalculated the ambiguous stand of the US and the EU for a nod of his policy and so Belgrade unleashed state-sponsored violence in Kosovo. US and most of the EU countries spoke about the need to promote democracy and human rights and at the same time assuaged the nationalist feelings of Serbs by arguing for the unity and territorial integrity of Yugoslavia (Touval 1999). Kosovo responded by giving up the DLK Movement peaceful means of agitation and

forming the KLA in 1996. It was a vicious cycle of violence and counter-violence. Therefore, there was no room for trust and confidence between Belgrade and Pristina and even the UN and the OSCE were rendered incapacitated because states like US, UK and France adopted postures, speaking unity and territorial integrity on the one hand and respect for human rights and democracy on the other hand. With both the sides resorting to violence causing untold human casualties there could not be any meeting point to begin any fruitful exchange of ideas for possible negotiation to contain or de-escalate the disputes from snowballing into full-scale conflict.

On their own the Kosovars and the Serbs were in no position to sit-down together for any kind of dialogue and exploring possible negotiations. CSCE and the UN's efforts in Serbia were at best tokenism. As early as the 1990s the Security Council had been taking note and closely observing the developments in Yugoslavia. SC/RES/855 (1993) notes that: Bearing in mind that the CSCE missions of long duration are an example of preventive diplomacy undertaken within the framework of the CSCE, and have greatly contributed to promoting stability and counteracting the risk of violence in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), Reaffirming its relevant resolutions aimed at putting an end to conflict in former Yugoslavia, Determined to avoid any extension of the conflict in the former Yugoslavia and, in this context, attaching great importance to the work of the CSCE missions and to the continued ability of the international community to monitor the situation in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

UNSC Resolution 855 stressed the territorial integrity and political independence of all States in the region, endorsed the efforts of the CSCE, and it also called upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the CSCE by taking the practical steps needed for the resumption of the activities of these missions and to agree to an increase in the number of monitors as decided by the CSCE; Further, it called upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to assure the monitors' safety and security, and to allow them free and unimpeded access necessary to accomplish their mission in full.

In the then prevailing scenario of deep mistrust and polarization of ethnic feelings there was no way the two could have resorted to confidence building measures. Ambiguous approach of the US, EU and the ritualistic procedural steps of the UN did not do any good to the ensuing conflict. The Serbian military which shot down the NATO plane for alleged violation of flight regulations could not be prevented from launching offensive against the much weaker Kosovo fighters. UNSC's Resolutions 1198/9/855/ mere call for ceasefire, withdrawal of armed forces, access for humanitarian organizations to conflict zone, cooperation on investigation of war crimes in Kosovo, and deployment of few hundred unarmed OSCE personnel does not translate the conflict would be so easily contained and managed if not prevented without credible threat of use of force if not complied with. In short, there was no serious attempt to start confidence building measures in that particular point of time either from the side of the international bodies or from the parties in conflict.

2. Institution Building

Institution building refers to formal or informal ways of organizing attention, expertise and resources in pursuit of a common set of interest or objectives. Institutions develop principles of conduct, generate regularized consultations and build trust. In the long-term, institutions constrain unilateral preferences and actions of actors and promote cooperation. Institution building need not be an overtly formal affair with a charter and bureaucratic apparatus. Regular consultative gatherings could be more desirable in certain circumstances where actors might wish a degree of informality and flexibility. A key aspect of institution building is norm-setting, or inducing rule-governed behavior among the actors. Such norms could include multilateralism, non-interference and non-intervention and pacific settlement of disputes. In its broad sense, institution building might be helped by consultations and dialogue initiated primarily by non-governmental actors, but attended by government officials (who may profess to participate in their 'private' capacity). Such Track-Two processes could serve testing grounds for ideas concerning more formal and inter-governmental norm-setting and cooperation (Acharya 1998). In Serbia no such exercises were attempted by any state or institution until the conflict spiralled out of control.

Other than the governmental structure envisaged under the federal constitution of FRY there existed no substantial institutions nor was there any serious attempt to build institutions which could facilitate to bridge the estranged relations between the Kosovo's Albanians and the Serbs. In this backdrop, socio-political relations between the Serbs and the Albanian Kosovars was manifested by acrimonious mistrust and hostility especially after Slobodan came to power in 1989 on a highly charged Serbian nationalistic political settings which further polarized the already embittered relations between the two. Gandhian style peaceful political agitation by Rugov which was expected to build the bridge between the two was overtaken by the more radical KLA after the Dayton Agreement (Schnabel and Thakur 2001). Amidst such hostility there was no way for institutions to get established which could have build the confidence and trust between the two. International NGOs did come to Kosovo but they were not of any significance politically. Institutions like the Kosovo Verification Mission (KVM), Kosovo Force (KFOR) and the United Nations Interim Administration Missions in Kosovo, (UNMIK), and others came up only after the parties in conflict had expended substantial men and material resources and was waiting for conflict management and resolution.

3. Early Warning

It is a process of collecting and analyzing information for the purpose of identifying and recommending strategic options for preventive measures prior to the outbreak of violent conflict. Early Warning is considered in the longer term 2-3 year time frame before the outbreak of conflict or the onset of a crisis. Early warning has three fundamental elements: information gathering, analysis and a communications channel that opens the way for taking appropriate preventive action . Early Warning also involves monitoring of developments in political, military, ecological and other areas (such as natural disasters, refugee flows, threat of famine and the spread of disease) that may, unless mitigated, lead to outbreak of violence or major humanitarian disasters. In recent years, considerable international interest in early warning has been developed in relation to human rights violations and refugees movements (Acharya 1999).

In many ways, early warning is a puzzling question. Growing attention has been devoted to the question of early warning, in a search for new ways of identifying

potentially serious conflicts before they escalate into view and out of control (Baker and Weller 1998). But early warning suffers from some very contradictory problems. One is overabundance, since intelligence, news and research generate quantities of data that are readily available to those who need them. The other is the absence of early awareness of these warnings, and early action on them. Policy makers are reluctant to make unnecessary responses for many reasons. At one extreme lies the ambiguity of clear warning. There is a high correlation between violence or danger and their preconditions but a low correlation between early warnings and subsequent violence or catastrophe. At the other extreme lies bureaucratic inertia, the safety in doing nothing in the midst of uncertainty; until the danger of violence or catastrophe becomes certain, it is wisest simply to hold the course. In the absence of unambiguous clear and early warnings, bureaucratic inertia becomes rational (Zartman 2000).

Both the UN and the regional organizations had ample information from their research institutions and intelligence input from their respective institutions about the disputes unfolding in the Balkans especially after the breakup of the former Yugoslavia. UN and the CSCE which have more or less equal stakes in the orderly transition from the chaos after the break-up of Yugoslavia were in a kind of dilemma especially with the dispute being portrayed as inherently domestic. On the one hand territorial integrity and sovereignty of Serbia-Montenegro could not be brushed aside as per the UN Charter Article 7, on the other hand the humanitarian crisis arising out of the mass displacement necessitated an international intervention like Article 99. So what followed was an adroit combination of ambiguity and inaction on the part of the international community, the UN and the regional organizations, especially the detached and indifferent attitude of the bureaucratic institutions as Zartman points out.

4. Preventive Humanitarian Action

Preventive Humanitarian Action is concerned primarily with preventing and managing the humanitarian costs of political conflicts as well as the political and humanitarian consequences of naturally-occurring phenomenon. For emergencies 'which result from long-term economic deterioration, or slow-moving natural disasters such as drought, early humanitarian preventive action can save thousands of lives and millions of

dollars in subsequent remedial action (Ghali 1992). This is an area in which NGOs, bilateral and multilateral development agencies, and regional organizations could play an important role as agents of preventive diplomacy (Acharya 1998). Preventive Humanitarian Action refers to the use of humanitarian tools to prevent the outbreak or escalation of violent conflict: Refugees: To prevent the causes of forced migration with particular reference to support for national protection capacity in potential or existing crisis situations; Relief: To prevent violent conflict from causing complex humanitarian emergencies and to prevent the violation of humanitarian norms and principles.⁴

Going by the above parameters of UN as well scholars and practitioners of diplomacy, preventive humanitarian actions may be approximately identified as ensuring safety and security of the lives, liberty and dignity of the non-combatant civilians caught in an impending conflict zone and if caught up providing them adequate reliefs like food, shelter and healthcare. However, the study of conflict in Kosovo indicates that both the parameters of preventive humanitarian actions failed on many counts. Both the sides evicted non-combatant civilians from their strongholds in large scale (Butler 2000). And it finally led to the 'Humanitarian Intervention' by the US-led NATO force after the failure of the negotiations at Rambouillet in March 1999. As a matter of fact after the NATO aerial bombing of Belgrade in March 1999 in the name of humanitarian intervention the Kosovar Albanians poured into Albania in millions. The sufferings of the ethnic Albanians increased manifold after the bombings by the NATO forces thereby unleashing the Serbians mob frenzy who began to target the Kosovar Albanians (Chomsky 2000). Chomsky argues that the bombing in the name of humanitarian intervention was more damaging to the peace process and the rights of the people, both Albanians and Serbs.

(b). Crisis-Time Measures

1. Fact-Finding

According to Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security, A/RES/46/59, on 9 December 1991,

⁴ UN Staff College Typology and Survey of Preventive Measures, 20 May 1999 – amended.

Fact-Finding means any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in order to exercise effectively their functions in relation to the maintenance of international peace and security. Fact-finding also involves the collection and analysis of timely and reliable information on conflict situations. Fact-finding is clearly linked to the notion of early warning described earlier, and could be undertaken on a 'peace-time' basis, but it is more specific to a given crisis situation. Fact-finding must be comprehensive, covering domestic, regional and global aspects of a conflict and investigating the social, economic, strategic and political factors underlying it (Acharya 1998). Fact finding is an extremely important component of the communication process which presents its own special set of problems and opportunities to people working to increase the constructiveness of intractable conflicts. Facts are pieces of information about the world that can be independently verified by generally accepted research methods as reliable and a sound bases for decision making and dispute resolution.

The Security Council welcomed and supported the Secretary-General's proposals in *An Agenda for Peace* with regard to fact-finding. It stated that an increased use of fact-finding as a tool of preventive diplomacy, in accordance with the Charter and the Declaration on Fact-finding by the United Nations for the Maintenance of International Peace and Security (1991) could result in the best possible understanding of the objective facts of a situation, which would enable the Secretary-General to meet his responsibilities under Article 99 and facilitate Security Council deliberations (Ramcharan 2008).

What is a fact or what is a fiction is difficult to ascertain until physical verification is made in the field objectively using certain standard parameters by trained personnels. In the case of Kosovo fact-finding mission was not carried out until after the conflict had escalated and spread to other parts of the federation. Ethnic cleansing by Serbians or was it simply some isolated cases of sporadic killings of the Kosovars. The matter is debated between the highly polarized parties. On the one hand there are the Serbs who speak of the plights of Serbs in Kosovo and there are the Kosovar Albanians who speak of Serbian repressions. As a matter of fact a belated fact-finding team was set up by the UN Security Council to decide the fate of Kosovo who unilaterally declared its independence on 17 March 2008.

The UN Security Council agreed to a Russian proposal to send a fact-finding mission to the breakaway Serbian province of Kosovo before deciding on its final status. Russia was pushing strongly in the Security Council for this fact-finding mission as a way of finding a final-status solution that Belgrade could support. All of these had come a little too late much after the parties in disputes have already exercised their military and human resources.

2. Good Offices and Goodwill Missions

The need for the exercises of good offices in the field of human rights by the United Nations Secretary-General was well stated by U Thant, "In the world of today, it might be useful to add an Article 99 (a) which would authorize the UN Secretary-General to bring to the attention of the membership global threats to human well-being other than those to peace and security" (Pechota 1972). Good Offices and Goodwill Missions are usually undertaken before or at the onset of a crisis and involve the dispatch of senior official(s), such as the UN Secretary-General or his personal envoy(s). The aim of such mission is not necessarily to engage in serious mediation efforts, but rather to express the concern of the international community as well as to promote a climate of trust and to establish the areas of agreement between the parties to a conflict. A long-standing tradition of the exercise of the good offices by the Secretary-General stands at the heart of the practice of preventive diplomacy. A 1972 United Nations Institute for Training and Research study on the "quite approach," or the good offices of the Secretary-General, advanced the proposition that any dispute or situation could be regarded as suitable for handling through the Secretary general's good offices if the continuance of that situation might be prejudicial to the purposes and principle of the UN, as set forth in the Charter (Pechota 1972: 52).

To maintain constitutional balance within the UN especially between the Security Council and the UN, the study recommended the following measures. Firstly, the Secretary-General should refrain from action while the Security Council is exercising or is likely to exercise the functions assigned to it by the Charter. He should seek the council prior approval if the action relates to a situation that may require council action in accordance with Chapter VII of the Charter. Secondly, the Secretary-General should also

keep the council informed and consult its members about any involvement in disputes that could endanger the maintenance of international peace and security so the council can take appropriate steps in accordance with Articles 33(2), 34, 36 and 38. Finally, the Secretary General should report to the council on the outcome of his involvement in the settlement of disputes under Chapter VI of the Charter, with or without a recommendation on appropriate action (Ramcharan 2008).

Good Offices and Goodwill Missions as envisaged by the UN Charter was not to be seen in Kosovo before either of the two sides could inextricably entrenched themselves upon mythologized nationalism and extreme political rhetoric. As a matter of fact the vacillation and the ambiguous approach of the western powers whose voices matter in the UN contributed to both sides adopting their rigid postures. Even the arms embargo and other economic sanctions against Milosevic's Serbia proved to be counter-productive. In fact it led to strengthening of Milosevic and his ultranationalist ideology and his domestic constituency's support for the sovereignty and territorial integrity of Serbia.

3. Crisis Management

Crisis Management aims at reducing the immediate possibility of violent action in a conflict situation which may require measures such as reconciliation, mediation and arbitration that would help in diffusing tensions. In so far as crisis management in Kosovo was concerned the violence had been predicted by numerous scholars and political observers but the international community proved unable to prevent it. As a matter of fact, since the beginning of twentieth century, Kosovo has been one of the most explosive conflict zones in Europe. Both sides, Serbs and Albanians, have made claims about history and ethnography to justify their alleged exclusive right to this ethnically mixed region. Since the disintegration of Yugoslavia in 1991, ethnic tensions in Kosovo have continued to rise. Kosovo Albanians have claimed the right to independence, while the Serbian authorities insisted on Kosovo's constitutional status as an integral part of Serbia. Such claims and counter-claims by both the sides did not see any meaningful dialogue so the questions of reconciliation, mediation or arbitration were simply not possible (Calic 2000).

Despite warnings that the crisis might escalate into an armed conflict, serious international involvement did not happen early enough. Consequently, we have witnessed another bloody war in the Balkans. And war itself, without the process of reconstruction, is much more costly than any preventive diplomatic action (Demjaha 2000). And he even goes to the extent saying that the Kosovo conflict has once again shown the inadequacy of the international community in dealing with the post-Cold war challenges. And that the UN Security Council often finds itself incapable of international peace and security. Even the UN is unable to prevent and contain the armed-conflict in Kosovo because the nature of the conflict is such that no state or organization wants to take up such orphan conflict anymore (Touval 1994). And he suggests that it is time to quit dumping on the United Nations tasks that it cannot perform. For even when the great powers have become reluctant to expend blood, treasure, and prestige to resolve this longer list of disputes that are nettlesome but do not directly threaten their security.

Touval goes on to argue that it is not necessarily the fault of the United Nations that it has been asked to mediate an increasing number of disputes. While the United Nations has certain institutional interests of its own, it is primarily an instrument of its membership. The Secretary-General is constrained by the views and interests of the Security Council's five permanent members. To accomplish any significant intervention, he needs their active support. This fact is demonstrated by Boutros Boutros-Ghali's efforts to engage the United Nations in Somalia and Rwanda. The United Nations mediates only to the extent that its membership desires and provides it with the necessary material and diplomatic resources. Unfortunately, states have become more likely to want the United Nations to mediate in situations where the organization has less chance of success than bolder and more persistent action by states themselves. Moreover, states have often become less forthcoming with the kinds of military or monetary support that might enable greater success.

4. Preventive Deployment

Preventive Deployment illustrates the difference in orientation between preventive diplomacy and peacekeeping. Peace-keeping involves separation of rival forces who have mutually consented to such action following a settlement of their

conflict. Preventive deployment involves dispatch of units to trouble-spots to prevent the widening or escalation of a conflict with or without the mutual consent of the rivals. Thus, preventive deployment, unlike peace-keeping, might not be a strictly neutral exercise. It could be undertaken with a view to support the likely victim by deterring the actions of the likely aggressor. Preventive deployment could also involve the establishment of demilitarized zones which could create a physical barrier between the antagonists.

For the first time in the history of the UN a preventive force was set up in the form of the United Nations Preventive Deployment Force (UNPREDEP). The United Nations Preventive Deployment Force - UNPREDEP - came into existence in March 1995 when the Security Council set up successor missions for the United Nations Protection Force (UNPROFOR) in the territories of the former Yugoslavia, including in the Former Yugoslav Republic of Macedonia (FYROM). UNPROFOR was established by the Security Council by resolution 743(1992) of 21 February 1992 to create conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. The mandate of the Force was extended by subsequent Council resolutions and, on 31 March 1995, by its resolution 981(1995), 982(1995) and 983(1995), the Council established the United Nations Confidence Restoration Operation in Croatia (UNCRO), extended the mandate of UNPROFOR in Bosnia and Herzegovina, and decided that UNPROFOR in FYROM would be known as UNPREDEP.

With the adopting of UN Security Resolution 1186/1998 of 21 July 1998, the Security Council reaffirmed its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia and decided to authorize an increase in the troop strength of UNPREDEP up to 1,050 and to extend the mandate of UNPREDEP for a period of six months until 28 February 1999. Peaceful transition of power from the former Yugoslav to the new government of Macedonia has been touted as the opportunities seized in the right time and the right place by the protagonist of preventive diplomacy. However, in the case of Kosovo this was not the case and it led to conflict escalation eventually leading to the US-led NATO aerial bombing of Belgrade.

On 24 August, the Security Council also considered the 5 August report of the Secretary-General on the Kosovo situation S/7121998/, which stated that, while all organizations contacted had stated readiness to contribute actively to the monitoring of the prohibitions imposed by Resolution 1160 (1998), the overall resources pledged by them would not allow for the establishment of a comprehensive monitoring regime as envisaged in the resolution. Nonetheless, their proposed contributions, coupled with that of the United Nations Preventive Deployment Force (UNPREDEP), would provide a useful framework for reporting on violations of the prohibitions and for assisting the Committee established pursuant to Security Council Resolution 1160 (1998) in discharging its mandate. The Committee, consisting of all Council members, was established to facilitate implementation of the arms embargo.

Deployment of troops or forces under the UN in disputed and crises laden territory is hampered by the UN Charter Article VII itself which prevents intervening in the internal affairs of a member country. However, the deployment and intervention is subject to the interests of the great powers and the Security Council. US-led NATO Humanitarian Intervention in Kosovo and the subsequent administration of Kosovo under the UNMIK and UNKFOR preparing for the autonomy of Kosovo and the unilateral declaration of independence by Kosovo is all about 'oil politics'. Not surprisingly it was instantly recognized as a state by the U.S., Germany, Britain and France. With 4203 square miles area, Kosovo may be a tiny territory but in the great game of oil politics it holds great importance which is in inverse proportion to its size. Kosovo does not have oil but its location is strategic as the trans-Balkan pipeline - known as AMBO pipeline after its builder and operator the US-registered Albanian Macedonian Bulgarian Oil Corporation - will pass through it. The pipeline will pump Caspian oil from the Bulgarian port of Burgas via Macedonia to the Albanian port of Vlora, for transport to European countries and the United States. Specifically, the 1.1 billion dollar AMBO pipeline will permit oil companies operating in the Caspian Sea to ship their oil to Rotterdam and the East Coast of the USA at substantially less cost than they are experiencing today (Ghazali 2008). After all the political economist argument of laissez-faire seem to be holding some ground, that the unseen hand of the market is the best judge in order to achieve a specific agenda.

5. Negotiations

Negotiations between the two warring parties although highly unequal in status and structures have been facilitated by the international community, namely France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, that is the International Contact Group. On their own the two could not come together to negotiate, as Ikle (1964) argued there has to be common interests and common goal for negotiation itself to start with.

As a matter of fact the Rambouillet Conference began on 6 February 1999 near Paris after the threat of use of military force by NATO on both the conflicting parties especially after the discovery of massacre at Racak in Kosovo on 16 January 1999. Weller 1999). NATO threatened it will use air attacks if the two do not reach an agreement by the 20th of February 1999. To make the threat credible NATO stationed some 430 aircraft on combat alert, including German Tornados, American Stealth bombers and B-52s; a flotilla of warships armed with cruise missiles stood off the Yugoslavian coast.

Although the United States, Britain, France, Germany, Italy and Russia exerted massive pressure on the two parties to the conflict, the parties in conflict declined to agree to the demands of the Contact Group. Wide-ranging autonomy for Kosovo within the framework of the Serbian state was proposed by the Contact Group. In order to ensure the autonomy of Kosovo and territorial integrity of Serbia, stationing of a 28,000-strong “peace force” under the umbrella of NATO was proposed. The Serbian delegation declared its acceptance of the Kosovar Albanian demand for establishing an autonomous Kosovo, ‘subject to a few small amendments’- but it rejected the stationing of NATO troops. This was regarded as an infringement on Serbian sovereignty (Crawford 2001). In the end, they merely consented to discuss ‘an international presence in Kosovo’ a tactic that is ambiguous but cannot be interpreted as having agreed to the stationing of NATO troops.

On the part of the Kosovar Albanian delegation, they refused to give up their demand for a referendum to decide the independence of Kosovo. Even the Contact Group rejected this demand let alone Belgrade, because they feared that the formation of an

independent state in Kosovo could destabilize the whole region and flare up new conflicts. Such move according to the logic of the Contact Group could have an explosive effect, especially in neighbouring Macedonia, with strong Albanian minority, and in Albania itself, torn by civil war. Even as the negotiations faltered the 20 February 1999 deadline passed without seeing any military force being deployed as had been threatened before the talk began. So the deadline was extended by three days to 23 February. The US Secretary of State Madeline Albright acted as the mediator for the two hostile delegations and strove to convince the parties especially the Kosovar Albanians to give ground. If Serbia do not relent after Kosovo had conceded on their negotiations then Serbia would be seen as the obstacle and military intervention was to be used to make them concede. The negotiations took on an increasingly humiliating form for this representative of the world's mightiest military power. For hours, she pleaded with Hashim Thaqi, the 28-year-old leader of the Kosovar Albanian delegation to drop his rejectionist attitude. Finally, she even negotiated over the phone with Adem Demaci, a spokesman of the Kosovo Liberation Army (KLA), who had boycotted the conference and stayed in Pristina (Schwarz 1999).

Many factors account for the deadlocked of the talk with the main reason being the Kosovar Albanian demand on a referendum for independence. An even bigger and more serious obstacle was the refusal of the KLA to disarm. The delegation argued that they will only disband under the condition that they were recognized as the official police force in an autonomous Kosovo. Then the Serbs would not budge from their ultra-nationalistic approach to preserving the sovereignty at any cost. Even within the Contact Group there was no common stand. Albright received very little support from the European members of the Contact Group. They were working in the opposite direction, trying to get the Serbian side to give ground, even as Albright urged the Kosovars to do so. They even offered Belgrade the lifting of economic sanctions in return. While Albright tried to create the conditions for a military intervention, the Europeans regarded military intervention as simply the threat of last resort (Caplan 1998). On the other hand Russia was strictly opposed to any military intervention and made clear that it would regard any attack by NATO as a serious affront directed against its own interests. The Russian Foreign Minister even warned that an attack on Serbia could lead to a 'Vietnam

n the Balkans'. The conference failed not only due to the contradictions between the Serbs and Kosovar Albanians, but also as a result of the disagreements within the Contact Group. Many political analysts opined that the differences within the Contact Group did not come out more sharply only because Albright did not want to endanger the upcoming summit commemorating the fiftieth anniversary of NATO on 23-25 March 1999 (Schwarz 1999). So even after the second deadline of February 23 no decision could be reached. The US with its vast array of forces showed no hesitation in defusing the conflict by using it in the Balkans, while the Europeans feared the consequences of military escalation. They analyzed full scale aerial invasion of Serbia could unleash an even greater exodus of refugees into the West. Moreover, souring relations with Russia would have unfavourable results for neighbouring eastern European countries that have applied to join the European Union in the not too distant future.

Even as the negotiation neared a deadlocked in Kosovo the parties entrenched themselves by adopting offensive postures discreetly. According to American intelligence sources, Serbia deployed an additional 6,500 troops on the Kosovo border, along with 250 tanks and 90 artillery pieces as the talks hit a dead-end (Weller 1999). The KLA also stepped up military action. Intensive fighting broke out shortly and displaced more than 4,000 civilians from their homes even as the talks continued. The KLA tactic was to incite the Serbs into mounting a brutal counter-offensive, so as to provoke NATO into intervening, without having to concede to any of their demands. While the Serbs would not budge an inch from their entrenched positions because of their misplaced hope upon the various UN Security Council Resolutions calling for territorial integrity and sovereignty and human rights of the Albanians; and the undecided ambiguous stands of the US and the western powers.

The actions of the Great Powers in the Balkans have always been characterized by a complete ignorance of the social and political problems of the region, which lie at the heart of the nationalist frenzy and ethnic cleansing. In the Balkans a social question is inseparably linked to the national question. At the same time groups of nouveaux riche, war profiteers and semi-criminals began to surface and took full advantage of the situations by consciously playing the nationalist card. On the one hand, they tried to gain an economic advantage over their rival nationalist cliques, and on the other, they tried to

divert the desperation of the masses into fratricidal channels in chauvinistic nationalism (Schwarz 1999). The Great Powers mediated Dayton Accord brought some semblance of order and peace after the bloody war in Bosnia but it also promoted contested nationalisms all over the Balkans by rekindling the nation-state hope and aspirations of each big and small ethnic groups. Kosovo and many other conflict zones were left out or so because the big powers thought that they were not worth considering mediation and solution.

So for many years the Contact Group ignored the brutal suppression of the Albanian majority there, as they required Belgrade's support to implement the Dayton Accord. Only when the conflict intensified, the big powers citing human rights violations in the name of humanitarian intervention tried to mediate and arbitrate by which time the central idea, logic and practice of preventive diplomacy turned out to be ill-equipped to be applied.

On the part of the UN Security Council there had been an abject failure in the conceptualization, planning and implementation level of preventing conflicts and diplomacy in the Balkans. For instance, Resolution 1160 (1998) adopted by the Security Council at its 3868th meeting, on 31 March 1998 merely contemplated arms embargo, while at the same time condemning the excessive use of violence by the Serbian police and the use of terrorist activities by the Kosovars. Resolution 1199 (1998) also is no different. It simply repeats the previous resolution in condemning and recommending the peaceful solution of the conflict. Resolution 1203(1998) welcome initiative by Belgrade and the OSCE to establish a verification mission in Kosovo (S/1998/978), including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998). Resolution 1239 (1999) notes, "Expressing grave concern at the humanitarian catastrophe in and around Kosovo; Federal Republic of Yugoslavia, as a result of the continuing crisis, ... Noting with interest the intention of the Secretary-General to send a humanitarian needs assessment mission to Kosovo and other parts of the Federal Republic of Yugoslavia; Reaffirming the territorial integrity and sovereignty of all States in the region,..." and urges the parties in conflict to respect human rights and commends the efforts that have been taken by Member States, the United Nations High Commissioner for Refugees (UNHCR) and other international humanitarian relief

organizations in providing the urgently needed relief assistance to the Kosovo refugees in Albania; Invites the UNHCR and other international humanitarian relief organizations to extend relief assistance to the internally displaced persons in Kosovo; Calls for access for United Nations and all other humanitarian personnel operating in Kosovo and other parts of the Federal Republic of Yugoslavia, and so on.

So there was hardly any meaningful negotiation worth recalling which could have led to a mutual understanding between the two warring parties. If ever there was negotiation between the Serb nationalists and the Albanians it would have to be the language of colliding political rhetoric and ultra-nationalism, that is the demand for territorial integrity on the one hand by the Serbs and diverging demand of self-determination by the Albanians. Preventive diplomacy's logic is stopping wars before they start (Zartman 2000, Cahill 2001). Once wars start preventive diplomacy takes another form that is conflict management. If the logic of preventive diplomacy was strictly adhered to, violent conflict in Kosovo could have been mitigated if not averted, but there was no implementation of preventive diplomacy. It is not the failure of preventive diplomacy as is argued by Touval and Demjaha but simply the non-implementation of preventive diplomacy.

6. Post-Bombing Negotiations

Even after nearly a decade of UN administration of Kosovo under UNSC Resolution 1244 the mistrust and animosity between the Serbs and Albanians have been observed by the UN-Fact Finding Team. "Kosovo's ethnic Albanian and Serbian communities continue to lead largely separate existences and have very different outlooks on the future, which means creating an integrated, multi-ethnic society in the province will require 'substantial effort,' observed Johan Verbeke (2007), the head of UN Security Council Fact-Finding Mission to Kosovo on the international community's quest for Kosovo's final status. While briefing the Council on the mission's six-day trip to Pristina, Belgrade, Brussels and Vienna, Ambassador Johan Verbeke of Belgium said the positions of the two communities on the settlement proposal for Kosovo also remained far apart.

Kosovo Albanians backed the report issued in March by the Secretary-General's Special Envoy for the future status process Martti Ahtisaari, who said the only viable option for the Serbian province – which the United Nations has administered since 1999 after Yugoslav troops were driven out amid fierce fighting – was a phased process of independence. And they really welcomed and looked forward to the phased and guided independence of Kosovo. On the other hand the Serbs went up in steep opposition to the report, “It would be unbelievable that the UN Security Council adopts a resolution that violates the UN charter,” noted Vojislav Kostunica, the Prime Minister of Serbia. He reiterated Serbia's counter-proposal - to grant Kosovo wide autonomy, but keep it within Serbian borders (Stojanovic 2007). Notwithstanding the opposition of the Serbian state and her allies the UN administered Kosovo is all set to evolve into a Westphalian state and there seemed to be a certain understanding that negotiation was over.

What led the UN and other states to change its stand from that of maintaining the territorial integrity and sovereignty of Serbia to that of silently favouring the phase independence of Kosovo is interesting. In the fight of US-led global ‘war against terror’ the west seems to be caught up in an intractable landscape owing to alienation of the traditional Islamic states and the Balkan regions has regained its geo-strategic significance politically and economically especially for the transportation of the Gulf Oil to the western region of Europe. In order convert these challenges into opportunities and at the same time counter the Russian resurgence western powers like led by US, France, UK, Italy and Germany chose to support Kosovo’s phased and supervised independence.

Chapter Four

Preventive Diplomacy and Violent Conflicts in Abkhazia and South Ossetia

1. Conflicts Linkage

Conflict in Kosovo (Serbia) and the conflicts in Abkhazia and South Ossetia (Georgia) are closely linked to the geo-strategic political interests of US and Russia. The conflicts resembled the game of tit-for-tat. US as the sole superpower still looks for power preponderance around the globe and Russia seeks to do the same beginning as a regional power especially in the Balkans and Caucasus (Friedman 2008). Dayton Agreement (1995) reached under the US-led NATO, settled the conflicts in Bosnia and Herzegovina but left out the Kosovo question, so it erupted into a violent conflict shortly. Many political and experts in the region were strongly opposed to the exclusive negotiations and the final agreement at Dayton which left out Kosovo unsettled (Glenny 2001). However, Kosovo's question is also all set to be resolved under the same US-led NATO set up sooner or later with the unilateral declaration of independence in 18 February 2008 and the gradual granting of recognition by the UN and the international community. Following the complicity of US and the NATO in Kosovo's statehood struggle and its nearing success, Russia also seeks to look for a *quid pro quo* in Georgia in Abkhazia and South Ossetia in order to counter the US moves and offset the US gains.

So Georgia, a constituent unit of the former USSR also faces similar pattern of disintegration like Yugoslavia from its own constituent units, namely, Abkhazia and South Ossetia. Such disintegrative processes and the inevitable ethnic conflicts in the post-Cold War era, according to the primordialists are premised upon the intrinsic irreconcilable differences in racial, ethnic, linguistics and religious differences. However, the primordialist approach founders on its inability to explain the emergence of new and transformed identities or account for the long periods in which either ethnicity is not a salient political characteristic or relations between different ethnic groups are comparatively peaceful (Lake and Rothchild 1998). Deadly conflict is essentially a social-political construction intentionally premised upon identity and interests which could have been mitigated if not avoided. The violent ethnic conflicts in the Caucasus today is largely conditioned and driven by big power interests, in this case between the US and Russia.

It is generally argued that conflicts emanating from a disintegrating state are easier to resolve before not after they have become violent. Finer nuance of the prospect of preventive diplomacy in pre-empting conflict is espoused by exponents of preventive diplomacy, "It is evident from the experience of Bosnia, of Chechnya, of Nagorno-Karabakh, of Georgia and elsewhere, that once a conflict has erupted, it is extremely difficult to bring it to an end. In the meantime, precious lives have been lost, new waves of hatred and enormous damage have been inflicted. It is my firm belief that money spent on conflict prevention is money well spent, not only because it is cheaper, but especially because it saves so many lives." (Max van der Stoep¹ 1997: 16, cited in Hopman 2000). Indeed Cold War has ended but the remnants of Cold War still exist and anarchical settings of international relations has not changed so disputes and war will continue to be prevalent (Waltz 2000). On the other hand Lake argues that it is hierarchy in international relations not anarchy that is the thumb rule of international politics. So conflicts and wars are correlates of the preponderant powers not anarchy (Lake 2004). And the conflicts this time around in post-cold war era is essentially driven by identities and interests of the parties (Wendt 1999) which rallies around ethnic, racial, linguistics and religious parameters.

In the last chapter we have seen how former communist state of Yugoslavia disintegrated violently because the last vestige of the former communist state, namely, Serbia and the Kosovar Albanians could not come upon any mutually beneficial agreement on either self-determination for the Kosovar or autonomy of the Albanians within Serbia. The two sides rallied around ascriptive factors like ethno-nationalism, religion, culture and language, which inevitably led to headlong confrontations. Over and above that, the two sides did not utilize any significant problem-solving techniques of preventive diplomacy, like people to people contact for confidence building measures or fact-finding of the impending disputes for enhancing cordial bilateral relations in the early stages of their conflict. Instead, both sides viewed the conflict as a zero-sum game and entrenched their positions to the extent that negotiation was made next to impossible (Hopmann 2000). Nationalist Serbians viewed the impending loss of Kosovo as a threat

¹ He served as the first High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe from 15 December 1992 to 30 June 2001

to their territorial sovereignty while the Albanians saw the problems of continued subjugation by the majority Serbs as grave existential threats. In this chapter we will examine how Georgia a former constituent unit of the former USSR tried to resolve its own conflict with Abkhazia and South Ossetia amidst the power-play of the big powers and the international community.

2. Escalation and Snowballing of Conflicts

In August 2008 Georgia and Russia engaged themselves in a brief war over the disputed autonomous republic in South Ossetia. Since the end of Cold War, Georgia and the two autonomous regions have been engaged in intermittent conflicts with each other. On August 7, 2008 Georgia took the first strike and unsuccessfully attempted to seize the capital cities of South Ossetia. Thereafter, Russia launched a counter attack and evicted the Georgian forces from the two republics. Russia also declared its legal recognition of the two as sovereign states. Why did the Russian choose to counter-attack, liberate and declare sovereignty of South Ossetia and Abkhazia? It is a simple calculus of balance of power by Russia, to deter the US from encircling and strangulating her. Moscow had two motives, the lesser of which was as a tit-for-tat over Kosovo. If Kosovo could be declared independent under Western sponsorship, then South Ossetia and Abkhazia, the two breakaway regions of Georgia, could be declared independent under Russian sponsorship. Any objections from the United States and Europe would simply confirm their hypocrisy. This was important for internal Russian political reasons, but the second motive was far more important (Friedman 2008).

What began as ethno-national conflicts in early 1990s over quests for territorial integrity by Georgia and autonomy, self-determination and sovereignty by South Ossetia and Abkhazia snow-balled into a continental strategic war of balance of power by the 2008 involving the former Cold War rivals in a different geo-political settings. The conflicts have been very costly in terms of resources and have caused much instability in the region. Hence, the query is raised again, if the conflicts could have been contained through negotiations in its early stage. But before the negotiations and preventive diplomacy parameters are utilized it would be apt to recap the brief history and genesis of the conflicts.

3. Contested Nationalism: Fueling the Ethno-National Conflict

In the post-cold war melee, simmering differences between Georgia, Abkhazia and South Ossetia broke out into violent conflicts essentially because of the competitive nationalisms of each group which came in to the fore. Notwithstanding, Soviet constitutional provisions which envisaged equality of status to all ethnic groups, the provision for hierarchy among the Soviet republics had created rooms for subjugation and dominance by the majority. And this hierarchy crept into the post-Soviet geo-political settings whereby the dominant group like Georgia wanted to retain the status quo even as the subjugated group wished to re-assert their long lost rights. Ghia Nodia (1997) a Serbian scholar attributed the conflict to contested national projects and argued that, "...I see the conflict primarily as a contradiction between the Georgian and Abkhaz national projects." He further elaborated his argument that, "The Georgian-Abkhaz conflict is simply another struggle about the nation-state and the *status* of particular groups that call themselves 'nations' the modern world of nation-states." On the other hand Liana Kvarchelia (1999) differed with Nodia and argued that the Georgia-Abkhazia conflict was struggle for legal status of Abkhazia under the banner of self-determination.

In 1989, on the brink of the breakup of the Soviet Union, the so far mostly latent tensions between Georgians and Abkhazians came to the fore. On March 18, 30,000 Abkhaz gathered in the town of Lykhny in order to sign a petition addressed to Soviet President Gorbachev demanding Abkhazia's independence from Georgia. The precariousness of Georgia's inter-ethnic situation became evident when the Georgian leadership attempted to open a branch of Tbilisi State University in the Abkhazian capital of Sukhumi. The project was met with fierce opposition by the Abkhaz population and led to the first bloodshed. On July 15-18, 1989, armed clashes between Abkhaz and Georgians broke out, as a result of which 17 persons died (Svante 2001).

In August 1990, the Georgian Communist leadership banned all regionally based parties from the elections to be held in October. Abkhazians responded by acting unilaterally. On August 25, 1990, the Abkhazian Supreme Soviet declared Abkhazia's sovereignty, wherein the Georgian members staged a boycott. The Georgian Supreme Soviet annulled the Abkhazian declaration and pledged to protect Georgia's territorial

integrity. In October 1990, the first semi-free elections for Georgia's parliament were held. Zviad Gamsakhurdia's (a staunch Georgian nationalist with rather suspicious democratic credentials, electoral bloc "Round Table-Free Georgia" won a majority of the popular vote (54%) and 155 of the 250 parliamentary seats (Demetrious 2003). In May 1991, Gamsakhurdia was elected president of Georgia with 87 percent of the popular vote. However, this overwhelming election result was possible because the presidential vote did not take place in Abkhazia and South Ossetia. Elected mainly by the votes of ethnic Georgians, Gamsakhurdia's most famous political slogan became the alarming catchphrase "Georgia for the Georgians" (Nodia 1996). Meanwhile, in December 1990, the Abkhaz Supreme Soviet had – without the participation of the body's Georgian members – elected Vladislav Ardzinba, an Abkhaz nationalist, as its chairman. One of Ardzinba's first political acts was the decision to let "his" republic participate in the all-Union referendum on the preservation of the USSR to be held on March 17, 1991, which was boycotted by Georgia. While 52.2 percent of the Abkhaz population participated in the referendum, an overwhelming majority of 94.4 percent voted in favor of the preservation of the Soviet Union (Owen 2006).

In December 1991, Georgian civil war broke out when the National Guard, the military arm of President Gamsakhurdia's opposition, attacked loyal government troops. In January 1992, the opposition ousted Gamsakhurdia and took over power. Subsequently, it formed a Military Council as Georgia's interim ruling body. One of the first acts of the Military Council, headed by Tengiz Sigua, Tengiz Kitovani (National Guard) and Jaba Ioseliani (Mkhedrioni, a paramilitary organization), was the imposition of a state of emergency over the country. On February 21, 1992, the Military Council abolished the constitution of the Georgian SSR and reinstated Georgia's constitution of 1921. In March, the Military Council was dissolved and its powers were transferred to a provisional government, called the State Council. Eduard Shevardnadze, the former Soviet foreign minister, was appointed head of the State Council. The Abkhazian parliament declared the republic's independence on July 23, 1992 and reinstated the Abkhaz constitution of 1925, in which Abkhazia's equal legal status with Georgia was codified. The Georgian State Council immediately called the declaration of independence invalid (Kvarchelia 1999).

Under the pretext of hunting down rebellious followers of the former Georgian president Gamsakhurdia, who had kidnapped several high-ranking Georgian officials (inter alia the Georgian Interior Minister Gventsadze), Georgia's National Guard under the lead of General Tengiz Kitovani invaded Abkhazia on August 14, 1992. Only four days later, Georgian troops captured the Abkhaz capital Sukhumi and forced the Abkhazian leadership to flee to the nearby town of Gudauta. But by summer 1993, Abkhaz forces controlled large parts of Abkhazia's territory with the most notable exception of the capital Sukhumi. In the face of this situation, Georgia was forced to accept a conflict settlement plan put forward by Russia. On July 27, 1993, the Georgian government and the Abkhazian authorities signed a ceasefire agreement in the Russian city of Sochi (Hewitt 1996). The agreement provided for the retreat of Georgian troops from Abkhazian territory, the return of the Abkhazian Parliament to Sukhumi and the stationing of UN observers in Abkhazia. In August, a United Nations Observer Mission to Georgia (UNOMIG) was established to monitor the ceasefire by the United Nations Security Council (UNSC) Resolution 858 in August 1993. A UNOMIG Police force was also set up to assist the UN mission in July 2003 by UNSC Resolution 1494. But this renewed attempt to bring a cessation to hostilities was also unsuccessful. Exactly two months after the truce, on September 27, 1993, Abkhazian troops seized Sukhumi and declared their victory over Georgia. The pro-Georgian Abkhazian government left Abkhazia and moved to Tbilisi.

For South Ossetia also Russia brokered a ceasefire and negotiated the Agreement in 1992. The agreement primarily established a cease-fire between both Georgian and South Ossetian forces, it also defined a zone of conflict around the South Ossetian capital of Tskhinvali and established a security corridor along the border of the as yet unrecognized South Ossetian territories. The Agreement also created a Joint Control Commission and a peacekeeping body, the Joint Peacekeeping Forces group (JPKF) (Nichol 2008). The JPKF was put under Russian command and was composed of peacekeepers from Georgia, Russia, and North Ossetia (as the South Ossetian independence was still unrecognized; South Ossetian peacekeepers, however, served in the North Ossetian contingent). In addition, the OSCE agreed to monitor the ceasefire and to facilitate negotiations. The OSCE sought to eliminate sources of tension, support

the existing ceasefire, and facilitate a broader political framework to alleviate long term disharmony. Much like the Abkhaz conflict, conflict in South Ossetia also happened around the same time in the early part of the 1990s brokered by the Russian and also peace-keeping initiated and undertaken by the Russians using the Commonwealth of Independent States (CIS).

Tensions in Georgia date back at least to the 1920s, when South Ossetia made abortive attempts to declare its independence but ended up as an autonomous region within Soviet Georgia after the Red Army conquered Georgia. In 1989, South Ossetia lobbied for joining its territory with North Ossetia in Russia or for independence. Georgia's own declaration of independence from the former Soviet Union and subsequent repressive efforts by former Georgian President Gamsakhurdia triggered conflict in 1990. In January 1991, hostilities broke out between Georgia and South Ossetia, reportedly contributing to an estimated 2,000-4,000 deaths and the displacement of tens of thousands of people. In June 1992, Russia brokered a cease-fire, and Russian, Georgian, and Ossetian "peacekeeping" units set up base camps in a security zone around Tskhinvali, the capital of South Ossetia. The units usually totalled around 1,100 troops, including about 530 Russians, a 300-member North Ossetian brigade (which was actually composed of South Ossetians and headed by a North Ossetian), and about 300 Georgians. Monitors from the Organization for Security and Cooperation in Europe (OSCE) did most of the patrolling. A Joint Control Commission (JCC) composed of Russian, Georgian, and North and South Ossetian emissaries ostensibly promoted a settlement of the conflict, with the OSCE as facilitator. According to some estimates, some 20,000 ethnic Georgians resided in one-third to one-half of the region and 25,000 ethnic Ossetians in the other portion. Many fled during the fighting in the early 1990s or migrated (Nichol 2008).

Moscow extended citizenship and passports to most ethnic Ossetians after the first conflict in 1992 and this was resented by Georgia as interference in the internal affairs of its domestic affairs. After a long gap of truce simmering long-time tensions erupted on the evening of August 7, 2008, when South Ossetia and Georgia accused each other of launching intense artillery barrages against each other. Georgia claims that South Ossetian forces did not respond to a ceasefire appeal but intensified their shelling,

“forcing” Georgia to send in troops. On August 8, Russia launched large-scale air attacks and dispatched troops to South Ossetia that engaged Georgian forces later in the day. By the morning of August 10, Russian troops had occupied the bulk of South Ossetia, reached its border with the rest of Georgia, and were shelling areas across the border. Russian troops occupied several Georgian cities. Russian warships landed troops in Georgia’s breakaway Abkhazia region and took up positions off Georgia’s Black Sea coast (Friedman 2008).

Some observers warned that Russia’s increasing influence in South Ossetia and Abkhazia over the years transformed the separatist conflicts into essentially Russia-Georgia disputes (Briand 2008). Most residents of Abkhazia and South Ossetia reportedly were granted Russian citizenship and passports and most appeared to want their regions to be part of Russia. In late 2003, Mikheil Saakashvili came to power during the so-called “rose revolution” (he was elected president in January 2004). He pledged to institute democratic and economic reforms, and to re-gain central government authority over the separatist regions. In 2004, he began to increase pressure on South Ossetia by tightening border controls and breaking up a large-scale smuggling operation in the region that allegedly involved Russian organized crime and corrupt Georgian officials. He also reportedly sent several hundred police, military, and intelligence personnel into South Ossetia. Georgia maintained that it was only bolstering its peacekeeping contingent up to the limit of 500 troops, as permitted by the cease-fire agreement. Georgian guerrilla forces also reportedly entered the region. Allegedly, Russian officials likewise assisted several hundred paramilitary elements from Abkhazia, Transnistria, and Russia to enter. Following inconclusive clashes, both sides by late 2004 ostensibly had pulled back most of the guerrillas and paramilitary forces. In July 2005, President Saakashvili announced a new peace plan for South Ossetia that offered substantial autonomy and a three-stage settlement, consisting of demilitarization, economic rehabilitation, and a political settlement. South Ossetian “president” Eduard Kokoiti rejected the plan, asserting in October 2005 that “we [South Ossetians] are citizens of Russia” (Nichol 2008).

The Georgian peace plan received backing by the OSCE Ministerial Council in early December 2005. Perhaps faced with this international support, in mid-December

2005, Kokoiti proffered a South Ossetian peace proposal that also envisaged benchmarks, but presumed that South Ossetia would be independent. In November 2006, a popular referendum was held in South Ossetia to reaffirm its “independence” from Georgia. The separatists reported that 95% of 55,000 registered voters turned out and that 99% approved the referendum (Mdzinarishvili 2009). The OSCE and U.S. State Department declined to recognize these votes. In “alternative” voting among ethnic Georgians in South Ossetia (and those displaced from South Ossetia) and other South Ossetians, the pro-Georgian Dmitriy Sanakoyev was elected governor of South Ossetia, and a referendum was approved supporting Georgia’s territorial integrity. In March 2007, President Saakashvili proposed another peace plan for South Ossetia that involved creating “transitional” administrative districts throughout the region - ostensibly under Sanakoyev’s authority - which would be represented by an emissary at JCC or alternative peace talks. In July 2007, President Saakashvili decreed the establishment of a commission to work out South Ossetia’s “status” as a part of Georgia. The JCC finally held a meeting (with Georgia’s emissaries in attendance) in Tbilisi, Georgia, in October 2007, but the Russian Foreign Ministry claimed that the Georgian emissaries made unacceptable demands in order to deliberately sabotage the results of the meeting. No further meetings were held. And the Georgian invasion took place in August 2008 leading to counter-attack by the Russian forces.

4. Background of the Conflict

The protracted conflict between Georgia and Abkhazia shows little sign of moving toward a resolution. Even though the conflict is nearly two decades old and 32 resolutions have been passed by the United Nations Security Council (UNSC), prospects for peace remain remote. The conflict between Tbilisi and Sukhumi must be seen within the broader context of US and Russia’s ambitions in the region. The US and Russia pursue strategic objectives of destabilizing Georgia by establishing legal ties with Abkhazia and unilaterally deploying additional “peacekeepers” in violation of treaty obligations. Russia believes that destabilizing Georgia will undermine the government of President Mikheil Saakashvili and discredit Georgia’s democratic experiment (Phillips 2008). In addition to deterring NATO’s military action plan for Georgia, Russia’s

policies also seek to establish control of energy exports from the Caspian Sea to Western markets (Friedman 2008). Gazprom is exploring off the Abkhaz coast and, with Russia's lease over Sevastopol expiring in 2017, Abkhazia also potentially provides a deep water port for Russia's Black Sea fleet. Russia's approach may seem emotional and reactive, but it is calculated to advance Russia's goals in Georgia and its interests in the region.

Abkhazia is a territory located on the Black Sea in the northwest of Georgia. At the heart of the conflict between Georgia and Abkhazia is a contest between territorial integrity and self-determination. Prior to the 1992–1993 war, the central question of Georgian-Abkhaz relations was not whether Abkhazia should be a part of Georgia, but on what terms (Coppieters 1999). In the eighth century, "Abazgia" conquered the western Georgian kingdom of Lazica and established Abkhazia, which encompassed the whole of western Georgia. Kartli, the central territory of eastern Georgia, later merged with Abkhazia. When Georgia disintegrated at the end of the fifteenth century, Abkhazia emerged as a semi-independent state together with a number of other former Georgian lands, including Mingrelia, and with its capitol in Kutaisi. From the start of the seventeenth century, Abkhaz rulers extended their rule to the Inguri River and subsequently consolidated control of the Gali district in the 1770s. During this period, however, the Georgian Church based in Mtskheta maintained its authority over Abkhaz religious institutions. The Ottoman Empire occupied parts of Abkhazia beginning in 1560. By 1810, Czarist Russia took control of Sukhumi and environs, incorporating Abkhaz and Georgian principalities. To suppress Abkhaz resistance, Russia deported Muslim Abkhaz to Ottoman territories. Abkhaz joined Turkish forces when they attacked Russia in 1877. After the Russian victory, however, more Abkhaz were expelled to Turkey. At least half of all Abkhaz resettled in Turkey or perished in these two waves of migration (Phillips 2008).

When Georgia declared independence in the spring of 1918, Georgian troops fought Abkhaz Bolsheviks and ultimately established direct military rule over the region. Georgia offered wide self-rule to Abkhazia. A constitutional framework for autonomy was prepared, but not implemented before the Red Army invaded in 1921. "A special union treaty" established a confederation between Abkhazia and Georgia after

Sovietization in 1921. On February 19, 1931, Stalin downgraded Abkhazia's status to that of an autonomous entity within Georgia (Goble 2009). Transmigration peaked in the 1950s with the migration of Georgians to Abkhazia and the influx of Russians and Armenians.

After the break-up of the Soviet Union, Russia recognized the Republic of Georgia within its existing frontiers and established diplomatic relations on July 1, 1992. The Abkhaz Supreme Soviet responded by reinstating the 1925 draft constitution and decreeing the Abkhazia Soviet Socialist Republic (SSR) in a treaty relationship with the Georgian SSR under the Soviet Union on July 23, 1992 (Zurcher 2007). Georgia's parliament nullified the Abkhaz decree. On September 3, 1992, Russia ended the ensuing conflict and brokered a ceasefire agreement, stipulating that "the territorial integrity of the Republic of Georgia shall be ensured." The agreement was never implemented. Georgia redeployed its forces during the summer of 1993, whereupon Russia returned weapons to the Abkhaz, enabling their forces to regroup and capture Sukhumi on September 27, 1993. Russian forces fought side-by-side with Abkhaz militias during the takeover of Sukhumi. Sanctioned by the UN under auspices of the Commonwealth of Independent States (CIS), about 1,500 Russian troops were subsequently sent as "peacekeepers" to Abkhazia. Up to 250,000 Georgians were expelled in what the international community has characterized as "ethnic cleansing" (Phillips 2008).

Abkhazians origins can be traced back at least to the fifth century B.C., were widely dispersed, killed, or deported by the Russian colonizers. Many Abkhazians wished to have it regained its former status. Beginning as early as 1989, they sought its separation from Georgia. Abkhazians refused to be assimilated and acculturated by the Georgians either in language or in culture and so they appealed to Moscow to grant them the status of a full union republic. Abkhazians share a common language and culture but not common religions, as some are Muslims, some are Eastern Orthodox Christians, and large percentages retain 'pagan' practices and beliefs. The population of Abkhazians in Abkhazia diminished steadily over the twentieth century. These adverse demographic trends explain why the Abkhazians fear for their survival as a distinct people (Hopmann 2000). So as early as 1988, Abkhazian leaders appealed to Gorbachev to re-create the

Abkhazian Soviet Socialist republic with treaty ties to Georgia but complete rights of self-determination.

On the other hand the Georgians rallied to support the integrity of their own nation and the interests of the ethnic Georgians (who composed about 45 percent of the population of the of Abkhazia) by organizing a national demonstration in Tbilisi in April 1989, which was initially aimed against the Abkhazian but it quickly turned into demands for Georgian secession from the Soviet Union. Moscow sent Gen. Igor Rodionov to Tbilisi to re-organize the army and the security forces. On April 9 Gen. Igor Rodionov's force launched an offensive upon the Georgian demonstrators using tear gas and chemical weapons. In what came to be known in Georgia as "Bloody Sunday in Tbilisi" nineteen people were killed and thousands were injured by the chemical weapons (cited in Hopmann, Batalden and Batalden 1997, Leaning, Barron and Rumack 1990). As a fall out of this strong-hand approach of the USSR towards the Georgian demonstrators the Georgian Supreme Soviet declared sovereignty in August 1989. By which act, the chances of the Abkhazians and the South Ossetians to reach their goal of sovereignty from Georgia got further diminished. Zviad Gamsakhurdia leader of the Round Table-Free Georgia became the undisputed leader for he demanded new parliamentary elections and the restoration of the constitution that had governed Georgia from 1918 through 1921, when the nation had temporarily achieved independence after the collapse of Czarist Russia and prior to the consolidation of Soviet control over the Southern Caucasus.

5. State Disintegration, Violent Conflict and Big Powers Interests

Georgia is strategically important to Russia and the West because it lies on a key transit route for Caspian oil and gas supplies to the West. Russia has long enjoyed a virtual monopoly on regional energy export routes and has been accused of using its energy resources as a weapon of foreign policy since the breakup of the USSR. So Russia invaded its small neighbor (Georgia) in support of South Ossetian separatists after Georgian President Mikhail Saakashvili – who is reviled by the Kremlin for wanting his country to join NATO – sent troops into the rebel region in a bid to restore government control. The outcome of the fighting was Russian recognition of South Ossetia and

another breakaway Georgian region, Abkhazia, as “independent” states. Moscow said its aim was to ensure the two regions’ self-determination and protect Russian citizens, but critics view its actions as de facto annexation of sovereign Georgian territory – a view reinforced by the deployment since early this month of Russian guards along the “borders” between Abkhazia and South Ossetia and the rest of Georgia (Goodenough 2009).

Georgia declared its independence from the Soviet Union on April 9, 1991, and Gamsakhurdia emerged as its first leader. As his power grew, he became more and more overtly authoritarian and nationalists, describing himself as sent by God to make Georgia a moral example for the entire world (Batalden and Batalden 1997: 128). He successfully liquidated his political rivals through clever manipulation of the allies. Gamsakhurdia’s personality and positions increased fears among national minorities across Georgia, not only in Abkhazia. He began to attack the minority regions by abolishing the autonomous status of the South Ossetian Autonomous Oblast, and he also sent Georgian troops to the regional capital of Tskhinvali to establish Georgian authority over the region (Hopmann 2000).

Gamsakhurdia’s authoritarian rule did not go unchallenged in Tbilisi, opposition to his dictatorial regime started especially after he ordered the National Guards troops to fire on peaceful demonstrators in September 1991. Georgia was engulfed in a power struggle between the President and his followers on the one hand and on the other by a group led by Tengiz Kitovani. After the *coup d’ etat*, which ousted Gamsakhurdia a bloody civil war ensued between the Gamsakhurdia’s supporters and the newly installed State Council of Georgia. Eduard Shevardnadze was appointed to head the new interim state council, and he subsequently led a new political coalition to victory in the presidential elections held in October 1991. Shevardnadze managed to secure international recognition of Georgia as a new state in early 1992 within its boundaries from the Soviet period, but the struggle for control of this government through many months of civil strife (Otyrba 1994:287).

6. Negotiations

Amidst the internal crisis in Georgia the question of the Abkhazian struggle for self-determination was sidelined. In 1988, Abkhazians pleaded with Moscow/Mikhail Gorbachev to recreate the Abkhazia Soviet Socialist Republic, with treaty ties to Georgia but with complete rights of self-government.² In August 1990, the Abkhazian Supreme Soviet, with ethnic Georgian deputies absent, declared the region to be sovereign and offered to negotiate with Georgian leaders about a federal relationship that would preserve the formal territorial integrity of Georgia (Cornell 2001). In 1991 when Gamsakhurdia was still in power the Abkhazians under the new leader Vladislav Ardzinba negotiated with Gamsakhurdia, proposing the creation of a two-chamber parliament for Abkhazia. One chamber would represent the population on a proportional basis; the other would represent the various national groupings within Abkhazia. After a period of negotiations, legal experts from the two sides agreed that Abkhazians would be entitled to 28 seats in a 65-member chamber, compared to 26 for Georgians and 11 for other minorities. Georgians living inside Abkhazia rejected the proposals and ultimately the central government followed suit in rejecting the proposal as well (Phillips 2008). On hindsight such political accommodation by the Georgians in the center though rejected by the Georgians in Abkhazia could have won the confidence of the minorities and would led to a more stable and peaceful settlement of the disputes in an exercise of consociational democracy.

Both the sides entrenched their positions in such a way that negotiations could not proceed to any meaningful and logical conclusion. A more patient and prudent approach by Abkhaz leaders might have allowed time to formulate a power-sharing arrangement preventing their secession. Georgian President Eduard Shevardnadze was unduly influenced by his inner circle of hard-liners and, exacerbating the deep distrust of the Abkhaz toward Georgia, precipitously ordered 2,000 Georgian troops across the Inguri River. Some Georgians opposed Shevardnadze's action. Instead of sending troops, they urged him to call for new elections and reach out to Abkhaz leaders. They warned that Georgia's efforts to isolate the Abkhaz secessionist regime would radicalize Abkhaz society and entrench divisions between Georgia and Abkhazia, as well as between

² The Abkhazia Soviet Socialist Republic was downgraded to autonomous republic within the Georgian Socialist Republic by Stalin in 1921. For details see.

Georgia and Russia. Efforts to resolve the conflict through negotiations have foundered. The Abkhaz authorities proposed a confederal power-sharing arrangement in 1993, which Georgia dismissed out of hand (Phillips 2008).

As the negotiations were falling apart due to the hard-line posture of the Georgian authorities and the country was plunged into a civil war, Abkhazians under Ardzinba and his group took the crisis in Georgia to consolidate Abkhazian independence, this time around there was no negotiation on any special relationship between Abkhazia and Georgia. Abkhazians under Ardzinba has taken the struggle to a more radical and revolutionary stage for which he received unwavering support from his domestic constituencies (Khashig 2003). As a matter of fact both sides viewed the conflict as a zero-sum game from which both must hold on to their positions steadfast.

During the early part of the Russian Russian Bolsheviks encouraged ethnic minorities in Georgia to rebel against the central government, which would make a Bolshevik conquest of Georgia that much easier, and so the initially welcomed the proclamation of a separate Abkhaz Soviet Socialist Republic in March 1921 (Fowkes 2002). However, Stalin downgraded Abkhazia in 1931 to an autonomous republic within the union against the wishes of the Abkhazians.

Conflict was unavoidable because the sides had radically different answer to the fundamental question, "What is Abkhazia?" For the Georgian side, the answer was clear: 'Abkhazia is Georgia'. This was the slogan carried by demonstrators in March and April of 1989, when, for the first time during the Perestroika era, the issue of Abkhazia became an object of mass politics. Its meaning was clear: Abkhazia is an inseparable part of Georgia, just like any other Georgian province Kakhetia, Imeretia, Mingrelia, etc. For the Abkhaz, on the other hand, it was equally clear that this answer was wrong. 'Abkhazia is Abkhazia' as Stanislav Lakoba, then the deputy-speaker of the Abkhazian parliament entitled his article published in the West in 1995 (Lakoba 1995).

The conflict over Abkhazia proved the most intractable of these. An unstable stalemate marked relations between Abkhazia and Georgia since a ceasefire in May 1994 formally brought an end to the thirteen-month war of 1992-93. Negotiations oscillated between dialogue and deadlock, punctuated by periods of heightened tension, which in May 1998 almost resulted in full-scale military conflagration. A framework agreement

was signed early in the peace process, but it had been subject to conflicting interpretations. Subsequent exchanges of draft proposals and counter-proposals had rarely been able to address the fundamental issues separating the sides. While Georgia and Abkhazia seem not inclined towards a renewal of war, the efforts of international organizations, individual states and non-governmental organizations have failed to shift the process towards resolution. There is little common ground for a resolution of the underlying conflict on the political status of Abkhazia. The Abkhaz demanded sovereignty; Georgia was prepared to grant autonomy within an asymmetric federation. Georgia required the safe return of people displaced by the conflict before the issue of Abkhazia's status could be resolved; the Abkhaz authorities demanded the determination of the political and legal status of Abkhazia before the issue of the displaced could be resolved, fearing that large-scale repatriation would leave the Abkhaz in a minority within Abkhazia (Kvarchelia 1999).

Conflict Negotiations between Georgian and Abkhazia could be broadly categorized into two phases, namely, the phase following the immediate breakup of the Soviet Union i.e. the 1990s and the phase wherein Russia reasserts her role in the region as a regional power if not as a global power .i.e. in the 2000s especially after the coming of Putin and the revival of the Russian economy with oil and gas. Having seen the brief historical account of the genesis of the conflict, we have come to the portion where we put the conflict to a test with the parameters/instruments of Preventive Diplomacy as envisaged by the UN and the proponents of the same.

7. Preventive Diplomacy

(a). Peace-Time Measures

(1). Confidence Building Measures (CBMs)

CBMs is a process, not a product. It aims to build trust, which takes time. However, goodwill, trust and general confidence between the Georgians and the Abkhazians have sharply eroded since the time of the Stalin regime in 1931 whereby Abkhazia was demoted from the position of Abkhazia Socialist Republic Soviet to that of an autonomous region within Georgia. All along from 1931 the Abkhazians political leadership, till the beginning from 1989 when it petitioned Gorbachev to restore

Abkhazia's political status, was for regaining their suppressed nationalism and lost sovereignty. Notwithstanding the deep-seated resentment against Georgia and the Soviet Union, Abkhazia and South Ossetia restricted their resentments and grievances and initially began their national struggle in the form of prayer and petition (Hopmann 2000).

These embedded political grievances may be traced to the Soviet era wherein the Soviet nationalities policy granted political status to the major nationalities which composed the Soviet state and ranked them in a hierarchical federal system. Their place in the hierarchy depended on a number of factors such as population size, geographical location and political leverage with the Communist Party elite. In the Soviet ethno-federal construction, the union republics had the highest status, followed by the autonomous republics with the autonomous regions in the third rank. The political status of all units could change over time according to circumstances and the political considerations of the Moscow party leadership. Each national group which had received the right to constitute one of these units was recognized as its 'titular nation'. The Abkhaz were thus the titular nation of the Autonomous Soviet Socialist Republic of Abkhazia and the Georgians the titular nation of the Soviet Socialist Republic of Georgia (Coppieters 2004).

With the end of the Soviet system the legitimacy of the federal order and hierarchical relations between union republics, autonomous republics and autonomous regions became one of the main subjects of dispute. Some national movements in autonomous republics and regions refused to be considered part of a union republic. In most of the Russian Federation, these conflicts were settled by mutual agreement, but in the North and South Caucasus the crisis of legitimacy led to political tension and in some cases to violent clashes between the capitals of the union republics and their subordinate units. In Georgia, South Ossetia and Abkhazia, the legitimacy of the Soviet federal hierarchy was challenged by all sides. The political leadership of the autonomous region of South Ossetia strove to upgrade the status of the region through reunification with the North Ossetian Autonomous Republic (which lay within the Russian Federation). In a counter move Tbilisi abolished South Ossetia's autonomous status in 1990. Georgian nationalists considered such autonomy as a Soviet instrument to divide and rule its dependencies in the South Caucasus. Furthermore the Georgians did not regard the

Ossetians as indigenous. Georgians made up some forty-five per cent of the population and were challenging the political privileges of the Abkhaz titular nation, which comprised only eighteen per cent. The political leadership in Tbilisi did not see any reason why the Soviet hierarchical system should not be preserved and even enforced after the achievement of independence. The politically privileged position of the Abkhaz minority was unacceptable to them. The leaders of the Abkhaz national movement refused to acknowledge the authority of the Georgian political leadership in Tbilisi and before the dissolution of the USSR had already striven to upgrade Abkhazia's status from autonomous republic to union republic. After its dissolution they demanded equal status with Georgia in a loose federative framework. This form of withdrawal from the authority of the Georgian state would, in the view of the Georgians and of Abkhaz radicals, have paved the way for full secession and the establishment of an independent Abkhaz state. The conflict over political status reached its climax with the war of 1992–93 when Georgian troops, consisting mainly of paramilitaries, intervened in the political conflict between the two main nationalities of Abkhazia. They were driven out by Abkhaz troops supported by nationalist movements from the North Caucasus and by the Russian military. As a consequence of this victory the Abkhaz authorities attempted to consolidate their position by changing the demographic situation. Majority of the Georgian inhabitants of Abkhazia fled to Georgia and these internally displaced persons (IDPs) were not allowed to return (Coppieters 1999). Adopting such hardened stands by the two sides left for little room confidence building measures. And the UN intervened as a mediator through the UNOMIG, but much before the UN's intervention Russia has been playing a crucial role in the early stage of the conflict.

Efforts to institutionalize CBMs have floundered, as have Track-Two activities involving civil society. Lack of progress is due to the lack of resources, as well as failures by both the Georgian and Abkhaz sides to create a permissive environment for contact and communication resulting in practical forms of cooperation. There are those on all sides of the conflict who believe that the status quo is preferable to change, which is unpredictable and potentially volatile. Deep bitterness on both sides is also an important factor impeding trust and reconciliation.

With UNOMIG as the overall lead agency both Georgian and Abkhaz representatives participated; Russia as facilitator and countries in the Group of Friends functioned as observers. Within the framework of the Geneva peace process and under the auspices of the United Nations, CBMs were discussed at meeting in Athens in 1998, Istanbul in 1999 and Yalta in 2001. The Yalta Declaration reaffirmed commitments regarding the non-use of force to resolve disputes and called for a political settlement to the conflict between Georgia and Abkhazia. It also resolved to create the necessary conditions for voluntary and safe returns of internally displaced persons. Recognizing CBMs as playing an indispensable role to help resolve the conflict, both sides agreed to undertake along list activities in a variety of fields which would involve implementing partners from different sectors and with complementary competencies. Projects were envisioned involving youth, students, scientists psychologists, writers, librarians, political circles, war veterans and invalids. Joint cultural and economic activities were envisioned in a variety of fields including wine-making. Plans were made to establish a database with information on progress implementing activities.

Commitments in the Yalta declaration were never fulfilled. Efforts have been undermined by the overall lack of security and the simple fact that the Abkhaz authorities do not desire CBMs. They were content with the status quo and actively discourage NGOs from practical cooperation with Georgian counterparts. However, there were exceptions to the hostility, some instance of cooperation between the two have been made in the projects like the Hydro-Electric Power Project (HPP) a \$ 40 million collaboration since 1995. Dam is located in Georgia and the powerhouse in Abkhazia. HPP is critical to both the sides. UNOMIG also commenced a shuttled bus crossing the 800-meter bridge over the Inguri River, which marks the ceasefire line in the Georgian-Abkhaz conflict zone. The bridge is the only official access point from Georgia to and from Abhazia. CBMs in the form of person-to-person or track-two diplomacy were also convened at Istanbul in June 2008 contacts which could be prelude to official diplomacy (Phillips 2008).

However, notwithstanding all the best intentions and efforts of the UNOMIG the acute schisms and contested nationalism premised upon ethnic and socio-religious divides between Georgia and its break away regions Abkhazia and south Ossetia further

aggravated the conflict. Abkhazia and south Ossetia being predominantly Muslims and the Georgians Christians have all the more polarised. Historically the two communities have seen long-drawn conflicts. In such scenario significant confidence building measures between the two parties could not be carried out on their own or through external mediations until the dispute had reached a point of no-return violently. Track-two diplomacy in the area of business and commercial contacts, allowing Internally Displaced Persons (IDPs) return, etc could help bridged the trust-deficits that the parties in conflict have incurred and thus usher in an environment conducive for greater understanding and negotiation.

(2). Institution Building

A key aspect of institution building is norm-setting, or inducing rule-governed behavior among the actors. Such norms could include multilateralism, non-interference and non-intervention and pacific settlement of disputes. In its broad sense, institution building might be helped by consultations and dialogue initiated primarily by non-governmental actors, but attended by government officials (who may profess to participate in their 'private' capacity). (Acharya 1997). And Institution Building as envisaged by the UN Preventive Diplomacy is expected to be in place before dispute turn into a violent conflict. However in the case of the Georgian and Abkhazian conflicts the United Nations Observer Mission in Georgia (UNOMIG) was belatedly established in August 1993 by UN Security Council Resolution 858, just as the war between Georgia and Abkhazia was coming to a close. UNOMIG was established to verify compliance with the ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia. UNOMIG's mandate was expanded following the signing by the parties of the 1994 Agreement on a Ceasefire and Separation of Forces.

UN's effort for political settlement of the conflict is found in the document Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi, also known as the Boden Document, whose final draft the world organization disclosed in January 2002. In its last resolution on Abkhazia dating July 31, 2003, the UN Security Council repeated its support for the document (S/RES/1462). However, the Abkhaz side still refuses to accept the document as a basis for negotiations because it stipulates

Georgia's territorial integrity and precludes the possibility of an independent Abkhaz state. In one of the meeting of the Group of Friends of the UN Secretary-General for Georgia in Geneva on July 21-22, 2003 chaired by the United Nations Under Secretary-General for Peacekeeping Operations, Jean-Marie Guehenno, the Georgian side emphasized the following steps as being vital for the progress of the conflict settlement process: the implementation of the confidence-building measures agreed upon in the Yalta Agreement of 2001 and the realization of the recommendations put forward by the Joint Assessment Mission of 2000 and the Security Assessment Mission of 2002, in particular the proposal to open a branch of the UN Human Rights office in the Gali District. At the meeting, Georgian representatives also repeated their call for an interim international joint administration for the Gali District. The Abkhaz side did not issue a press release after the meeting (Stewart 2003).

(3). Early Warning

It is a process of collecting and analyzing information for the purpose of identifying and recommending strategic options for preventive measures prior to the outbreak of violent conflict. Early Warning is considered in the longer term 2-3 year time frame before the outbreak of conflict or the onset of a crisis. Early warning has three fundamental elements: information gathering, analysis and a communications channel that opens the way for taking appropriate preventive action (Klaas 1998). And the early warning that the international community needed in the Caucasus was the information about possible conflict from erupting either in the early 1990s or prior to the August 2008 war between Russia and Georgia. However, as Zartman points out early warning suffers from some very contradictory problems. One is overabundance of information, since intelligence, news and research generate quantities of data that are readily available to those who needs them. The other is the absence of early awareness of these warnings, and early action on them. Policy makers are reluctant to make necessary responses for many reasons.

The Organization for Security and Cooperation OSCE in Europe has been accused of failing to warn that the August 2008 Russia-Georgia conflict was looming. Buck-passing seems to be the order of the day with the officials in OSCE. Here is what the

BBC reports unearthed from the horse mouth. Ryan Grist, a former senior OSCE official, told the BBC that he had warned of Georgia's military activity before its move into the South Ossetia region. He said that it was an "absolute failure" reports were not passed on by bosses. But OSCE Chairman Alexander Stubb said the risks were transmitted to member governments and the system worked well. The conflict in the region began on 7th August when Georgia tried to retake its breakaway region of South Ossetia by force after a series of lower-level clashes with Russian-backed rebels. Russia launched a counter-attack and the Georgian troops were ejected from both South Ossetia and Abkhazia, a second breakaway region, days later. Russian forces remain in the two regions, and Moscow has backed their declarations of independence. On Friday, thousands of anti-government activists demonstrated in the Georgian capital, Tbilisi - their first major protest since the conflict. Grist said, "The OSCE had been working in South Ossetia for many many years. We were the one institution that knew, had a feel for what was going on there at the mission level. He said he had made it 'very clear' at a briefing to ambassadors that there was a "severe escalation". But Stubb said reports were sent to member governments, who then made their own assessments. He added: "I myself got worrying information around the 7th of August that something, so to say, is cooking but that was going on all the time on both sides." Mr Stubb said the OSCE only had 'diplomatic means' but admitted those means had failed." That's why we had to act immediately when the war had started. Then we only had one aim and that was a ceasefire and I think we succeeded quite well in that." OSCE deputed a mission in Georgia since 1992 and the October 2008 talk co-hosted with the EU and UN was not attended by the two protagonists. Now imagine the situation in the 1990s when the cold war was just over and the UN and the regional NGOs were still new to the idea of early warning. If even after more than a decade of the end of the cold war the UN and the EU cannot determine when it is likely to see crisis looming and adequately send the warnings than there is a need to do some serious re-thinking of the UN and the OSCE's capacity as keeper of order and peace.

So did the UN find itself in a similar position. There seems to have been a case of ambiguity and overabundance of information about the arms buildup and the possible hostility as Zartman noted. Georgia at the unlikeliest time launched the offensive in South

Ossetia to which Russia was more than willing to counterattack. Was it because of the bureaucratic red-tapism that the UNOMIG and other international NGOs stationed in the region could not foresee the armed conflict? Or was it because of the global power strategic interests of states like the US and other powers hell-bent on staging the war that, in spite of ample early warning the two sides engaged in a sparring quite futile? Given the US and the NATO unflinching support for Georgia in terms of alliance and arms supply on the one hand and the equally unwavering Russian allegiance to the cause of Abkhazia and South Ossetia, the efficacy and neutrality and viability of the UN's early warning system is under suspect.

(4). Preventive Humanitarian Action

Preventive Humanitarian Action refers to the use of humanitarian tools to prevent the outbreak or escalation of violent conflict. Even though the UN and the OSCE have their staffs manning the disputed regions in Abkhazia and South Ossetia the two could not provide adequate early warning of the impending hostility as well as immediate reliefs to the displaced after the conflict erupted. The Georgian armed conflict as such lasted only one week in August 2008, but the consequences will indubitably endure for much longer. The conflict and its aftermath have seen lives, livelihoods, homes, and communities devastated in South Ossetia and bordering districts of Georgia. As the conflict broke out, Human Rights Watch researchers immediately began documenting the violations that were committed by all sides (Lokshina 2009). However, from Abkhazia more than 25000 Georgians have escaped to Georgia during the first standoff between Georgia and Abkhazia. Further, more than 20,000 ethnic Georgians who fled the conflict in South Ossetia remain displaced. Ethnic Georgians in the Akhgori district - a remote area in the east of South Ossetia, currently occupied by Russian forces - face threats and harassment by militias and anxiety about a possible closure of the district's administrative border with the rest of Georgia. Russian and Georgian forces both used cluster munitions, causing civilian deaths and putting more civilians at risk by leaving behind unstable "minefields" of unexploded bomblets. The impact of cluster munitions on civilians in the conflict demonstrates why, in December 2008, 94 governments signed up to a

comprehensive treaty to ban cluster munitions. This was negotiated just months before the conflict commenced but Russia and Georgia notably failed to sign.

When the Georgian and Abkhaz sides signed the Agreement on a Ceasefire and Separation of Forces in Moscow on May 14, 1994, the Commonwealth of Independent States (CIS) deployed a Peacekeeping Operation (CISPKO) that was “welcomed” by the UN Security Council. The CISPKO was conceived as temporary, to include more CIS countries and then transformed into an international force (Coppieters 1999). UNOMIG was authorized to monitor the ceasefire and peacekeeping activities. As of October 2007, UNOMIG stood at 133 military observers and 19 police officers. The tragic situation of refugees and IDPs is not only a humanitarian disaster. The failure of the international community to return displaced persons, combined with the GoG’s inadequate resettlement efforts, adds another element of instability to the situation. The festering IDP situation prompts demands by hard-liners in Georgia for a military operation to forcibly retake territory, thereby enabling the return of IDPs. Approximately 300,000 predominantly ethnic Ossetia’s and ethnic Georgians were displaced following the secessionist conflicts in South Ossetia in 1991–92 and in Abkhazia in 1992–93. Most recently in UNGA Resolution 10708 (May 15, 2008), the international community has repeatedly recognized the forced displacement of Georgians from Abkhazia as ethnic cleansing (Phillips 2009).

Many IDPs were housed in emergency shelters in state-owned buildings, including hotels, schools, and hospitals. While these accommodations were not meant to be permanent, almost half of all IDPs still live in 1,600 “collection centers.” Conditions of the collection centers do not meet minimum standards, as they lack adequate access to water, proper insulation, and a functional sewage system. Even those IDPs who live with relatives or friends suffer due to their marginalization from higher than-average unemployment and more limited access to agricultural land and credit. During the Atlantic Council’s visit to Georgia, incensed IDPs rallied outside the Refugees Ministry to protest living conditions in Tbilisi’s collection centers. Their anger toward Georgia authorities is dwarfed, however, by their lingering rage against Abkhaz whom they hold responsible for their forcible expulsion (Phillips 2009).

8. Crisis-Time Responses

(1). Good Offices, Goodwill Missions and Fact-Finding

Good Offices and Goodwill Missions are usually undertaken before or at the onset of a crisis and involve the dispatch of senior official(s), such as the UN Secretary-General or his personal envoy(s). The aim of such mission is not necessarily to engage in serious mediation efforts, but rather to express the concern of the international community as well as to promote a climate of trust and to establish the areas of agreement between the parties to a conflict (Ramcharan 2008).

With the disintegration of the Soviet Union in 1991 and the outbreak of violent ethnic conflicts in several of its former republics, the UN began to actively involve in mediation and fact-finding efforts in the new nations of Azerbaijan, Georgia, Moldova and Tajikistan. A UN mission of good offices was sent to Georgia from 12 to 20 September 1992 to study the situation in Abkhazia - an autonomous republic on the Black Sea where ethnic Abkhaz account for 18 per cent of its population - which had declared its own "sovereignty", claiming that it was not part of the independent Republic of Georgia. Fierce fighting between the Abkhaz separatists and the Georgian troops took place on 14 August, with some 200 dead and hundreds wounded. A 3 September peace agreement - reached in Moscow by President Boris Yeltsin of the Russian Federation, Eduard Shevardnadze Eduard Shevardnadze President of the Georgian State Council, and agreed to by the leaders of Abkhazia - reaffirmed the territorial integrity of Georgia and provided for a cease-fire.

On 10 September 1992, following consultations held on the same day among the members of the Security Council, the President of the Council (Ecuador) made the following statement to the media on behalf of the Council:

The members of the Council, having heard the information provided by the Secretary-General and having considered the Final document of the Moscow meeting between the President of the Russian Federation and the Chairman of the State Council of the Republic of Georgia, held on 3 September 1992, express their satisfaction with the efforts of the participants of the meeting aimed at achieving an immediate ceasefire, overcoming the crisis situation and creating conditions for a comprehensive political settlement in Abkhazia, which had become an area of armed conflict (S/24542).

Beginning from 1992 the disputes quickly escalated into violence conflict with both sides committed to their respective entrenched positions and the UN was relying upon the CSCE and other regional organizations like the CIS. Sample this. The President of the Security Council noted on the brewing up tensions:

The Council has noted with concern the summary by the Secretary-General of 7 October 1992 of the report of the goodwill mission to Georgia regarding the situation in Georgia. It thanks the Secretary-General for the useful information contained in that document. It expresses its grave preoccupation regarding the recent deterioration of the situation in Georgia. It calls on all the parties to cease the fighting forthwith and to observe the terms of the agreement concluded on 3 September 1992 in Moscow, which affirms that the territorial integrity of Georgia shall be ensured, which provides for the establishment of a ceasefire and the commitment by the parties not to resort to the use of force, and which constitutes the basis for an overall political situation.

The situation in the Caucasus then required immediate intervention from the UN as peace-keeper and peace maker but the efforts were not forth coming save in the form of resolutions which endorsed the CSCE and other regional institutions to keep the peace as per the 3 September 1992 agreement to maintain the status quo.

The Council notes that the current Chairman of the Conference on Security and Cooperation in Europe intends to dispatch a mission to Georgia in the near future and underlines the need to ensure coordination between the efforts of the United Nations and those of the Conference on Security and Cooperation in Europe aimed at restoring peace (S/24637).

Analysts note that this reticence and seemingly overcautious approach on the part of the UN and the regional organizations is because of the totally new political environment of the post-Cold War. However, such argument of novelty and uniqueness of situations to tackle with is not a valid argument because the UN especially is an organization that has seen conflict and cooperation of different magnitudes. Whatever be the reason for the failure to act, the sole responsibility of sending Good Offices, Goodwill Missions and a Fact-Finding to determine the possible outbreak of conflict and prevention thereof remains the primary responsibility of the UN and its members. However, the glaring inactivity and failure to preempt such small conflicts on the part of the UN and the other international organizations notwithstanding the lofty ideals and

promises set forth in their charters would mean one thing, that the ordering principle of international system is indeed an anarchical system where the international institutions only give false promises (Mearsheimer 1994).

(2). Preventive Deployment

Before the UN actively became involved with its own troops deployment in Georgia the security arrangement for Preventive Deployment was made under the Conference for Security and Cooperation in Europe (CSCE), the Commonwealth of Independent States (CIS) and the Russian peace-keepers. UN involvement in the attempts at resolution and management of the Georgian-Abkhazian conflict is multifaceted and complex. The leading role was assumed by UNOMIG, which consisted of a Chief Military Observer and up to 130 subordinate observers from a large number of UN member countries. The mission also included about 95 international civilian personnel and 175 local civilian staff. The Special Representative to the Secretary General (SRSG) is simultaneously the head of UNOMIG. While UNOMIG headquarters is officially located in Sukhumi, where the SRSG is represented by his/her deputy, there is also a sizeable office in Tbilisi. UNOMIG's work is embedded in the so-called 'Geneva Peace Process', a framework initiated in 1997 to bring all negotiations on the conflict under the UN umbrella. This process allocates the role of 'facilitator' to the Russian Federation and grants observer status to the OSCE and the 'Group of Friends of the Secretary General on Georgia' (Phillips 2009).

Russia finds itself in a typical security dilemma and paradoxical situation with regards to conflict in Georgia between the Abkhazia and South Ossetia. On the one hand if it supports the separatism of Abkhazia and South Ossetia it has its own problems in Chechnya, on the other hand the *de facto* independence of Abkhazia and South Ossetia suited Moscow because it promised to keep Georgia more dependent on Russia for help in resolving the conflict and for refraining from attempts to lure Abkhazia away from Georgia (Friedman 2008). Therefore, Russia's role and desire as the regional hegemon required helping Georgia to beat Abkhazia and South Ossetia initially for fear of backlash in Chechnya initially, but in the long run the geostrategic political factors of US encircling Russia and Georgia veering away from Russia forced the turnabout to

supporting the cause of Abkhazia and South Ossetia. Russia's behavior best explains the logic of self-help for survival in an anarchic and unforgiving world.

(3). Negotiation and Mediation by the UN

On September 3, 1992, the first meeting of both conflicting parties took place in Moscow under the mediation of Russian President Boris Yeltsin, the President of the Georgian State Council, Eduard Shevardnadze, the President of Abkhazia, Vladislav Ardzinba, and representatives of the Confederation of the Mountain Peoples of the Caucasus adopted a Summary Resolution, in which they agreed on a ceasefire to take effect on September 5. The Resolution foresaw the retreat of Georgian troops from Abkhazian territory and the concomitant deployment of Russian peacekeeping troops. However, the ceasefire agreement was never fully implemented due to violations by both conflicting parties.

The UN found itself in a peculiar position because before its attempts to mediate in the conflict Russia had already established itself not only as co-mediator but also as a participant in the conflict with an extremely ambivalent role. This complex situation posed a critical challenge to the UN and its functioning. To a large extent the UN was forced to play a second fiddle to the Russian. The 1993 ceasefire accord which established a Commonwealth of Independent States Peace Keeping Force (CISPKF) agreed to by the parties in conflict without even consulting the UN is a clear illustration of the Russian hegemony. And the Russian rightly exercised that power because the UN was powerless to take control of the process and lacked also political will to send UN peacekeepers in the region (Stewart 2003).

On July 27, 1993, the Agreement On a Ceasefire in Abkhazia and On a Mechanism To Ensure Its Observance was concluded between Georgian and Abkhaz authorities in the Russian town of Sochi (therefore, the name "Sochi Agreement"). The Agreement's main provisions included a ceasefire and a moratorium on the use of force, the withdrawal of all military units of the conflicting parties from the combat zone within 10-15 days, the establishment of a Georgian-Abkhaz-Russian control group in charge of monitoring and enforcing the ceasefire, the deployment of international observers and peacekeeping troops under the aegis of the UN, and the resumption of talks on the

settlement of the conflict. Although the Sochi Agreement looked like a promising start for the peaceful settlement of the conflict, its durability was only two months. The Agreement was rendered invalid by the capture of the Abkhaz capital Sukhumi by Abkhazian troops on September 27, 1993.

In an attempt to integrate the Russian Federation into the UN peace process under consideration of its special role in the region a mechanism was devised which continues to characterize the constellation of actors at present. Russia received the role of 'facilitator', with UNOMIG officials, first in the form of a Special Envoy, then as a Special Representative to the Secretary General, representing the UN in negotiating efforts. The CSCE (later OSCE) was also granted a small role in the process, often with observer status, but this organization has not played a significant part in negotiation efforts. As mentioned earlier, a number of UN agencies other than UNOMIG have been active in Abkhazia, particularly in the provision of humanitarian aid. UNHCR has the longest history of involvement, dating back at least to the Quadripartite Agreement of April 1994, because of the importance attached to a quick, safe and voluntary return of refugees and IDPs. Later on UNDP, UNOCHA and UNV became involved to differing degrees in supplying assistance to Abkhazia, particularly the Gali region. Due to the UN's out of proportion respect for Georgian territorial integrity, even UN humanitarian aid has been provided inadequately to Abkhazia proper, which has, especially in the 1990s, been primarily the province of international NGOs. The main UN assistance efforts have been concentrated on the Gali region, to which most (ethnic Georgian) refugees and IDPs are returning (Stewart 2003).

Just prior to the ceasefire agreement two other documents were signed, this time with the direct participation of UN mediators: a declaration on measures for a political settlement and a so-called Quadripartite Agreement establishing a commission consisting of representatives from the parties, UNHCR and the Russian Federation. This agreement stipulated that conditions would be created for the rapid return of Georgian refugees and IDPs to Abkhazian territory. Although the Quadripartite Agreement was to become a cornerstone of UN activity in Abkhazia, its implementation

has consistently been thwarted by the Abkhaz side, and aside from spontaneous repatriation, the number of refugees and IDPs to return to Abkhazia has been small.

Substantial issue of the conflict which has evaded answer has been the question of the final political status of Abkhazia. IDP, human rights and other issues remain important during the negotiations but the political status could not be determined by the UN and its Good Offices or the Friends of Georgia (later name changed due to its explicit biased in favour of Georgia) or the Russian because of many reasons. Each of the parties in the negotiation table had entrenched positions and conflicting stakes in the conflict. The UN for instance has always favoured the territorial integrity of Georgia, especially the US and the NATO after Georgia agreed to join the Cold War military alliance further provoking the Russian to prop up the Abkhazian hardliners. Pattern of negotiations from the 1990s till the outbreak of the one week war in August 2008 has been following the line of zero-sum game. Both the parties see the conflict as a zero-sum game which must be won at any cost for its survival. Abkhaz side refused to sign any document that included recognition of Georgia's territorial integrity. On the other the Georgians refused to have any dialogue if its territorial integrity and sovereignty is compromised. This has been a key obstacle throughout the negotiation process because the UN is comprised of states and *a priori* recognizes their territorial integrity. This is accentuated to by the half-hearted approach of the UN in the initial stage of the conflict coupled with the ambivalence approach of the US and Russia.

So the entrenched positions of the parties in conflict further led to more intractable disputes, arms buildup and finally culminated in the unilateral declaration of independence by Abkhazia and South Ossetia following the August 2008 war between Georgia and Russia. Given the near helpless position of the UN during the negotiations, mediation and the subsequent armed conflict in Georgia one would be strongly inclined to surmise that, the international organizations are indeed futile, that international relations is indeed anarchical and one must resort to self-help to be able to survive as a state, if not bandwagon with the rising power. But a closer perusal at the pattern of the conflicts in particular from the 1990s to 2008, negotiations and the behavior of the different parties engaged tells otherwise. One can see the pre-eminence of the center of power in the US led NATO and Russia in the conflict, so one can also safely conclude

that what seem to be anarchy in vogue is in fact hierarchy in force, with the US at the helm of affairs and the antagonists like Russia and the likes trying to re-assert their hegemony in the regions. The two centers of powers are trying to re-start the traditional game of balance of power or so in order to increase their power and status.

For the moment Georgia after joining NATO in 2008 and the elaborate military exercises on its territory with the backing of the major western powers withholds the recognition but it is only a matter of time when Abkhazia and South Ossetia gets their due formal legal entity as sovereign states by the international community provided Russia does not annex them.

Chapter Five

Conclusion

1. Changing facade of Conflict in post-Cold War Era

After going through the various negotiations procedures preceding the conflicts and after in the former Yugoslavia, Serbia (Kosovo) and former USSR, Georgia (Abkhazia and South Ossetia) under the scope of the various parameters of Preventive Diplomacy, one may safely categorized the types of conflict in post-Cold War into two. Firstly, traditional conflict between the state actors that is, sovereign states who have formal legal entity that give them at least equal status in their interactions. Secondly, conflict between non-state actors and the state actors; which may be further classified into state-aspiring actors, like the KLA of Kosovo, IRA of Ireland and the ETA of Basque; and the anarchic non-state aspirants like Al Qaeda who has no agenda to secure power to form a government or establish a state that has formal-legal entity or recognized by the international community but simply plan to destabilize perceived enemy and hostile states.

In Georgia and Serbia the conflicts have been essentially between state and non-state actors. Kosovo, Abkhazia and South Ossetia as non-state actors strove to secure sovereign statehood for their respective nations against Serbia and Georgia states interests. Incidentally, UN and the international community are generally opposed to such movements because they supposedly constitute threats to the territorial integrity and sovereignty of a sovereign state and the international peace and security. So such quests for radical change is generally subjected to intense UN and international rules, norms and other procedural regulations especially after the de-colonization process from 1940s-60s. And overseeing the orderly and peaceful transition of feuding federations or unions to a peaceful separation like the 'Velvet Divorce' of Czech Republic and Slovakia rests upon the UN and the regional organizations according to Preventive Diplomacy's logic. However, the tragedy is that the transition process is generally violent because the nations within the federation or union have conflicting interests. Finding a way out of such conflict of interests from turning into violent conflicts is the normative responsibility of the UN and preventive diplomacy. But can such norms and regimes work without someone taking the responsibility of preventing the violent conflict when so much

resources and liabilities are to be expended and faced? In post-Cold War era with the US as the sole superpower, only when it comes to affecting its interests incipient conflicts are checked by either diplomatic engagement or military intervention either through the UN Peace Keeping Force or the NATO as happened in the Gulf crisis and the Balkans and Caucasus.

Post-Cold War era conflict and war between the state and non-state actors is generally protracted, low-intensity, sporadic, informal and highly asymmetric in the sense that it is generally between unequals. Conflict between state-actors whether democratic or authoritarian readily becomes the subject of diplomatic negotiations both at the formal and informal level because the institutions of state and its paraphernalia- judiciary, executive and the legislature are subjected to public accountability and scrutiny. On one hand a conflict between a state-actor and non-state actor is heavily skewed in favour of the state-actor who already has acquired a vast array of power in the forms of hard power like police, military, media and money that will vouch for the sovereignty of the state actor. On the other side the non-state actors lack such paraphernalia of power. In such imbalanced situation of the conflict diplomatic negotiation takes the back seat and the conflict turns protracted. Armed suppression by the state through militarization of such conflict zones do not yield positive result in most cases. And even if negotiations take place between the state and non-state actors it generally lacks transparency. A glaring example of the lack of transparency in highly unequal negotiations is the Rambouillet Conference during the negotiations between Serbia and Kosovo leaders. Secrecy or lack of transparency in negotiations is considered essential for tactical reasons until the deal is done but it can also jeopardize the negotiations when the negotiators and the domestic constituencies lose track of each other.

2. Conflict Inevitable?

Inspired by the Hobbesian's state of nature maxim of 'war of all against all' the major IR theoretical traditions is of the conclusion that conflict and war is inevitable and engaging is futile. Contrastingly, the Kantian logic of perpetual peace argues that democracies do not go to war against each other. Formal-Legalistic notion of states perpetually fighting with each under the Realist realm and the democratic states not going

to war against each other under Liberal are oversimplification of the nature and behavior of states and their conflicts. The Realist's logic of perpetual conflict or Liberalist's perpetual peace is a kind of Weberian Ideal Type, which is a heuristic device, modeled on some historical reality to examine and explain complex and value laden social world which cannot be studied by inductive and quantification approach. Formal-Legalistic concept of state premised upon the Treaty of Westphalia (1648) and adopted by the two major school leave out non-legal and informal entities like the ethnic communities and their aspirations contrast with that of the states. Hence, the question of engaging and negotiating with non-state actors with or without potential threat to the state actors is neglected by the major IR theories. Formal-Legal states were also at one point of time founded upon some mythologized nationalism striving for statehood and sovereignty. In the case of conflict between state and non-state actors especially those aspiring for statehood the social constructivist theory seems to be in a better position. Conflicts premised upon ethnicity, religion, language and culture seems inevitable but they are grounded and developed out of the perceived threat or discrimination meted out by external entities against their identity and interests.

In the case of Kosovo, Abkhazia and South Ossetia so long as the overwhelming communist states or for that matter the Ottoman Empire or the Imperial Russia were there the different ethnic communities co-existed somewhat peacefully. However, once the communist states acting as the peace-keepers perished the different ethnic groups recalling the past mythology of contested nationalism once again began all out wars. Yet, the peaceful transition of the Baltic States from Soviet communism to liberal democracies tells another story. Even the absence of such peace-keeper can usher in an orderly transition of power and governance. So, if conflicts between different competing ethnic groups can be contained and checked by a strong power then conflict can definitively be mitigated if not prevented when acted upon early according to protagonists of Preventive Diplomacy. And Collier rightly argues that there is nothing inevitable about conflict in multi-ethnic states. Indeed, quantitative analysis even suggests that substantial ethnic and religious diversity reduces the risk of civil war. Benedict Anderson's concept of nation as an imagined community is worth recalling in such context whereby the social

construction of communities sometimes cross each other's path and lead to conflagration of social conflicts.

3. Preventive Diplomacy, UN and International Organizations

The central logic of preventive diplomacy is 'act upon potential dispute before it escalates into violent armed conflict and further spread onto other region'. While the advocates of preventive diplomacy look up to the UN and the regional organizations to act as the peace-maker and peace-keeper in addition to the parties entangled in disputes, it has many challenges to overcome. It must be noted that the UN and the regional organizations have constraints, political and economical. To expect the UN or any other institutions to take upon the task of preventive diplomacy requires huge economic as well as human resources and these scarce resources are not forthcoming even in the post-cold war era. The increasing demands on the UN have led to an overload of commitments. Given its lack of resources, the UN has been obliged to acknowledge its inability to do the job alone and it has appealed to regional organizations for assistance as Leurdijk (1997) rightly observed. In fact the UN and its missions are managed and run on financial aids from member countries and the notable contributions come from the US and her allies. Substantive agenda of the UN therefore is set by the powers that contribute to the functioning of the UN even though in procedural matters the General Assembly is given the power to do so. So it is the big powers that call the shots in the UN and not the weaker states of the south. Nevertheless, the UN has contributed immensely to the maintenance of international peace and security through arbitration, adjudication and mediations in spite of the many difficulties like the 279 vetoes in the Security Council and other constraints during the cold war and after.

In Kosovo the UN had specifically entrusted the CSCE now OSCE with the Security Council Resolution to keep the peace in Kosovo. When that arrangement did not work out well NATO under the US came into the picture of preventive diplomacy. Whether Preventive diplomacy failed to prevent Kosovo crisis or whether it was the failure to implement preventive diplomacy is a subject matter of great debate. Touval (1998) and Demjaha (2000) argued that Preventive Diplomacy failed to prevent the ethno-national conflicts between the Serbs and Albanians. After examining the

negotiations process and the instruments of preventive diplomacy as implemented in Kosovo, one may be able to surmise that preventive diplomacy was not at all seriously implemented by whoever was in charged in Kosovo and Serbia or for that matter in Georgia. Confidence Building Measures or Track-Two Diplomacy between Kosovo and Serbia and Georgia were not implemented to the level that could pre-empt the ethnic hostility arising from grievances and mistrusts of the highly stratified ethnic groups.

4. When do states or parties to a conflict negotiate?

Like the Paris negotiations in the 1960s that continued even as the war raged on in Vietnam the Balkans and Caucasians also witnessed intermittent negotiations between hostility and truce upon mediation by the powers like the Russia and EU, and later the US. States tend to engage in negotiations only when they stand to mutually gain from the exercise, that is, states negotiate only when they have common interests, and common problems (Ikle 1963). But Serbia and Georgia did not negotiate with the breakaway groups namely, Kosovo, Abkhazia and South Ossetia because their national interests collided with one another. Most common argument put across by such states is that states do not negotiate with non-state entities that threaten their interests and pose a threat to their sovereignty which is also against international norms and the UN Charter. The US for instance has the policy of Zero Tolerance, which rules out any form of negotiation with a 'terrorist organization'. And the overzealous operation of such policy has reportedly cost the US very dearly in terms of billions of dollars especially with the declaration of the 'War against Terror' and more importantly the 'alienation of certain social groups.

Therefore, resolving the intriguing problem of with whom and when to start to negotiate is crucial for the prevention and early resolution of such incipient conflict. Problem of when to negotiate arises because of two reasons, when a conflict freshly breaks out the contending parties in the hope of winning and securing maximum benefit generally refuse to negotiate; and on the other side once a conflict is already on and the contending parties are already entrenched themselves having spent substantial resources negotiation is difficult until the principle of ripeness of conflict comes into force. Only when the conflict ripens, that is when it is protracted, neither a win or lose situation then

the negotiation is successful. However, waiting for ripening of conflict is simply not enough for successful negotiation. Successful negotiation after the conflict has ripened also requires use of credible threat by the negotiator and the mediator and logical proof that their conflict hurts not just the parties in conflicts but also the regional neighbor and the international peace and security. Cost-benefit analysis of protracted conflict and its consequences points to the benefits of preventive diplomacy. But lack of resources and political will to undertake such preventive measures only holds the UN and the international organizations back. So even the UN and other international organizations usually do not intervene in the initial stages of conflict owing to the normative ambiguity inherent in the UN Charter. Only when the conflicts turn costly in terms of loss of civilian lives and human rights violations in the form of rape, torture and displacement in large numbers that threaten other states and the regional security and stability did the EU, the OSCE and the UN intervene as have been seen in Balkans and the Caucasia.

Since the preventive diplomacy instruments like confidence building measures, institution building, early warning, fact-finding, good offices and so on were not put into practice in Serbia or Georgia effectively the conflicts turned violent and costly for the parties in conflict. In fact it was already late as fighting in Kosovo and Abkhazia had already started even as the UN Secretary General's Agenda for Peace Report was being unveiled in 1992. As Zartman argues the conflict once started and entrenched can only be mediated effectively after the conflict has reached the state of ripening, that is when the parties are thoroughly expended of their available resources both human and material.

The Rambouillet Conference in February to March 1999 was a negotiation held under military threat when the conflict turned protracted and was ripe for mediation. Serbia and Kosovo from their entrenched positions of territorial sovereignty and independence respectively, knew that it was not any easy war to win so they tried to portray each other as the belligerent and the one responsible for the failure of the Rambouillet talks. Even the Contact Group which was ideally to be neutral during the long process of negotiation was seen to be taking sides.

Induced by the Sochi Agreements and Quadripartite Agreements predominantly with the Russian intervention Georgia knew that war with South Ossetia and Abkhazia would become an international conflict and so must depend on US and Russia to prevent

such a war from breaking out. Negotiations between Russia and Georgia remained the core issue although South Ossetia and Abkhazia did everything possible to either remain a part of the negotiations or end them altogether. Critics rightly pointed out that the Georgian crises are essentially between Russia and Georgia. Russia, like the US' role in severing Kosovo from Serbia, has strategic interests in securing the allegiance and friendly relationship with the two especially after the Rose Revolution ended the Russo-Georgian relationship and in severing the two regions from Georgia.

Challenge for Preventive Diplomacy in such keenly contested strategic politics and ensuing conflict is monumental and requires the UN and the practitioner of this art to be equipped with the adequate resources both man and material and the political will. For the UN to play the watchdog of international peace and security, credibility in its threat of use of force and ability to keep or enforce peace is required. Given the chronic inability and failure of the UN in this regard on most of the occasions, be it Kosovo, Abkhazia and South Ossetia, since the first Gulf Crisis with the end of the Cold War, preventive diplomacy seems to be more of high-end idealism and less of pragmatic politics. And preventive diplomacy could be possible only when big powers take the initiative to address the problematic question of order and justice, because the principal ordering principle of international politics is not anarchy anymore but a hierarchy.

Conflict could be prevented from turning violent, escalating and spread to other regions only if the parties have credible threats to destroy each other as in the case of the nuclear weapons-enabled states. Conflicts between parties without such capability to hurt each other to the point of total annihilation are generally prolonged, unpredictable and intermittent. So early warning and early engagement with confidence-building measures and other diplomatic measures are seen to be successful between parties in disputes and conflicts when a third party mediates and also wields usage of credible threat for failure to comply.

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