Peacemaking for Power-sharing: The Role of Kin-states

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I certify that all material in this thesis which is not my own work has been identified and that no material has previously been submitted and approved for the award of a degree by this or any other University.

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Abstract

The thesis considers an understudied form of third party peacemaking, namely peacemaking interventions with kin-state involvement. The main research question this thesis seeks to analyse is how local actors, their kin-states and third party peacemakers interact within the context of a peacemaking intervention for power-sharing in deeply divided societies. The literature on third party peacemaking largely neglects the role of kin-states in peacemaking, while in the literature on power-sharing the role of external actors, including kin-states, remains understudied. This thesis aims to address these gaps by investigating the recent peacemaking interventions for power-sharing with kin-state involvement in Cyprus, Bosnia and Northern Ireland. The findings of the case studies are combined and assessed through the use of a five-level analytical framework, which includes the local actors level; the local actors-third party peacemaker level; the local actors-kin-state(s) level; the third party peacemaker-kin-state(s) level; and the kin-states level. The analysis identifies a number of conditions pertinent to each of these levels which affect peacemaking interventions for power-sharing in deeply divided societies with kin-state involvement. There are two main original contributions of this thesis to the above mentioned literatures. First, it proposes a typology of kin-state involvement in peacemaking, which categorises kin-state involvement into four roles: *promoter*; *quasi-mediator*; *power-broker*; and *enforcer*. Second, through the use of game theoretical analysis, more specifically a nested games approach, it illustrates how the interaction between local actors, their kin-states and third party peacemakers can be modelled in the context of a peacemaking intervention for power-sharing. The empirical and theoretical conclusions of this study indicate that kin-state involvement in third peacemaking interventions is more complex and fluid than widely assumed.

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Abbreviations

AIA: Anglo-Irish Agreement

AKEL: The Progressive Party of Working People

AKP: Justice and Development Party

ANAP: Motherland Party

APNI: Alliance Party of Northern Ireland

BIC: British Irish Council

CSCE: Commission on Security and Cooperation in Europe

CTP: Republican Turkish Party

DP: Democratic Party

DPA: Dayton Peace Agreement

DSD: Downing Street Declaration

DSP: Democratic Left Party

DUP: Democratic Unionist Party

EC: European Community

ECHR: European Court of Human Rights

EOKA: National Organisation of Cypriot Fighters

EU: European Union

GFA: Good Friday Agreement

HDZ BiH: Croatian Democratic Union of Bosnia and Herzegovina

ICFY: International Conference on Former Yugoslavia

IMF: International Monetary Fund

INLA: Irish National Liberation Army

IRA: Provisional Irish Republican Army

JNA: Yugoslav National Army

MHP: Nationalist Movement Party

MHS: Mutually Hurting Stalemate

MP: Member of Parliament

NATO: North Atlantic Treaty Organization

NICRA: Northern Ireland Civil Rights Association

NIWC: Northern Ireland Women's Association

OECD: Organisation for Economic Co-operation and Development

OHR: Office of High Representative

OIC: Organisation of Islamic Conference

OSCE: Organization for Security and Co-operation in Europe

PIC: Peace Implementation Council

RS: Republika Srpska

RUC: Royal Ulster Constabulary

SDA: Party of Democratic Action

SDS: Serbian Democratic Party

SF: Sinn Féin

STV: Single Transferable Vote

TD: Member of Parliament, Ireland.

TMT: Turkish Resistance Organisation

TRNC: Turkish Republic of Northern Cyprus

UBP: National Unity Party

UCR: United Cyprus Republic

UDA: Ulster Defence Association

UDP: Ulster Democratic Party

UFF: Ulster Freedom Fighters

UK: United Kingdom

UKUP: UK Unionist Party

UN: United Nations

UNFICYP: United Nations Peacekeeping Force in Cyprus

UNPROFOR: United Nations Protection Force

UNSC: United Nations Security Council

UNSG: United Nations Secretary-General

US: United States

UUP: Ulster Unionist Party

UVF: Ulster Volunteer Force

CHAPTER 1

Introduction

On 16 August 2012, Kamil Hür, a 77 year old Turkish Cypriot pensioner, appeared to be the only Cypriot to mark the 52nd anniversary of Cyprus's independence, by hanging the flags of the Republic of Cyprus, Turkey, Greece, the United Kingdom and the Commonwealth in front of his house in the northern part of Cyprus's divided capital, Nicosia.[1] One of the reasons why Hür, who has been doing so for the last eight years, was alone marking the anniversary was that the island's last power-sharing government, in the early 1960s, moved the official celebrations to 1 October, citing the sweltering heat of August. The other reasons, though, were all related to the island's deeply divided society and politics. Anniversaries of the independence, whether in August or October, have always been low-key events on the island, whereas the Greek and Turkish independence days are more vigorously marked. Besides, the Turkish Cypriot northern part of the island, where Hür lives, has been a self-declared republic since 1983; and surprisingly, Turkish Cypriot police this year did not bother to confiscate Hür's Republic of Cyprus flag.

Politics of a deeply divided society is almost nowhere as bizarrely complicated as it has been in Cyprus. But the island is not in a league of its own, countries or territories with deeply divided societies can be found in most parts of the world. A list of countries or territories with deep social divisions would definitely include Afghanistan, Belgium, Bosnia, Iraq, Israel-Palestine, Kashmir, Kosovo, Lebanon, Macedonia, Nigeria, Northern Ireland, South Africa and Sri Lanka. Since all societies are divided in their own ways, it should be emphasised that these are "deeply" divided societies which are suffering from long running and intense social or ethnic divisions. The common characteristics of deeply divided societies have long been debated among scholars, and although it lies beyond the remit of this thesis, it is essential to posit and discuss some basic definitions of the term here. According to Nordlinger (1972, 9), a deeply divided society can be defined as follows:

> In short, a conflict is intense (or a society is deeply divided) when a large number of conflict group members attach overwhelming importance to the issues at stake, or manifest strongly held antagonistic beliefs and emotions towards the opposing segment, or both.

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[1] "Lone Turkish Cypriot marks Cyprus' Independence", *Cyprus Mail*, 18 August 2012, http://www.cyprus-mail.com/breakaway-state/lone-turkish-cypriot-marks-cyprus-independence/20120818 (accessed 9/9/12).

Nordlinger (1972) also identifies violence and repression as possible consequences of the state of affairs in deeply divided societies. His definition, though, remains somewhat incomplete as it does not specify what mainly differentiates deeply divided societies from others. Neither holding strongly antagonistic beliefs about some other segments of society nor the ensuing violence are necessarily inexistent in most societies. And many polities have managed to remain stable and relatively peaceful in spite of deep social divisions stemming from their history or socioeconomic structure, e.g. the United States. Guelke (2012, 32) points out that this is primarily because decision-making framework and its outcomes are widely accepted and respected in stable polities, whereas in deeply divided societies there is "… a lack of consensus on the framework for the making of decisions and a contested political process in which the legitimacy of outcomes is commonly challenged by political representatives of one of the segments."

However, not all deeply divided societies are unstable or violent, some have successfully established political systems based on power-sharing among opposing segments of the society. Power-sharing essentially entails management of the conflict through an elite led inter-segmental grand coalition government, in which all the segments are represented. Thus, the conflict could be managed and its negative consequences largely avoided. The power-sharing governments in some cases such as in the Netherlands and Austria proved so successful in ameliorating social divisions that they were no longer needed. The main obstacle preventing stability and peace in deeply divided societies is a societal security dilemma, which arises when one ethnic or religious community faces a distrustful other and one's action to increase its own security is likely to be perceived by the other as a threat to its very existence (Sambanis 2000). In order to alleviate and manage this dilemma, negotiated peace settlements usually envisage political systems based on power-sharing between rival ethnic groups. Since the end of the Cold War negotiated settlements have become more common as a way of ending civil wars. Some suggest this phenomenon can be attributed to the fact that great powers now have fewer incentives to make sure that their side wins the conflict and therefore negotiated peace settlements are now more attractive to the warring groups (Licklider 1995; Hartzell 1999). According to Hartzell, Hoddie and Rothchild (2001), forty-one civil wars between 1945 and 1998 were concluded through negotiated settlements. They also claim that four conditions are proven to be crucial for a durable peace settlement: democracy as previous regime; a low intensity civil war which lasted for extended period of time; inclusion of provisions for the territorial autonomy of threatened groups; and security assurances to the warring parties by third parties. It has been also argued that proportional representation and communal autonomy, either as a combination or separately, increases the probability of

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sustainable peace (Lijphart 1991; Binningsbo 2005). Moreover, third party peacemaking interventions in deeply divided societies are often predicated on the assumption that a power-sharing regime should be established. Peacemaking interventions in deeply divided societies are, therefore, often directed towards bringing about power-sharing settlements.[2] Although this aspect of the intervention usually remains implicit, those interventions are essentially peacemaking interventions for power-sharing.

Research Question

In some cases of peacemaking interventions for power-sharing not only international actors but also kin-state(s) to one or more of the local groups to the conflict have been also directly or indirectly involved. A kin-state can be defined as a certain *state whose dominant ethnic group has identified itself with a co-ethnic population beyond its borders*. The role of kin-states and their dealings with their kin communities has only recently become a matter of international interest. As will be discussed in Chapter 3, the literature on kin-states is limited and kin-states' involvement in peacemaking has been often ignored. Most studies on kin-state involvement in deeply divided societies look at kin-state-kin community interaction in terms of its effect on citizenship law or foreign policy of kin-state. Studies on the nature of kin-state-kin-community relationships and their dynamics are very few. Caspersen (2008) points out that the degree and form of kin-state involvement would vary between cases as well as over time, and that a unity of kin-state and local leadership should not be assumed. But there is no suggestion in her work on how this interaction could be theoretically modelled or whether there is any specific form of kin-state involvement in terms of peacemaking. In other words, kin-states' role in peacemaking, whether negative or positive, remains understudied.

Addressing this gap in the peacemaking literature constitutes a major interest of this thesis. The main research question which this thesis seeks to analyse is how local actors, their kin-states and third party peacemakers interact within the context of a peacemaking intervention for power-sharing. This interactive process is not necessarily direct or explicit as it could be indirect and implicit through a number of means which could affect all actors' positions and courses of action. The empirical and analytical findings gathered through the case studies of Cyprus, Bosnia and Northern Ireland regarding this interaction (or rather the multiplicity of interactions) will be

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[2] For example, the UN's six-person "Standby Team of Mediation" currently includes, in addition to one constitutions expert, a dedicated power-sharing expert. Source: United Nations (2012), "Department of Political Affairs: Standby Team of Mediation Experts", http://www.un.org/wcm/content/site/undpa/standby_team (accessed 9/9/12).

combined and used towards building a theoretical framework for analysis of international peacemaking with kin-state involvement for power-sharing. Secondarily, this thesis engages in a comparative analysis of different approaches to power-sharing and their applications in deeply divided societies. The institutions and systems of power-sharing envisaged in the peace settlements for the three deeply divided societies will be examined, especially with respect to the roles envisaged for international actors and kin-states.

The use of kinship as a concept in the thesis is limited to the international level as the focus is on interactions between state actors and communities who share kinship bonds across the borders. However, it should be noted that there is a broad literature on kinship which exists in other disciplines, primarily in anthropology and sociology, which looks at kinship at the level of relationships within and across families and kindred. As such micro level analysis is not undertaken for the purposes this research, the anthropological and sociological debates on kinship will not be covered.

Case Selection and Methodology

The empirical analysis in this thesis is based on the case studies of Cyprus, Bosnia and Northern Ireland. As mentioned earlier, a modest number of deeply divided societies could be identified. However, as this thesis investigates peacemaking interventions for power-sharing in deeply divided societies, particularly those with kin-states, the number of cases is not many. A crucial aspect of cross-case analysis is looking at relatively similar cases, at least in some ways, so that they could be comparable. Cyprus, Bosnia and Northern Ireland meet this requirement. They are all small or medium sized European countries or territories, albeit with different histories and regional contexts. The three have been recipients of international peacemaking interventions almost within the same decade, lasting from the early 1990s to the early 2004. There are also kin-states with strong ties and involvement in the politics of these societies. Amongst the tree, two are qualified successes in terms of peacemaking and one is a failure. The 1995 Dayton Peace Agreement was the culmination of the negotiations (1991-1995) between the Bosnian Muslims, Croats and Serbs. The 1998 Good Friday Agreement was the result of the negotiations (1996-1998) between the nationalist and unionist communities in Northern Ireland, while the UN led negotiations between the Turkish Cypriot and Greek Cypriot communities in Cyprus (1999-2004) ended in failure. Cyprus and Northern Ireland both also have a history of failed experiments with power-sharing. In short, the three cases are almost perfect candidates for a comparative analysis.

Comparative case study analysis is inherently problematic where the sample is limited to one or several case studies. The inferential reasoning from a sample, regarding the wider population of empirical cases, is a crucial premise of case study research. And success of such reasoning, by definition, depends on representativeness of the sample. The case selection methodology used in this thesis is "typical case approach" which, according to Gerring (2007, 91), seeks to "provide insight into a broader phenomenon" by studying one or more cases that are typical (i.e. representative) examples of some cross-case relationship. It is worth underscoring that representativeness cannot be fully achieved in any case study, but the "typicality" of the cases selected is required to be high relative to other cases (Ibid, 96). The three cases selected for analysis are similar in many ways and they represent a population of cases, which would, for instance, include India's involvement in Sri Lanka as well as Russia's engagement in Ossetia and Abkhazia and Armenia's role in Nagorno-Karabakh. There are also dissimilarities between and across the selected cases and the population of cases, such as the complicated nature of Britain's status in Northern Ireland in terms of kinship and sovereignty, which will be discussed in the Northern Ireland case study. Overall, however, the three selected cases are well-suited for theory building since the three also offer a good variety of observations for within-case analysis, both in terms of historical cases and multiplicity of actors involved. Case studies mostly focus on within-case analysis, and a cross-case component is less common. The analysis in this thesis has both of these components: all the three cases are individually discussed and there is also a cross-case analysis combining the case study findings.

Case study research is regarded as one of the most conducive methods to elucidate inferences about causal mechanisms –or pathways- in explaining political phenomena. Causal mechanisms are underlined as central to the idea of causality; and in any coherent account of causality, the relationship between cause and effect, particularly how the effects are exerted, needs to be specified (King, Keohane and Verba 1994, 85). But what are causal mechanisms exactly? There are at least four distinct definitions of the causal mechanisms held by scholars: i) mechanisms as a cause of an outcome, ii) mechanisms as an intervening process, event, or variable, iii) mechanisms as an underspecified causal process, iv) mechanism as an unobserved entity that generates outcome (Mahoney 2003). The second definition seems the most apt for use in this study; and more precisely the one suggested by Bennett and George (1997, 1): "the processes and intervening variables through which causal or explanatory variables produce causal effects." This understanding of causal mechanisms will provide analytical basis for exploration of the relationship between the nature of the settlement sought (i.e. power-sharing) and a

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multiplicity of roles which can be assumed by third parties in their peacemaking interventions. Moreover, a specific method for cross-case comparison is also employed. That is the method of structured, focused comparison:

> The method and logic of structured, focused comparison is simple and straightforward. The method is "structured" in that the researcher writes general questions that reflect the research objective and that these questions are asked of each case under study to guide and standardize data collection, thereby making systematic comparison and cumulation of the findings of the cases possible. The method is "focused" in that it deals only with certain aspects of the historical cases examined. The requirements for structure and focus apply equally to individual cases since they may later be joined by additional cases (George and Bennett 2004, 67).

At the end of Chapter 3, this method will inform the development of a framework for analysis of international-kin-state intervention for power-sharing, which case study discussions will be built on. This framework will be created by formulating a series of questions on the basis of the discussion in Chapter 2 and 3. Another method used in this thesis is game theoretical analysis. The use of game theoretical analysis in the second half of Chapter 7 is for generating broadly applicable models. The conclusions drawn from the earlier discussions are translated into model games to demonstrate how kin-state involvement could be analysed in the context of international peacemaking interventions for power-sharing. The game theoretical analysis is thus complementary in the overall methodology of the thesis.

The empirical research in this thesis draws on newspaper reports, memoirs of those involved, UN documents and reports, as well as many primary documents from the peacemaking processes studied. The wealth and availability of such sources have made this study possible without need to conduct interviews or any other fieldwork. Another reason for not conducting interviews was the sheer difficulty of doing this across the three cases with many actors involved in the peacemaking interventions either totally inaccessible (due to death) or not available for many other reasons. There is also a very extensive, both primary and scholarly, published literature on the conflicts in Cyprus, Bosnia and Northern Ireland, which suggests that fieldwork is not necessary, particularly as the primary aim of this project is conceptual: the identification of kin-states as mediating actors and some demarcation of their role in deeply divided societies. Moreover, it is unlikely that fieldwork would uncover many new facts of significance with respect to these cases. Furthermore, elite interviews, in particular, are prone to certain weaknesses such as defensiveness and hindsight on part of the interviewees – something which is especially true with regard to political controversy. A rigorous approach with data collection and analysis,

however, has been taken to compensate for the lack of fieldwork. The newspaper reports, which were gathered through the Lexis Nexis UK database and other means, have been crosschecked with the memoirs and the official documents and vice versa. The vast scholarly literatures on the conflicts in Cyprus, Bosnia and Northern Ireland have been extensively used. The many excellent histories and monographs of the conflicts were particularly helpful.

At this stage, I also need to comment on my identity and its relationship to this research. I am a Turkish Cypriot who has been born and raised in Cyprus. The conflict in Cyprus is part of my history and present and therefore I am aware of the fact that I might have many preconceptions, and possibly a bias, which could undermine my analysis. As researchers, I believe we all have preconceptions or other similar issues, and what is rather dangerous is we often think we do not have any. For that reason, I sought to repeatedly question my assumptions on the conflict and took utmost interest in producing a balanced analysis. It was also a deliberate choice on my part to conduct a comparative analysis of the UN peacemaking process in Cyprus along with the two similar interventions in Bosnia and Northern Ireland, so that I can look at Cyprus through a common analytical framework rather than a specifically tailored one.

The Argument and Structure of the Thesis

By studying the peacemaking interventions for power-sharing with kin-state involvement in Cyprus, Bosnia and Northern Ireland, this thesis aims to reach empirical and theoretical findings, which it will draw on to conceptualise how local actors, their kin-states and third party peacemakers interact in the context of a peacemaking intervention for power-sharing. The core argument of this thesis is that kin-states could play significant roles in peacemaking interventions. As kin-states are often direct or indirect parties to the conflicts involving their kin, it is questionable whether kin-states' role in peacemaking processes can be considered as mediation. The conceptual discussion on kin-state involvement in peacemaking in Chapter 3 will point out that mediation is done at many levels and in various forms and kin-states could act as quasi-mediators. The fact that their role is not perceived impartial is likely to bring them certain advantages in their interactions with some local actors. However, the role of kin-states is also context-dependent and dynamic. An important determinant of the form of a kin-state's involvement in peacemaking is its wider international interests, including its relationships with other kin-state(s) and third party peacemakers, and therefore where third party peacemakers and kin-states are cooperating, a power-sharing settlement in the deeply divided society would become more likely. This thesis offers a number of theoretical conclusions and engages in theory

building on those matters. Most notably, it proposes a typology which categorises kin-state involvement in peacemaking into four roles: *promoter*; *quasi-mediator*; *power-broker*; and *enforcer*. Such conceptualisation of kin-state involvement in peacemaking is an original contribution to the literature, which further research and theoretical development investigating this understudied form of peacemaking could be built on.

This Introduction is followed by Chapter 2, which looks at power-sharing in deeply divided societies. The main purpose of Chapter 2 is to review the literature on power-sharing theory in order to identify what roles, if any, are envisaged for external actors, including kin-states, in the making and functioning of power-sharing regimes. The chapter initially discusses Lijphartian consociationalism, the original and most prevalent model of power-sharing. Its analysis points out that that there is no role for external actors provided in the Lijphartian consociationalism. The same is true for the subsequent refinements to consociational theory. There is no mention of the role of external actors in the favourable conditions suggested by Lijphart either. The latter half of Chapter 2 posits the main alternative approaches to power-sharing and provides a comparative overview of the power-sharing approaches. The chapter concludes that the role of third party actors, particularly kin-states, is understudied.

Chapter 3 investigates the broadly defined literature on international intervention. First, it reviews the literature on third party peacemaking in terms of core issues and concepts in mediation. It suggests that power-mediation is likely to be more conducive to peacemaking for power-sharing and collective mediation is often incoherent and ineffective. The existing literature on kin-states is then analysed, and quasi-mediation is identified as a possible role for kin-states in peacemaking. Subsequently, the wider context of international intervention in the post-Cold War era and the shift of focus from peacekeeping and peacemaking to peacebuilding and statebuilding are discussed. The liberal peace paradigm, which conceptually underpins the post-Cold War era interventionism, and its critiques are also overviewed. This is followed with a discussion on a post-liberal peace and whether kin-states could play a role in hybridisation of liberal peace blueprints. Chapter 3 concludes with formulation of a framework for analysis, which is going to be used for structuring the case study analyses.

Chapter 4 looks at the 1999-2004 UN peacemaking intervention for power-sharing in Cyprus. It initially discusses the history and the main dimensions of the conflict. Then, the dynamics behind the emergence of the Annan Plan, the UN blueprint for a Cyprus settlement, is investigated. This is followed with an analysis of the role of Turkey, as a kin-state, in regenerating

the process in 2002. Subsequently, the finalisation of the Annan Plan, its contents, and its rejection in the referenda are studied. As for kin-state involvement, the chapter argues that Turkey as a kin-state first engaged in quasi-mediation and then sought to assume a more coercive role vis-à-vis the Turkish Cypriots within the context of peacemaking process in Cyprus. However, the Greek Cypriot and Turkish Cypriot leaderships were often not genuinely interested in a settlement and the UN mediation ultimately ended in failure. The chapter demonstrates that a power-sharing settlement cannot be achieved solely through the efforts of a third party peacemaker and consistent and considerable kin-state involvement is also necessary. Chapter 5 is on the international peacemaking interventions in Bosnia during the 1992-1995 war. The chapter first focuses on the collective mediation processes, which all failed in bringing about a settlement. The latter half of the chapter looks at the American mediation in the conflict, as well as the Dayton Peace Agreement and its implementation. It specifically points out how the kin-state leaderships played enforcement roles with regard to their kin groups in their implicit alliance with the US mediation team to bring about a power-sharing settlement. The findings of Chapter 5 also indicate that kin-states' policies towards their kin groups could be substantially manipulated by the third peacemakers through the use of international policy and sanctions, and that collective mediation is less effective than power mediation led by a state actor. Chapter 6 analyses the Anglo-Irish peacemaking process in the Northern Ireland conflict. The chapter begins with an overview of the conflict and subsequently discusses the British-Irish intergovernmental cooperation towards a settlement over the years, the 1996-1998 all-party negotiations, the Good Friday Agreement and its implementation. The chapter's findings show that the two governments were the actual mediators in the conflict, and the role of the official mediators was secondary in the process leading to the Good Friday Agreement in 1998. The findings thus highlight that kin-states led quasi-mediation can be very effective.

Chapter 7 combines and analyses the findings of the case studies through a five-level framework, which incorporates all the interactions between local actors, kin-states and third party peacemakers. The framework includes all the levels of interactions in a peacemaking intervention for power-sharing with kin-state involvement: the local actors level; the local actors-third party peacemaker level; the local actors-kin-state(s) level; the third party peacemaker-kin-state(s) level; and the kin-states level. This framework is broadly applicable to analysis of similar peacemaking interventions for power-sharing. The chapter provides a number of theoretical conclusions pertinent to each of the five levels. It also suggests a typology of kin-states' involvement in peacemaking, which conceptualises kin-states' involvement into four roles: *promoter*; *quasi-*

mediator; *power-broker*; and *enforcer*. The chapter finally uses game theoretical analysis, specifically a nested games approach, and illustrates how kin-state involvement in peacemaking for power-sharing could be modelled.

CHAPTER 2

Power-sharing in Deeply Divided Societies: Consociationalism and its Alternatives

2.1. Introduction

As noted in the Introduction, power-sharing is often regarded as an ideal political settlement for deeply divided societies. However, there is no one formulation or conceptualisation of power-sharing; instead there are a number of power-sharing models suggested. Amongst competing models of power-sharing, consociationalism has long been the dominant paradigm for political settlements in deeply divided societies. This chapter points out that the power-sharing literature has long focused on a few questions, such as what form of power-sharing is more conducive to stability and under which conditions certain forms of power-sharing could be introduced. As this literature often assumes that negotiation and functioning of power-sharing would be an endogenous process, the involvement of certain external actors like kin-states in these processes is largely ignored. The main reason for this omission seems to stem from the fact that power-sharing has been first conceptualised within the context of a small number of European consociational democracies. Those Western European societies, as will be discussed below, have been often more stable and relatively less divided than deeply divided societies in general. Moreover, since the end of the Second World War, the emergence of the European Union and a peaceable system for the resolution of disputes in Western Europe have seemingly reduced the politicisation of these conflicts and concealed the role played by kin-states or external actors. This, however, is not the case in much of the world.

The chapter ultimately seeks to identify what is specifically ignored in the power-sharing literature with respect to third party and kin-state involvement. Such gaps identified in power-sharing theory in this chapter will be further discussed in Chapter 3, and eventually addressed in Chapter 7 on the basis of the empirical findings from the case studies. In terms of its structure, the chapter first looks at the original formulation of consociationalism, which is also the first theoretical conceptualisation of power-sharing. This is followed with an analysis of favourable conditions for consociationalism. Consociationalism's fundamental critiques and their alternatives to consociationalism are also assessed. The latter part of the chapter offers a comparative analysis of consociationalism with respect to its three alternatives– centripetalism (integrative), complex power-sharing and power dividing approaches.

2.2. Lijphartian Consociationalism

The Dutch political scientist Arend Lijphart's 1969 article, "Consociational Democracy", is widely regarded as the first theoretical formulation of power-sharing. However, Lijphart (2008, 3) points out that he first outlined the concept in his monograph on the politics of the Netherlands, and then in his study on typologies of democratic systems, in which he used the term "consociational", which he borrowed from Apter's (1961) study of Uganda.[3] Lijphart (1969; 1977; 1985; 2008) also acknowledges that the term itself can be traced back to the writings of Johannes Althusius in the 17th century, used in its Latin form "consociatio",[4] and that the general concept was first introduced by Lewis (1965) in his study of Western African politics, *Politics in West Africa*. Gerhard Lehmbruch's (1967) study on "Proportional Democracy" has been also identified as another earlier and theoretically similar work to Lijphart's 1969 article (Lijphart 1969; Andeweg 2000). Notwithstanding the fact that there are similar studies that preceded him, Lijphart is often seen as the pioneer and foremost theoretician of consociationalism. And this is mainly because his studies have long advocated a certain form of power-sharing, which I call Lijphartian consociationalism, and generated a fierce debate among power-sharing theorists.

The main claim of Lijphartian consociationalism is that there is a distinct kind of democracy that is both socially fragmented and stable. That is "consociational democracy", through which the elites of rival communities in a socially fragmented society engage in cooperative behaviour, instead of sustaining the competition which would lead to political instability (Lijphart 1969). Thus the country, Lijphart argues, achieves a high degree of political stability on contrary to the expectations based on its social heterogeneity. Lijphart (1969) suggests that the grand coalition cabinet is the most common, if not the only possible, political solution for a fragmented society, and that the basic component of consociational democracy is not any particular institutional arrangement but the deliberate and joint effort by the elites to stabilise the system (Lijphart 1969, 213). But in his subsequent and comprehensive study on the subject, *Democracy in Plural Societies: A Comparative Exploration*, Lijphart (1977) claims that there are four main institutional characteristics of consociational democracies: the grand coalition principle; mutual veto rights for the segments; the proportionality principle in public employment and resource allocation; and the segmental autonomy principle. The empirical analysis underpinning Lijphart's (1977) formulation is mostly drawn from the historical experiences of Belgium, the Netherlands, Austria and Switzerland. Although all these countries were historically divided

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[3] The studies Lijphart refers to are, respectively, Lijphart (1968a) and Lijphart (1968b).
[4] "Consociatio" means associating or association in Latin.

societies, their politics, for the most part, have not been as fractious as those of deeply divided societies; for instance, none of them has been through any militarised civil conflict in their recent history. In other words, it could be said that Lijphart's analysis focuses on the experiences of divided societies rather than deeply divided ones.

2.3. The Institutions of Consociationalism

This section provides an overview of the four main institutions of consociationalism as originally envisaged by Lijphart (1977), which will be followed with a discussion of some refinements to the original consociationalism suggested both by Lijphart and some other scholars. As most deeply divided societies tend to adopt power-sharing frameworks predicated on the one suggested by Lijphart, a discussion of these institutions is essential for underpinning the discussion in this chapter and the subsequent chapters.

2.3.1. Grand Coalition

According to Lijphart (1977, 25-31), grand coalition is the primary characteristic of consociational power-sharing and can be defined as a coalition that incorporates leaders of all significant segments in a plural society.[5] Its complete opposite is known as the British model,[6] where there is usually a bare majority government and a large opposition. The British system is based on the assumption that there are some voters that are likely to swing between parties from one election to another so other party or parties can come to power. But in plural societies political parties are mostly divided along the ethnic lines, and therefore minorities are very unlikely to become majorities to have governments and oppositions alternate. The most problematic aspect of the British model for plural societies is that it entails that decisions are to be made by a bare majority. And since most issues would be very divisive in plural societies, making decisions under majority rule is very likely to destabilise the whole political system (Lijphart 1977, 25-31).

The institutional arrangements for translating the grand coalition principle into practice vary from one consociational democracy to another. In the case of Switzerland, the Federal Council, the seven member executive body of the country, is by tradition composed of the representatives of the main political parties, and also there should be an equal representation of the different regions and the languages. Meanwhile, in Belgium and the Netherlands the grand cabinet principle is not used for the executive body, although most of the Dutch and Belgian

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[5] When Lijphart (1977, 3-4) speaks of plural society, he refers to the definition of Eckstein (1966, 34): "a society that is divided by segmental cleavages, which are politically salient and can be of religious, ideological, linguistic, regional, cultural, racial, or ethnic nature." This is quite similar to the definitions of a deeply divided society which I discussed in the Introduction.

[6] Although Lijphart prefers to call it "the British model", it is more widely known as the Westminster model.

cabinets are coalitions which are larger than required minimal size. In these two countries, however, decision-making powers on some significant issues are delegated to grand coalitions in other organs which are permanent or ad hoc grand councils; those are formally advisory bodies, but in practice they play a decisive role. For example, the Dutch Social and Economic Council, which is in effect an economic parliament, is one of the most prominent examples of such councils (Lijphart 1977, 31-33). In short, in parliamentary consociational power-sharing systems grand coalitions are not necessarily coalition cabinets. But could the grand coalition principle be incorporated into the presidential system? As the presidential system is based on the dominance of a single leader in the executive arm of the government, ways in which the segments of a deeply divided society are to be represented might seem limited. Lijphart (1977, 158-161) points out there are examples like the 1960-63 Cypriot power-sharing system, which required that the President and the Vice-President, who both had veto powers, to be separately elected by the Greek and Turkish Cypriot communities.

2.3.2. Mutual Veto

Lijphart (1977, 36-38) argues that participation in a grand coalition offers an important means to minority segments to participate in decision-making but, in practice, only a minority veto can provide the minority segment or segments a complete guarantee. If decisions in a grand coalition are to be made under majority rule, minority's influence is very much likely to remain limited. Therefore, in consociational power-sharing regimes a minority veto, either written in the constitution or informally agreed, is seen as an essential supplement to the grand coalition principle in order to protect minority's interests. However, the minority veto could also lead to a tyranny of minority. Lijphart (1977, 37) claims there are three reason why this will not necessarily be the case. First, the veto is a mutual one that all segment possess thus it can be used by other segments too. Second, the existence of veto as a potential weapon gives its holder a feeling of security which in return makes its actual use improbable. Third, each segment would understand that an unrestrained use of veto is likely to bring about a deadlock thus the segments are likely to counteract against this possibility by being more conciliatory to each other. It is very unlikely that those assumptions would be shared by every social segment in a consociational system. This is the most significant weakness of Lijphartian consociationalism: there is no mechanism envisaged to prevent individual segments from blocking the whole system.

2.3.3. Proportionality

The proportionality principle, like the mutual veto, is a complementary instrument to achieve full participation of all segments in the government. It applies to civil service appointment and financial resource allocation; therefore it is quite instrumental in solving the major problem of any political system, which is how the "spoils" of government to be shared among the social segments. Moreover, the proportionality principle simplifies how the segments will be represented in a grand coalition by stipulating that they should be represented proportionally. It also entails a proportional electoral system, which will translate each party's voting strength into parliamentary seats as faithfully as possible (Ibid, 38-39).

The proportional representation of segments in parliament, and in the other decision making bodies, however, does not solve the question of how issues that are dichotomous by nature can be tackled. Lijphart (1977, 39-40) suggest that there are two possible solutions: logrolling is one of the ways to resolve this dilemma, and the other solution is delegating it to the top leaders of the segments. Delegation of decision to the top leaders inevitably leads to the concentration of power into the hands of a few. The positive aspect of the top level decision making is that small group can be more intimate and secretive and therefore more likely to reach a deal. There are also two kinds of distorted applications of the proportionality rule. These are deliberate overrepresentation of small segments, and parity of representation. When a plural society is divided into two segments of unequal size, parity becomes an almost inescapable option to have a meaningful power-sharing (Ibid, 41).

2.3.4. Segmental Autonomy and Federalism

Lijphart (1977, 41) defines segmental autonomy as the rule of minority over itself in the area of minority's exclusive concern. Its premise rests on the grand coalition principle: the grand coalition principle suggests that decisions that are concerning all segments should be made collectively; therefore it is a logical corollary that decisions solely concerning each social segment should be individually made by segments. Lijphart (1977, 42) also sees federalism as a special form of segmental autonomy and claims that:

> As a theory, federalism has a few significant parallels with consociational theory: not only the granting of autonomy to constituent parts of the state, which is its most important feature, but also the overrepresentation of the smaller subdivisions in the federal "chamber". Federal theory can therefore be regarded as a limited and special type of consociational theory.

Thus, federalism offers an efficient and practical way of implementing segmental autonomy, particularly where each segment is territorially concentrated in a plural society. But there is an important aspect of segmental autonomy, either through federalism or not, which is not taken into account by Lijphart: how to determine what issues are specifically concerns for social segments. In federal polities this issue often remains contentious for the reason that it is almost impossible to envisage and apportion all jurisdictions among local and federal governments; and even if such jurisdictions were agreed in advance, it would inevitably run into problems in practice. An arbitration mechanism is therefore needed, and this role is often assumed by federal or national constitutional courts, which plays a much more significant role than their counterparts in non-consociational systems. However, Lijphart does not seem to recognise this feature of consociational democracies and makes no reference to such bodies. A possible explanation is that he sees grand coalition as the mechanism through which most jurisdictional disagreements would be settled, but although that may appear plausible for Lijphart's plural societies, it seems unlikely in the context of deeply divided societies.

2.4. Refining Consociationalism

Some subsequent refinements to consociational theory have been proposed both by Lijphart and other scholars. Lijphart (2008, 4), while explaining why he chose to republish his article on Indian consociationalism in *Thinking About Democracy: Power Sharing and Majority Rule in Theory and Practice*, which is a collection of his studies, sums up his current perspective on the four main characteristics as follows:

> Compared with my writings of the late 1960s, I made five significant improvements. One was to define consociational democracy in terms of four basic characteristics – grand coalition, cultural autonomy, proportionality, and minority veto – listed in the first paragraph of the India article and discussed at length later on. Only the first of these was extensively discussed in my 1969 article. Second, I now usually make a distinction between primary and secondary characteristics: grand coalition and autonomy are the most crucial, whereas the other two occupy somewhat lower position of importance. Third, I now always emphasize the fact that all four consociational features can assume quite different forms but, at the same time, that these different forms do not work equally well and are not equally to be recommended to multi-ethnic and multi ethnic societies that are trying to establish consociational institutions.

This statement shows that Lijphart has somewhat loosened his original theoretical framework. A comparison of some of his earlier studies to more recent ones also confirms this. For instance, Lijphart (1996, 261-262) argues that there is an informal veto in the Indian system and tries to substantiate his claim by citing a case where minority veto allegedly occurred. Accordingly,

in India the Muslim minority succeeded in vetoing a decision of the Supreme Court, concerning the community's personal law, by persuading the government to pass another law repealing the court's judgement. Whereas in his guidelines for consociationalism in South Africa, Lijphart (1985, 81) notes that there should be a minority veto available to even relatively small groups, which provides an absolute veto on the most fundamental issues, such as cultural autonomy, in addition to a suspensive one non-fundamental questions.

Refinements to consociationalism, however, are not only suggested by Lijphart himself. McGarry and O'Leary (2006a) have proposed a typology of consociations in terms of the support they have across segments.

> In fact, we may usefully distinguish 'unanimous consociations' (grand coalitions), 'concurrent coalitions' (in which executive has a majority support in each significant segment), and 'weak consociations' (where the executive may have only a plurality level of support among one or more segments). By contrast, consociations become undemocratic when elites govern with merely factional or less levels of support within and across their communities. Northern Ireland between 1998 and 2001 operated intermittently as a concurrent consociation, and sometimes looked like a weak consociation – because of a lack of majority support among unionists, though it had plurality support for much of the time (McGarry and O'Leary 2006a, 62-63).

McGarry and O'Leary's theoretical contribution, or conceptual refinement as they call it, is empirically based on the Northern Ireland case. If one is to agree that none of Lijphart's original cases (Austria, Belgium, the Netherlands and Switzerland) have ever been deeply divided like Northern Ireland, the suggested typology of consociations becomes an even more valuable contribution to consociational theory with respect to deeply divided societies. In short, a grand coalition that incorporates all political parties may not be feasible in deeply divided societies, but there are other lesser forms of grand coalition that could be employed instead. However, each of these attempts to revise Lijphart's original work – both his own revisions and those of others – continues to assume that the divided society is contained within the borders of the state. What none of these conceptual refinements consider is the involvement of kin-states and other third party actors in deeply divided societies.

2.5. The Favourable Conditions Debate: Ripe for Consociational Democracy?

Both the explanatory and predictive power of consociational theory can be improved by identifying the conditions – both internal and external – that are favourable to building consociational regimes. Lijphart (1968) posits a few favourable conditions for consociational

democracy, but Lijphart (1977, 53-103) provides an extensive discussion on favourable conditions. However, his conditions are, once again, those internal to the state in question thus limiting the explanatory power of his analysis in cases where the conflict is internationalised and kin-states play a role. Lijphart's conditions are briefly introduced below to provide a basis for further discussion and criticism.

2.5.1. The Balance of Power

A multiple balance of power is a favourable condition for consociational democracy, because in a case of dual balance of power the leaders of rival segments may seek to win a majority and dominate over the minority. The notion of balance of power, according to Lijphart (1977, 55-56), consists of two elements: a balance or approximate equilibrium among the segments; and the existence of at least three segments. Moreover, Lijphart (1977, 56) contends that, as cooperation and negotiations among segments would become more difficult, the presence of a relatively few number of segments, such as three or four, constitutes a more favourable condition than the case of a large number of segments.

2.5.2. Multiparty Systems

A multiparty system is also identified as a favourable condition for consociational democracy. Lijphart claims that in plural societies with free elections segmental political parties can act as representatives of their segments. Likewise, segmental political parties work as a method of selecting segmental leaders for participation in grand coalition. Amongst multiparty systems, a moderate multiparty system is regarded as the most favourable. Lijphart does not propose an optimum number of political parties to differentiate a moderate multiparty system from an extreme multiparty system, and instead discusses Sartori's criterion. According to Lijphart (1977, 61-65), earlier Sartori defines moderate party systems as one in which relevant parties are not more than four but later Sartori defines the moderate system as one with three, four, or at most five relevant parties.[7]

2.5.3. Small Country Size

All European consociational democracies are small countries in terms of their population. Lijphart (1977) argues that the explanation for this empirical observation lies with both direct and indirect

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[7] A party is considered relevant either when it has a coalition or blackmailing potential (Lijphart 1977, 62).

effects of small size: smallness directly enhances the spirit of cooperativeness and accommodation among the segmental elites, and indirectly it entails better chances for consociational democracy since smaller countries have lesser burdens of decision-making and thus are easier to govern by virtue of their size. There is also an external direct effect of smallness: small countries are more likely to feel threatened by external factors and thus vulnerability and insecurity may lead to a stronger internal solidarity. For instance, consociationalism in both Austria and the Netherlands came into being under international emergency situations, respectively under the Allied occupation in the immediate aftermath of the World War II and during the World War I. However, there is a qualification to this external threat argument: Lijphart (1977, 67) concurs with Lehmbruch (1975) that when the internal divisions between the segments correspond with international lines of conflict, the international threat factor could work against consociationalism.

2.5.4. Crosscutting Cleavages

The ways in which various cleavages cut across each other is crucially important for the chances of consociational democracy for two reasons. First, crosscutting cleavages can alter the balance of power among the segments by affecting the numbers and the relative sizes of the segments. Second, crosscutting can have important consequences for the intensity of feelings produced by the cleavages; crosscutting entails cross-pressures that lead to moderate behaviour. The extent to which various cleavages cut across the socioeconomic cleavage is particularly important since if two cleavages tend to coincide, rather than cross cut, one of the groups is very likely to feel resentment over its inferior economic status (Lijphart 1977, 75). The intensities of crosscutting cleavages are also important, and the crosscutting of cleavages of equal intensity could lead to the formation of too many groups which see each other antagonistic terms and are unlikely to cooperate (Lijphart, 1977, 81).

2.5.5. Overarching Loyalties

Divisive effect of the cleavages can be mitigated by overarching loyalties. The interaction of cleavages and overarching loyalties can produce cohesion for the entire society or for particular segments. For instance, the class cleavage has not fragmented the Catholic and Calvinist segments in the Netherlands, and this has been explained by religious bonds. More importantly, a much bigger role is played by overarching loyalties if they provide cohesion for the entire society. Nationalism is potentially one of such cohesive forces; but Lijphart (1977, 82) notes that it can also

be an additional cleavage when it invokes allegiance to a nation that is not concurrent with the state.

2.5.6. Representative Party Systems

This favourable condition relates to the relationship between party system cleavages to the other main cleavages. Lijphart's (1977, 84-85) analysis points out that the party system cleavages tend to coincide with religious cleavages, to coincide partly and crosscut partly with the class cleavage, and to crosscut almost perfectly with the linguistic cleavage. However, in Belgium the linguistic cleavage is not translated into party cleavages, which, according to Lijphart (1977, 86), leads to ineffective organization of linguistic demands and makes the issue more difficult to tackle.

2.5.7. Segmental Isolation and Federalism

Segmental isolation provides the advantage of limiting mutual contacts and thus limiting potential antagonisms between the segments. The segmental isolation argument is at odds with the widely held opinion that mutual contacts between different people and groups can lead to mutual understanding. Lijphart (1977, 88) claims that mutual contacts can lead to mutual understanding in relatively homogenized societies, but are likely to lead strain and hostility in plural societies. Territorial federalism, where different segments live under different political units, is one form of segmental autonomy. Federalism appears as an important factor in explaining stability of Switzerland, which consists of mostly homogenous cantons, and Belgium has evolved towards becoming a territorial federation.

2.5.8. Traditions of Elite Accommodation

The prior existence of a tradition of elite accommodation is a favourable condition for consociational democracy. Lijphart (1977) agrees with Daalder's (1971) call for emphasizing the importance of the tradition of elite accommodation, especially in Switzerland the Netherlands. However, Lijphart (1977, 99-103) claims that in the four European cases studied the accommodationist tradition argument can not entirely replace his self-negating prophecy argument, which suggests that elites choose to cooperate because they see the potential harms of not doing so. In short, accommodationist tradition and the occurrence of self-negating prophecy are complementary rather than mutually exclusive.

2.5.9. Recent Formulation

As noted above, Lijphart (2008) emphasises that his article on Indian consociationalism is his latest and finest statement on consociational theory. In that article, Lijphart (1996, 262-263) lists nine factors that may favour or hinder consociationalism. According to that latest formulation, the most serious obstacle to power-sharing in divided societies is the presence of a solid majority that prefers majority rule to consociationalism. The second most important factor is the absence or presence of large socio-economic differences among the groups of a divided society and the third factor is the number of groups: if there are too many groups, the negotiations among them will be extremely difficult. The fourth factor is the roughly equal size of groups which means there is a balance of power between them. The fifth factor suggests that relatively small population leads less-complex decision-making and thus better chances for consociationalism. The sixth factor claims that external dangers promote internal unity, and the seventh stipulates that overarching loyalties, such as nationalism, reduces the strength of particularistic loyalties. The eight regards federalism useful in promoting group autonomy, if groups are geographically concentrated. Finally, the ninth posits that traditions of compromise and accommodation foster consociationalism.

2.5.10. Is the Presence of Favourable Conditions Necessary for Consociationalism?

The debate over favourable conditions for consociational democracy is one of the most contested parts of consociational theory, and both status of the favourable conditions within the theory and the favourable conditions have long been debated.[8] The suggestion of different sets of favourable conditions by Lijphart over the years have been critiqued by many who argued that those conditions are inductively formulated on an ad hoc basis, which limits their theoretical value and wider applicability.[9]

An early critic of the favourable conditions, Pappalardo (1981) argues that only two conditions appear favourable after a rigorous analysis; those two enduringly favourable conditions are inter-subcultural stability and elite predominance over their segment. On the other hand, Bogaards (1998, 488) claims that Lijphart's strong belief in the possibility of elite led consociational engineering relegates favourable factors to a rather ambivalent position within the theory:

> Lijphart's view on the status of the favourable factors can be traced to the voluntarist approach toward elite behaviour in consociational theory. Lijphart reasons that politicians, if they so desire, can change the course of a country in a self-negating prediction. Hence

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[8] Bogaards (1998, 478) compiles the different lists of favourable conditions suggested by Lijphart up to 1985 in a table. An updated version of that table, with the addition of Lijphart's 1996 list, can be found in Appendix A.

[9] See, among others, Andeweg (2000); Steiner (1981); Bogaards (1998); and Pappalardo (1981).

Lijphart's (1977:223-228) plea for consociational engineering. This voluntarism reduces the predictive value of the favourable factors to a minimum since in the end it is about the will of the elites. In this elite centred approach, the favourable factors are conditional variables on elite decisions, not on consociational democracy itself. The term conditions is in this context less appropriate, since it can be read as the incorrect 'requirements' and as the correct and neutral 'factors'. Lijphart uses the terms 'factors' and conditions interchangeably, but distinguished them explicitly from 'preconditions' and 'requirements'.

Andeweg (2000) also critiques Lijphart's favourable conditions along the same lines and suggests that the correlation between "supposedly" favourable conditions and consociationalism needs to be tested further by employing a larger sample of both cases of success and failure. Andeweg's call for further research on favourable conditions will be taken up in this thesis by examining the conditions in cases studied to identify which favourable conditions, if any, were present. As pointed out by Bogaards above, Lijphart views favourable conditions not as preconditions, therefore he does not suggest they are necessary for consociationalism. Identification and confirmation of the favourable conditions for consociationalism remains an important task for power-sharing theorists. This task becomes an even more important one in the context of deeply divided societies, because there are often third party actors involved and their intervention could benefit from knowing the favourable conditions. Indeed, a core objective of third party intervention is to identify positive and negative conditions for resolution of the conflict. However, the absence of conditions related to the relationships between kin-states, other third parties and local actors suggest that the list of favourable conditions is, at best, incomplete. Further analysis on the favourable conditions, drawing on my case study findings, will be offered in Chapter 7.

2.6. Fundamental Critiques and their Alternatives

There have been many critiques of consociationalism, which can be broadly divided into two categories. The first category can be called fundamental critiques as they question the empirical and theoretical underpinnings of consociational theory, and often propose some theoretical solutions which fundamentally differ from power-sharing. The second category can be named alternative models of power-sharing; such critiques of consociationalism are directed at the theory's wider applicability and durability, and some other forms of power-sharing are suggested instead. The fundamental critiques will be discussed below, and the alternative approaches will be reviewed in the next section.

Early critiques of consociationalism focused on the original four European consociational cases and claimed that the political systems of those countries were not as consociational as it was

widely accepted. Barry (1975a), for example, examines the Swiss case, using the empirical analysis provided in Jürg Steiner's (1981) book *Amicable Agreement versus Majority Rule: Conflict Resolution in Switzerland*, and argues that Steiner's empirical evidence, in fact, indicates that Switzerland is not a consociational democracy.

> In short, then, we may say: (i) if we give full weight to the potentialities of the referendum and the popular initiative, it is highly doubtful whether the decision-making system in Switzerland can be said to be preponderantly one of 'amicable agreement' or 'elite accommodation'; and (2) there is no evidence that there is a low level of consensus between members of the subsequent groups, so even if we allowed that the system were one of 'amicable agreement' this would not be necessary to explain the low level of intersubcultural hostility. These two points show clearly that Swiss politics do not fit the model of 'consociational democracy' (Barry, 1975a, 488).

In the case of Austria (1945-1962), Barry does not challenge that there was consociationalism. According to Barry (1975a, 498-499), the absence of a consociational grand coalition would not have made a difference because the country's post-war elites were already restrained due to low level of hostility amongst the different segments of the public. Barry thus reverses Lijphart's claim that consociationalism is an elite-led process for conflict management by pointing out that the public was a restraining influence Austria. In other words, Barry sees consociationalism in Austria as an unnecessary political invention, as opposed to Lijphart's view that consociationalism was essential in managing the conflict in Austrian society.

Moreover, Barry (1975a, 502-503) suggests that divisions based on ethnic identity are more likely to be resistant to consociational management. His claims is mainly based on his assumption that ethnic groups are less amenable to elite initiatives, and that disputes stemming from religious or class divisions relates to the question of how the country should be run but ethnic divisions mostly derives from the question of whether the country should exist at all. Barry's critique is not limited with two cases of consociationalism and the distinction that should be made between ethnic, and religious or class based conflicts. Barry (1975b) questions the wider applicability of consociationalism and argues against the imposition of consociationalism through constitutional design, for instance, in Canada or Northern Ireland.

> It is one thing for the leaders of a number of parties to decide that stability requires them to join in an 'oversized' government. It is another thing altogether if the constitution requires them to join in an 'oversized' government or have no government at all. The second is a recipe for instability because it means that any group of people (whether represented in parliament or not) who want to bring down the regime know that all they

have to do to achieve their end is to make an 'oversized' government unworkable (Barry, 1975b, 409-410).

In sum, Barry (1975a; 1975b) argues that in the cases of Austria and Switzerland there is no unambiguous empirical support for consociationalism, the applicability of the theory is only limited to religious or class based conflicts and its constitutional imposition would not bring stability. The last two claims, particularly, need scrutiny because persistent conflicts, especially in deeply divided societies, are often ethnic and some form of power-sharing is usually regarded as the best political solution to them.

If power-sharing, consociational or not, is not applicable to ethnic conflicts, how could such conflicts be resolved or managed then? Lustick (1979) argues that consociationalism is not the only theoretical explanation to stability in deeply divided societies and that it is one of the two theoretical approaches. The other approach is what Lustick calls control. Lustick (1979, 330) defines control as a model where the stability in a vertically segmented society is achieved through manipulation of subordinated segment(s) by a superordinate segment.[10] Moreover, Lustick (1979, 336) claims that consociationalism may lead to chaos, thus stability through control should be preferred in deeply divided societies:

> Much of the energy invested in consociational approaches is drawn from a normative concern for the amelioration of the consequences of communally based conflicts. But it is perfectly reasonable to presume that, in some deeply divided societies, the effective subordination of a segment or segments by a superordinate segment may be preferable to the chaos and disorder that might accompany the failure of consociationalism.

But this claim has been totally falsified by the developments in the decades following the publication of his article. In some of his major examples, such as the Apartheid in South Africa, the Arabs in Israel/Palestine, and the Kurds in Iraq, the regimes of control have either totally collapsed or become very unstable. Consequently, his suggestion to develop control as an alternative approach bringing stability to deeply divided societies seems no longer empirically valid. Applicability of control is also limited with cases where there are strong state institutions to build and sustain it, as Byman (2002, 46) has put it:

> Control policies are often difficult to implement. For control to succeed, the state must be stronger than the groups it seeks to dominate. Geography, leadership, demographics, social organisation, and other factors all the shape the implementation of control. Thus policies that would strengthen groups at a local level (such as consociational democracy)

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[10] For a much more recent discussion on control policies for divided societies, see Byman (2002, 44-80).

are often incompatible with control. Successful control requires excellent intelligence. It is not enough to repress, governments must repress well.

Along with its empirical weaknesses and limited applicability, control is also shaky in moral terms as it advocates dominance of one group another one. Control as an alternative approach to consociationalism (or other forms of power-sharing, discussed in the next section) is problematic at many levels and so is no credible option for deeply divided societies. Co-option and manipulation of ethnic identities have also been pointed out as possible means for conflict management. However, both suffer from problems similar to control: their applicability is very contextual. Co-option essentially means offering wealth, status or power to communal elites to get their support, however, its impact is often limited because it does not solve the underlying problems, such as security or hegemony, and also there are likely to be elites who are not co-opted (Byman 2002, 95-99). Manipulation of ethnic identities, on the other hand, has even more serious disadvantages: few groups would be willing accept it, as it often involves assimilation; and so it requires the heavy hand of the state, which often further deepens security concerns of ethnic groups (Ibid, 123-124).

Another fundamental alternative to power-sharing is partition. Should states which have persistent ethnic conflicts be preserved, or should they be partitioned into more homogenous ethnic states? There are many powerful arguments for and against partition.[11] The main disadvantages of partition are that it does not necessarily lead to elimination of the conflict (as an intra-state conflict can turn into an inter-state one), and that successor states are usually not ethnically homogenous (hence the possibility of further partition). Moreover, its main advantage, stability brought by separation, can be largely achieved by other means as well, such as federalism and autonomy. Therefore, consociationalism coupled with federalism offers a better alternative than partition. Consociationalism with federalism is superior to partition because it does not require any of the initial costs of executing partition, such as population exchange or ethnic cleansing.

The methodology of consociational theory's development has also been critiqued. Lustick (1997) argues that the success of consociationalism as a research programme cannot be explained by the theory's explanatory power or its heuristic value. However, the success of consociational research programme can be explained by the late Lakatosian proposition that research programmes can succeed by relying on the political and rhetorical abilities of their leading

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[11] See, among others, Kaufmann (1996; 1998), Sambanis (2000), Byman (2002, 154-176) and O'Leary (2006).

practitioners as well as the relations between those practitioners and political interests outside the scientific arena.

> Ignoring the principle of parsimony, he [Lijphart] protects his research program via ad hoc and inconsistent amendments to what had been it's "hard core", basing himself on appeals to the authority of scholars who reviewed his work positively, to the sheer number of consociationalist studies of various countries, and to the attention accorded the theory by South African politicians and constitutional designers (Lustick 1997, 112).

Lustick (1997) also claims that Lijphart's core concepts are unsatisfactorily defined, his favourable conditions are untestable, and his theoretical model seems to change abruptly to fit in more cases. The inclusion of India into the consociational countries list, despite the fact that this country featured a majoritarian political system, is analysed by Lustick (1997, 113-117) as a major case of the late Lakatosian consociational theory development. Lustick is right to point out that Lijphart has occasionally reformulated some of the core concepts of consociational theory. However, Lustick's demand for parsimony may be misplaced as many deeply divided societies are open to many more conditions and factors than are included within Lijphart's conception, including kin-states as external parties to the conflict. If consociational theory is to be improved, some reformulations are inevitable, and those reformulations should be judged on the basis of their empirical and theoretical validity. As noted earlier, the case of India as a consociational democracy appears rather weak, but this hardly tarnishes consociationalism's standing as a well-suited theoretical model for managing conflict in deeply divided societies.

2.7. Alternative Models of Power-sharing[12]: Centripetalism, Complex Power-Sharing, and Power Dividing

While the fundamental critiques question consociationalim's theoretical intactness and empirical basis, some other scholars have suggested replacement of consociationalism with new models of power-sharing. Among those alternative approaches, centripetalism, which is also known as integrative[13] power-sharing, is the most prominent one. The other two alternative models are complex power-sharing and power-dividing.

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[12] Lijphart (2008, 6) notes that he uses the terms of power-sharing and consociationalism interchangeably; and that, for the sake of clarity, he tends to employ power-sharing when he addresses policy makers rather than academics.

[13] Sisk (1996, 34-45) introduces the classification of main approaches to power-sharing into two categories as consociational and integrative. He uses the term "consociational" in reference to Lijphart's formulation, and employs the term "integrative" while referring to Horowitz's suggestions. However, both Horowitz and Reilly, two chief proponents of the latter approach, call it centripetalism in their works.

2.7.1. Centripetalism

Horowitz (1985; 1993; 2002; 2008) has long argued that some of Lijphart's consociational institutional prescriptions are more likely to deepen divisions in divided societies rather than ameliorating. Regarding the grand coalition, for instance, Horowitz (2008) claims that grand coalitions are unlikely because the very act of forming a multi-ethnic coalition brings about flanking (intra-ethnic competition), if that does not already exist.

> [T]he willingness of leaders to form interethnic coalitions can produce a negative reaction among members of their own groups, which in turn can lead to the formation of new ethnically exclusive parties on the flank. If so, what begins as a grand coalition may end as a coalition of the middle, opposed by extremists on the flanks who are able to thwart interethnic compromise by making inroads into the support of those who joins such coalitions. In short, the grand coalition may not be durable (Horowitz 2008, 1220).

Instead of forming such unstable inter-ethnic coalitions, Horowitz (1985; 1993; 2008) suggests that political actors should be provided with incentives to cooperate during elections and there should be some form of territorial divisions of power –i.e. federalism. Horowitz's alternative model is built on two main premises. The first one is that political engineering in divided societies should seek to support moderates against extremists by engineering political institutions with incentives for moderation; hence there should be no grand coalition in which participation is based on ethnic quotas. And the second premise posits that most important of those institutions to be engineered is electoral systems; Horowitz particularly makes a case for the alternative vote, which is a preference based voting system, that would encourage the exchange of preferences between different ethnic parties to achieve moderation.[14] However, Horowitz, like Lijphart, acknowledges the depth of cleavages in divided societies and aims to manage the conflict rather than trying to eliminate it. In other words, Horowitz's centripetalism diverges from the consociational approach not in the way it regards divided societies but about the most feasible set of institutions that should be adopted in order to manage the conflict. Horowitz (2008, 1219) compares the two as follows:

> Neither the consociational nor the centripetal approach has abolition of ethnic conflict as its agenda. Both accept the existence of ethnic cleavages and attempt to manage their effects – in one case, by guaranteed representation and outcomes and in the other, by various regimes of incentives to moderation, cooperation or fragmentation. The consociational approach has a well-specified menu of institutions, whereas the centripetal approach is at home with a variety of governmental institutions, presidential or parliamentary, provided that appropriate institutions are built in. So far as parties and

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[14] For specific recommendations on electoral engineering for divided societies, from the centripetalist perspective, see Reilly (2001).

elections go, consociationalists aspire to a post electoral compromise – hence the grand coalition – whereas centripetalists aspire to a pre-electoral compromise- hence various incentives to induce parties to pool votes and form coalitions across group lines. According to the latter, pre-election compromise is superior, because it requires that parties make commitments to moderate their ethnic claims in order to secure alliances and electoral support across group lines, whereas compulsory post-election coalitions require no such commitments.

The centripetalist approach also sees federalism as a conflict management mechanism differently. Horowitz (2008, 1218) claims that in ethnically homogenous units of a federation there is an opportunity for sub-ethnic competition to emerge and thus possibly mitigating the effect of interethnic competition at the central level; and in heterogeneous units of federation federalism can cultivate interethnic cooperation among local politicians before they move to compete at the central level. On the other hand, Lijphart has promoted federalism as an institutional instrument that is conducive to further group autonomy in homogenous federal units. These two perspectives on federalism are clearly distinct from each other with respect to the question of what role federal units should play in a power-sharing regime. According to Horowitz, federalism should create sub-ethnic competition in homogeneous units, or interethnic cooperation in heterogeneous units, while Lijphart recommends homogenous federal units in which an ethnic group can further its autonomy. The latter view is evident in terms of how federalism will bring about the desired result. But the same cannot be said about Horowitz's argument since it is not clear whether federalism will always produce either sub-ethnic competition or interethnic cooperation. Sub-ethnic competition cannot be achievable where there is a broad consensus among the members of a given ethnic group; and when it is achieved, this will not be necessarily beneficial towards interethnic cooperation.

By comparing the advantages and disadvantages of both approaches, Sisk (1996, 116-117) concludes that the choice between consociational and integrative (centripetal) power-sharing depends on the structure and dynamics of a given conflict: consociational power-sharing practices provide the parties to a conflict with a greater sense of security but at the same time it may contain the seeds of future conflict, and, on the other hand, integrative (centripetal) power-sharing is possible when there is a greater degree of trust among the parties, which is often non-existent. Likewise, I would argue that the two should not always be seen alternatives to each other: if we accept that the integrative approach (centripetalism) requires a relatively high level of trust among the conflicting parties to be adopted, then it cannot be suggested as an alternative when such level of trust between the parties simply does not exist. For example, in the Northern Ireland conflict where the nature and extent of divisions run deep and broad, McGarry and

O'Leary (2006b) argue that integrationist approach (centripetalism) is definitely more unrealistic than consociationalism. McGarry and O'Leary (2006b) points out that in Northern Ireland the Agreement (the 1998 Good Friday Agreement) was made possible by the inclusion of radical parties associated with paramilitary organisations in negotiations, namely Sinn Féin, the Ulster Democratic Party and Progressive Unionist Party, and it was completely unthinkable to expect the leaders of those parties to agree on an AV electoral system that would minimize their electoral strength. McGarry and O'Leary (2006b, 270) thus arrives at the conclusion that: "Horowitz's integrationist prescriptions are perhaps most pertinent at the formation of competitive party system, but thereafter are inapplicable." Their conclusion seems similar to Lijphart's (2002, 48-49) argument that when there is one or a few relatively small minorities facing a majority or relatively large groups, the minorities will not be willing to accept a system that does not let them to be represented by their own leaders but by moderate members of the majority. In sum, once there is an ethnically defined party system in place, there will be very few leaders, especially from smaller parties, with the incentives to implement Horowitz's preferred set of institutions without considerable coercion and persuasion by external actors including, potentially, kin-states.

2.7.2. Complex Power-sharing

It has been suggested that consociationalism and centripetalism are not sufficient to explain the current developments in the actual practice of power-sharing. According to the participants of the Cambridge Carnegie Project on Resolving Self-Determination Disputes Using Complex Power-Sharing[15], the recent power-sharing models adopted for management of various conflicts have shown that power-sharing literature has focused on the same old debate between the consociational and integrative (centripetal) approaches for too long. In practice, they argue, many power-sharing systems no longer depend on the distinct theoretical models offered by those approaches. As such, recent developments point towards a complex model that includes elements of both consociational and centripetal models. Moreover, the complex power-sharing models have international involvement in design and implementation, and a concern for broader issues including military-civilian relations, economic management, human and minority rights is evident. The complex power-sharing arrangements also widen the realm of power-sharing by including all local agents in the conflict in addition to the elites. This mostly achieved through regional

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[15] "Cambridge Carnegie Project on Resolving Self-Determination Disputes Using Complex Power-Sharing", http://www.polis.cam.ac.uk/research/cps/about.html (accessed 1/8/12). Also, see Weller and Wolff (eds. 2005), Wolff (2007; 2008; 2009), and Weller and Metzger (eds. 2008).

autonomy arrangements that may or may not be adopted as a part of central level power-sharing.[16]

One of the participants of the complex power-sharing project, Wolff (2005) argues against the rigid divisions between the integrative (centripetal) and consociational power-sharing. After discussing the merits of both consociational and integrative (centripetal) electoral institutions, namely the closed list PR and preferential voting systems, he posits that the application of a preferential and proportional voting system, such STV (Single Transferable Vote), can be combined with a set of rigid consociational political institutions to achieve both inclusion and moderation, which are respectively the goals of consociational and centripetal power-sharing approaches.

> For consociational institutions to function and perform well, a (widely representative and therefore necessarily broadly inclusive) grand coalition is required. STV in this context can contribute to achieving both of these aims: its proportional character ensures an inclusive composition of the assembly elected, while its preferential character is at the same time likely to favour the election of moderate politicians and the formation of pre-election coalitions (Wolff 2005, 63).

Wolff (2005) thus claims that hybrid systems combining elements of both consociational and centripetal power-sharing may be best equipped for sustainable democratic power-sharing. But he also notes that he has some reservations due to the shaky empirical basis for such a mix approach (Wolff 2005, 72). It is obvious that most complex power-sharing arrangements are relatively new and therefore the level of success is still hard to assess. However, the number of cases that fall into the complex power-sharing category confirms that there is a trend towards complex power-sharing.

The trend towards complex power-sharing, to some extent, can be attributed to the inherent weaknesses of constitution making processes. Horowitz (2008) argues that there are many obstacles to the adoption of a coherent set of political institution to mitigate conflict and many of those obstacles stem from processes of constitution making. Some of those major obstacles are: the asymmetric preferences that are possessed by the parties at the table, the fact that third parties do not seek optimal institutions but any deal that can garner minimal support of the conflicting parties, and the historical bias towards some designs (Horowitz 2008, 1226-1230). One might add that the presence of kin-states as actors in deeply divided societies, as will be shown in Chapter 7, complicates matter further as they are said to represent one particular party whilst bring their own interests and objectives to the table which may relate to broader foreign policy goals such as their own place in the region and relations with great powers. Moreover,

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[16] See Weller and Wolff (eds. 2005).

Horowitz (2008, 1230) notes that: "Many constitutions in severely divided societies are not the product of single minded attention to the goal of reducing conflict. Many, in fact, do not contain any of the institutions recommended by either of the contending consociational or centripetal schools of thought". Whether Horowitz sees those neither consociational nor centripetal institutions as complex power-sharing is not clear in the article, but it is obvious that he does not think that they are coherent and likely to succeed.

2.7.3. Power Dividing

Power dividing, also known as the multiple majorities approach, is the most recently proposed alternative approach to power-sharing (Roeder 2005; 2012). It substantially differs from other approaches to power-sharing as it does not suggest a specific form of power-sharing government and there is no emphasis on institutions. Instead, Roeder (2012) recommends that the most decisive issues should be removed from the jurisdiction of the government and entrusted to decision-making processes involving individual citizens and civil society. The theoretical basis for such approach is predicated on the liberal and the pluralist philosophies. Roeder (2012, 69-70) notes that power dividing constitutions are in place in Switzerland and the ten West Coast and Rocky Mountain states (except Utah) of the United States, where there are multiple levels of governance, which privileges no one configuration of interest. For example, in the state of California, Roeder (2012, 70) argues that:

> The cross-cutting jurisdictions and diversity of representation formulae have produced multiple majorities, not the domination of policy by one majority: Majorities in one organ, such as Christian fundamentalists who control a school district, find it difficult to sweep into power across all organs. The dispersion of power and multiplication of cross-cutting lines of division throughout the state have meant that most citizens are parts of a majority in some organs and that no one divide, such as race, urban versus rural, or north versus south has come to dominate political conflict.

Although there are some very appealing aspects of power dividing, such as its potential for meeting various demands of different segments of the society, its applicability appears very limited. Its major cases (the US states and Switzerland) are products of long processes of gradual institutional development which sought to address limited demands of specific constituencies. For that reason, its adoption in deeply divided societies that have experienced deep and long running divisions seems rather unlikely. Roeder (2012, 71) acknowledges this difficulty but postulates that the likelihood of introducing power dividing would increase under three circumstances. First, it would be more likely to emerge or easily imposed on in societies where no single divide has yet dominated the conflict. Second, it could emerge in the case of negotiations participated many and

diverse interests. Third, it can rather easily be imposed on societies when occupying powers hold sway over the design of political institutions.

Along with its very limited applicability, another major disadvantage of power dividing is that policy may become incoherent as policies adopted by different policy-making organs is not consistent with each other's policies. This incoherence in policy-making is likely to increase the public expenditure and hence the tax burden on citizens but could be managed if more coordination among various policy making organs are maintained (Ibid, 72). Such coordination, however, may lead to the formation of a majority which is dominant across all policy areas and thus eliminating the main advantage of power dividing vis-à-vis other models of power-sharing. Nevertheless, the main allure of power dividing is that it grants similar rights to all sorts of minorities, whereas power-sharing often privileges ethnic or religious groups who are involved in a salient conflict (Ibid, 80). Overall, the theoretical case for power dividing is strong and convincing, though it remains the most unlikely of the all four power-sharing models which could be introduced as a political settlement for deeply divided societies. This is particularly the case where there are a few groups with strong identities, who would not settle for anything less than some form of group level participation at the government.

2.8. Conclusion

Consociationalism has attracted plenty of criticism over the years. Some of its critics have claimed that the reformulations of consociationalism offered by Lijphart are in fact proving their case that the theory is inconsistent and lacks empirical basis. Since consociational theory was formulated and reformulated inductively, through the use of case studies, the varying interpretations of the cases have also been noted by the critics. However, even if some of the cases were not as consociational as they were portrayed by Lijphart, consociational democracy as a theoretical model would still remain relevant for deeply divided societies, for whom majoritarian democracy cannot be an appropriate remedy.

The debate between Lijphartian consociationalism and its centripetalist alternative has been long running, and the relative merits of their institutional prescriptions are still a matter of debate in the literature. But my overview of the literature has indicated that centripetalism is not an alternative to consociationalism in the context of deeply divided societies, mainly because minority groups in such societies would not prefer to be represented by moderate representatives of the majority instead of their own leaders. And power dividing seems to be the most unlikely of the four to be adopted by deeply divided societies. Therefore, either the consociational or the

complex power-sharing approach is very likely to serve as the basis for political settlements for deeply divided societies. The four models' main characteristics, basic institutions, advantages and disadvantages are summed up in Table 1 below.

There is currently a trend towards adoption of complex power-sharing institutions,[17] which incorporate both consociational and centripetal elements at the same time. Whether the contradictory elements of such mix designs can sustain peace and democratic stability in the longer term remains unknown. As will be shown in the following chapters, however, third party actors' involvement is often necessary to establish and sustain power-sharing regimes in deeply divided societies. Traditional consociational theory's neglect of the role of external actors in the making of consociational settlements is noted by McGarry and O'Leary (2006a, 48) as follows:

> Conventional consociational theory is overly 'endogenous' or 'internalist'; it has tended to treat states and regions as if they are sealed entities, relatively immune from exogenous forces. This has produced two related problems. First, there has been a tendency to downplay the importance of outside factors both when explaining how consociational settlements emerge, and when seeking to engineer their creation.

This observation has been taken into account by the complex power-sharing project, which has underscored international involvement as one the peculiarities of the complex power-sharing arrangements. But their analyses of that involvement in the making of power-sharing settlements have been limited. In *Settling Self-Determination Disputes: Complex Power-sharing in Theory and Practice,*[18] the large edited volume combining the findings of the project, there is only one chapter on international involvement, which describes specific roles assumed by third parties in eight cases of self-determination conflicts, including Bosnia and Northern Ireland. The author of the chapter, Ulrich Schneckener (2008, 467-499), identifies a number of roles which can be assumed by third parties, such as mediation, monitoring, coercive diplomacy and arbitration. However, Schneckener's analysis does not study any particular peacemaking intervention for power-sharing in-depth; neither does it take into account involvement of kin-state actors in the making of some power-sharing settlements. In other words, the role of third party actors, particularly kin-states, remains understudied. The literature on third party intervention, or international intervention, as well as the kin-state literature will be surveyed in the next chapter in order to explore potential roles for third party actors and kin-states in peacemaking interventions for power-sharing.

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[17] This trend is evidenced by the fact that there are many cases of complex power-sharing regimes recently adopted, geographically ranging from Philippines to the Balkans and Caucasus (Weller and Metzger eds. 2008, 59-383).

[18] Weller and Metzger (eds. 2008).

	Consociationalism	Centripetalism (Integrative)	Complex Power-sharing	Power Dividing
Main Characteristics	Elites cooperate for managing the conflict. Groups are autonomous and have guaranteed representation.	Elites cooperate for forming broadly inclusive governments. But there is no guaranteed representation for groups.	Combined use of both consociational and centripetal power-sharing elements. Most examples of complex power-sharing are cases of autonomy or power-sharing arrangements at local level.	There are various levels of governance, providing widest possible autonomy to individuals, groups and civil society.
Basic Institutions	Parliamentary systems with grand coalitions incorporating all groups; mutual veto powers; segmental autonomy; proportionality in employment and representation.	Devolution of power through federalism; preference based voting systems; incentives for inter-ethnic cooperation; supermajority requirement for presidential elections.	Local level power-sharing not necessarily coupled with central level power-sharing. A combination of consociational and centripetal institutions. International involvement in design and implementation of power-sharing.	No specific institutions. The rules for representation and decision-making vary according to issue at stake, preventing the formation of permanent majorities.
Advantages	Provides stability as inter-ethnic electoral competition is minimised. Particularly, alleviates minorities' fears of domination by larger group/s.	Incentivises inter-ethnic cooperation, in addition to providing some guarantees to minorities.	Balances the minorities' fear of domination, through local autonomy and complicated decision-making, with some incentives for inter-ethnic cooperation.	The multiplicity of decision-making mechanisms and bodies offers individuals, groups and civil society wider participation, and preclude dominance of one group over others.
Disadvantages	Elites are not motivated to defuse the conflict. Elite dominance over their segments is required. No incentives for moderation.	Unlikely to be accepted in countries where there is minimal inter-group trust. It presumes a significant role for non-ethnic and rather inclusive political parties.	Its cases are local level power-sharing arrangements. Its mix of consociational and centripetal elements is empirically shaky.	The most difficult of all approaches to implement, particularly after civil wars. Its multiplicity of decision-making may lead to incoherent policies.

Table 1 - Comparison of Power-sharing Models

CHAPTER 3

International Intervention, the Liberal Peace and Power-sharing: What Role for Kin-states?

3.1. Introduction

This chapter provides an overview of the theoretical literature on international intervention, which will serve as a conceptual basis for discussion in the subsequent chapters. Also, it seeks to explore what roles third parties, especially kin-states, are likely to assume in the making of power-sharing settlements for deeply divided societies. The chapter initially surveys some of the recent literature on third party peacemaking theory, and then reviews the existing literature on kin-state involvement in intrastate conflicts. This is followed by a brief review of the post-Cold War era conceptual developments with regard to wider process of international intervention. Particularly, peacebuilding and statebuilding as new and more intrusive forms of intervention are analysed. The liberal peace framework, which conceptually underpins the post-Cold War era interventionism, as well as its major critiques are also briefly discussed. Finally, the first and second chapters' assessments are formulated into an analytical framework for use in the case study chapters.

Some terminological clarifications should be made at this point. Although I use the terms "third party intervention" and "international intervention" interchangeably, and international interventions are by definition third party interventions, third party interventions in civil conflicts are not necessarily international in their nature - e.g. the British intervention in the Northern Ireland conflict. I also use the terms peacemaking and mediation interchangeably, and this is a rather common practice in the literature. However, a fine distinction between the two concepts can be made, as I will point out below.

3.2. Third Party Peacemaking: Core Concepts and Issues

Peacemaking and mediation are often used synonymously by many, as scholars of the subject often tend to use the latter, while the practitioners, especially at the UN, seem to prefer using the former. There are a myriad of definitions of mediation in the literature because of disagreements regarding the scope and role of the third party. According to Zartman and Touval (1996, 446), mediation can be described as "a mode of negotiation in which a third party helps the parties find a solution which they cannot find by themselves." To Moore, it is "the intervention into a dispute or negotiation by a third party who has no authoritative decision making power to assist disputing

parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute"
(Moore 1986, 14; as cited by Bercovitch 2002, 6). Although most scholars seem to have simply
defined mediation as a third party intervention in a conflict between two or more disputants in
order to help them reach a settlement, it is also suggested that being a third party mediator
requires having some other qualities, such as neutrality and status. Spencer and Yang (1993, 1495;
as cited by Bercovitch 2002, 7) define mediation as "the assistance of a third party not involved in
the dispute, who may be of a unique status that gives him or her certain authority with disputants;
or perhaps an outsider who may be regarded by them as suitably neutral go-between". But
Bercovitch (2002, 7) argues that mediation can take various forms depending on the mediator's
goal and context of the conflict and therefore mediation should be seen as "… a complex, changing
and dynamic interaction between mediators, who have some resources and an interest in the
conflict or its outcome, and parties in conflict or their representatives." Wall and Dunne (2012,
219), however, in their article surveying the recent scholarship on mediation, claim that the
definition of mediation seems to have remained essentially the same despite various attempts at
fine-tuning, shortening or lengthening over the years, and mediation is simply "assistance to two
or more interacting parties by a third party who – at that time- has no power to prescribe
agreements or outcome".

Meanwhile, the UN's conceptualisation of peacemaking appears to have a wider remit
than mediation as defined in the scholarly literature.

> UN peacemaking brings hostile parties to agreement through diplomatic means. The
> Security Council, in its efforts to maintain international peace and security, may
> recommend ways to avoid conflict or restore or secure peace — through negotiation, for
> example, or recourse to the International Court of Justice.
>
> The Secretary-General plays an important role in peacemaking. The Secretary-General
> may bring to the attention of the Security Council any matter that appears to threaten
> international peace and security, use good offices to carry out mediation or exercise quiet
> diplomacy behind the scenes — either personally or through special envoys. The
> Secretary-General also undertakes preventive diplomacy aimed at resolving disputes
> before they escalate (United Nations 2009).[19]

The UN Security Council in its peacemaking capacity thus may recommend the parties to
seek recourse at the International Court of Justice, but the UN Charter stipulates that in making
such recommendations the Security Council should also "take into consideration that legal
disputes should as a general rule be referred by the parties to the International Court of Justice in

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[19] United Nations (2009), "The UN in Brief: What the UN does for Peace",
http://www.un.org/Overview/uninbrief/peacemaking.shtml (accessed 1/8/12).

accordance with the provisions of the Statute of the Court."[20] In other words, UN peacemaking does not necessarily have an arbitration component, unless that is sought by the parties, and the terms mediation and peacemaking can be interchangeably used to refer to third party interventions which seek to help the conflicting parties towards a negotiated settlement.

There is a wide range of theoretical and empirical questions raised in the mediation literature. However, most pertinent of those questions to this study are: Who mediates? What tasks and roles do mediators undertake? What tactics and strategies are employed by mediators? Is neutrality an asset? Are states and international organisations equally capable as mediators? Is there a "ripe" moment for the mediator's entry into a conflict? How do the nature of the conflict and the parties' views of the mediation affect the mediation process and its outcome? What constitutes success in mediation? The discussion below seeks to explore answers to these questions, particularly in reference to mediation in deeply divided societies for power-sharing settlements.

3.2.1. Who mediates?

The identity and capabilities of a mediator are likely to have an influence over the mediation process and its result. Bercovitch (2002) argues that most mediators fall into one of the three following categories: individuals; states; and institutions and organisations. However, although most mediators are unilateral actors, there is also a "collective" form of mediation which can include a group of states, individuals, and/or organisations acting together as a collective mediation body, such as the Contact Group in Bosnia or the UN Security Council in some cases (See Leigh-Phippard 1998; Touval 1995). In fact, bulk of international mediation is done by states or international organisations, and amongst international organisations the United Nations is the most prominent actor (Bercovitch and Schneider 2000, 146-148). The UN Secretary-General (UNSG), on behalf of the organisation and its membership, often through his Special Envoys or Representatives, assumes mediation roles in both intra and inter-state conflicts. The UNSG's main asset in mediation is the unique position held by the UNSG in the world's diplomatic network, as the world body's chief public servant, as well as the office's high moral standing, as Skjelsbæk (1991, 104) noted:

> The ability of the Secretary-General to reward or punish for the purposes of exerting influence is limited in indeed. The physical resources at his disposal are very small and arguably of less importance than the moral and political status of his office. His authority

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[20] United Nations (1945), "The Charter of the United Nations", Chapter 6 Article 36(3), http://www.un.org/en/documents/charter/chapter6.shtml (accessed 1/8/12).

rests to a considerable extent on the ideals of the Charter and the fact that these ideals are formally accepted by all members of the world's most universal intergovernmental organisation whose servant and spokesman he is.

However, Touval (1994, 45) argues that UN cannot effectively mediate because its inherent characteristics, as an intergovernmental organisation, make it incapable in provision of some basic functions required in effective mediation of complex international disputes:

> As currently constituted, the United Nations has great difficulty performing many basic functions required of an effective mediator. It does not serve well as an authoritative channel of communication. It has little real political leverage. Its promises and threats lack credibility. And it is incapable of pursuing coherent, flexible, and dynamic negotiations guided by an effective strategy.

Touval (1994, 45) claims that no "upgrading, expansion, or revamping of UN powers" can rectify these weakness, since they stem from the organisation's intergovernmental nature, and he suggests devising a mechanism through which UN can encourage and sponsor states to undertake mediation unilaterally. Touval (1995) also discusses the UN Security Council's mediation of international conflicts and posits that the council's cumbersome and uncertain decision-making processes as well as its lack of resources are hindering it from fulfilling mediation functions. But Fretter (2002) points out that although individual state actors have more resources and leverages at their hand, states are usually concerned with managing conflicts that will affect them to some degree because there is less pressure on states to pursue "altruistic" objectives. The UN, however, often becomes a mediator by default as a result of states' unwillingness to get engaged in particular conflicts. Fretter (2002, 102) notes that the UN as a mediator mostly relies on moral persuasion and the reinforcement of international norms to reason with the disputants and has relatively weak leverage over parties. Thus, international organisations (most notably the UN) are usually mandated to get involved in conflicts but they seem to lack some of the most crucial resources and capabilities due to political and operational limitations generated by their intergovernmental nature.

3.2.2. Styles in Mediation

The critiques of UN mediation introduced above are based on the assumption that manipulation of the negotiation context through the use of leverage or coercion is required on the part of the mediator. That is power mediation, which is also known as manipulative or directive mediation, and it is one of the three main styles in mediation identified by scholars along with facilitation and

formulation (Touval and Zartman 1985; Beardsley et al. 2006).[21] The concept of "mediation style" can be broadly defined as: "the overarching goals and definitions of the [mediation] role, sometimes implicit, that shape how mediators behave and what they consider the legitimate goals of intervention" (Kressel 2007, 251). Facilitative mediation style essentially entails that the mediator establishes communications between the disputants; arranges interactions between them; and also seeks to identify and clarify the issues at stake. And the formulative mediator, by means of substantive suggestions and proposals, strives to devise a solution that is acceptable to the disputants.[22] Fisher (2001, 11) defines facilitation and formulation based mediation as "pure mediation" in which "the third party works to facilitate a negotiated settlement on substantive issues through the use of reasoning, persuasion, effective control information, and the suggestion of alternatives." Finally, power mediation encompasses pure mediation but also includes the use of leverage or coercion by the mediator, which can be in the form of promised rewards or threatened punishments (i.e. carrots-and-sticks); also power mediation may go beyond the agreement where the third party mediator takes part in implementation and enforcement of the agreement (Ibid, 11; Beardsley et al. 2006, 64-65). Although power-mediation is usually more effective, there is also a significant downside. As Carnevale (2002, 34) has put it:

> There is evidence that direct, forceful mediator intervention is effective when the conflict between the disputants is so intense that they are unable to engage in joint problem solving. … However, power in mediation can corrupt: the powerful mediator may be tempted to dictate terms of agreement, terms that are not acceptable to the parties.

Nevertheless, manipulation of the negotiation context and the use of some coercive techniques seem to have become essential in successful mediation of some conflicts, particularly where facilitation and formulation efforts of the mediator have proven insufficient in improving the interparty relationships towards a settlement. As I argued in Chapter 1, deeply divided societies are trapped in a vicious cycle of mutual distrust, which necessitates power-sharing political institutions, and third party intervention can play a significant role in breaking that cycle. Therefore, it is likely that such conflicts may require power mediation. However, there is also the discrepancy in international mediation market: not many state actors are likely take up power mediation unless their or their allies' interests are at considerable risk. This point will be

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[21] These three are the main styles in international conflict mediation; in the wider field of mediation there are more styles employed, such as the strategic style which is used in divorce mediation (See Kressel 2007).
[22] For an extensive list of mediation techniques, see Wall (1981, 171-177), and for most common tactics and strategies in mediation, see Wall and Lynn (1993, 166); Beardsley et al. (2006, 66). And for the most recent categorisation of mediation strategies (i.e. group of techniques) based on a survey of the scholarship in the last decade, see Wall and Dunne (2012, 227).

investigated in the case studies to see whether power mediation is, as expected, only pursued when other forms of mediation are exhausted and where a state with an interest in the settlement has become involved.

3.2.3. Is "impartiality" an asset in mediation?

Impartiality of the mediator is also part of the debate on mediation styles. By definition, power mediation requires the use of leverage or coercion and thus implicates that the mediator is not likely to be impartial. Smith (1994) notes that the necessity of impartiality is in fact a non-debate as both sides seem to have valid arguments depending on how mediation is defined. Smith (1994, 448) also underscores that both forms of mediation (power and pure mediation) can be effective under certain circumstances and both should be retained for that reason, and therefore it would be unfair to compare them on the grounds of impartiality. It is also suggested that biased mediators are more likely to be perceived credible by the parties (Kydd 2003). Farvetto (2009) argues that impartiality can be effective in mediation especially when a highly biased power intervenes in an international conflict: this is likely to lead to a peaceful settlement because the disputants will be certain that the third party will enforce an agreement by all means, including the use of military force. Neither is the widely assumed UN's impartiality an empirical fact: Benson and Satana's (2009, 152) analysis of UN Security Council resolutions, for example, finds that there is a lack of neutrality at least 43% of the time for all types of potential action. In sum, impartiality is not necessarily an asset for a mediator.

3.2.4. Implications of the nature of the dispute and the parties views of mediation

Implications of both the nature of the dispute and the parties' views and intentions regarding the mediation process have also been investigated by scholars. Bercovitch and Langley's (1993) claim that intensely hostile conflicts, which they measure by looking at the number of issues at stake and high fatalities, are not particularly amenable to mediation. Bercovitch and Gartner's (2009) statistical analysis, however, concludes that directive (i.e. coercive) strategies are particularly effective in high intensity conflicts. It has been also pointed out that the disputants' views of the mediation and what brings the parties to the negotiation table are crucial factors in shaping the negotiation process and its outcome. Richmond (1998) looks at the mediation process from inside, at the level of the disputants' views of the mediation, and argues that in some cases, such as in Cyprus, the parties might have "devious" objectives regarding the mediation. That is, when the mediator has been regarded by the disputants as a party to be bargained with in order to progress their respective unilateral objectives. The existence of devious objectives implicates that the party

or parties are not genuinely interested in seeking a negotiated settlement but would rather prefer to continue the conflict through mediation process. Similarly, Ghosn (2010, 1065), claims that the factors that bring the parties to the table may not necessarily lead to agreement as the parties, especially in high intensity conflicts, tend "to forgo the long-term benefits of negotiated agreements to take advantage of the short-term benefits, which of course include an interlude from the fighting." The conflicts in deeply divided societies are obviously high intensity conflicts, some like Cyprus may not be necessarily high in terms of casualties (the most widely used indicator of conflict intensity), but still some other indicators are there: for example, the complexity of the conflict as measured by the number of issues at stake or the minimal intergroup cooperation, which can be best evidenced by the domination of political spectrum by ethnic political parties. The arguments on mediation in relation to the intensity of conflict and the disputants' views and objectives regarding the process indicate that mediation in high intensity conflicts, such as the cases in deeply divided societies, needs to be tailored to meet the particular challenges of the conflict, and the tailoring should envisage strategies for tackling the party or parties' unwillingness to genuinely engage in mediation process.

3.2.5. Mutually Hurting Stalemate and Ripeness in Mediation

Another core issue in the mediation literature is that of the timing of mediation, which is usually centred on the concepts of Mutually Hurting Stalemate and "ripe moments" (Zartman 1985; 2001). According to Zartman (2001), the concept of a ripe moment is dependent upon the parties' perception of a Mutually Hurting Stalemate (MHS). The MHS describes the situation when the parties realise that they are not able to achieve a unilateral victory and they are stuck in a stalemate which is painful for both sides, though not necessarily at the same degree for each. As they perceive the MHS, the parties become more inclined towards seeking an alternative course of action, rather than escalating or continuing the conflict, and in the absence of the possibility of unilateral victory that is a search for negotiated settlement. Thus ripeness is said to have occurred when both sides perceive the existence of the MHS and also regard the possibility of a negotiated settlement as a "way out". Ripeness, however, does not guarantee any particular outcome:

> Ripeness is only a condition, necessary but not sufficient, for the initiation of negotiations. It is not self-fulfilling or self-implementing. It must be seized, either directly by the parties or, if not, through the persuasion of a mediator (Zartman 2001, 9).

Lederach (2003), on the other hand, points out that ripeness is rather like a rear-view mirror from practitioner's point of view, and argues that ripeness may be most useful in

retrospect. Otherwise, Lederach (2003, 32) claims, MHS's predictive capacity is very limited particularly because of the nonlinear and ephemeral nature of some conflicts:

> In protracted conflict temporal conditions are ephemeral and non-linear, requiring paradoxical intentionality: a set of meditative attitudes that keep your feet on the ground (a realist view of the situation) and your head in the clouds (a hope-driven idealist view of the possible). Therefore, rather than orienting my action around predictive ripeness, I find the opposite increasingly true in my work. I am carefully cautious when all appears ripe for settlement and inoculating naive when all appears hopelessly lost in the grip of calamity.

Although it appears MHS and ripeness, as predictive tools for mediators' entry into the conflict, may not be as useful as they are being promoted by Zartman, nevertheless, they may have some value in indicating when the conflict is going through a delicate stage where intervention could be more fruitful. But, as noted by Lederach, this does not necessarily implicate that ripeness will last or be seized upon by the parties. In terms of successfully mediating in deeply divided societies, ripeness and the MHS as concepts suggest that the parties should perceive that the conflict as it stands is unsustainable so that a move towards power-sharing could become an alternative. The mediator can help parties to realise the situation as such by persuasion or where possible even through "coercion". Coercion here is not necessarily about making a party or both parties to do something which they would not otherwise do; instead it can also be regarded as enabling the parties to make the necessary concessions under the cover of being "coerced" by the third party as this could serve the party elites as a defence against their intraparty critics. In other words, the parties' leaderships might be willing to compromise privately, as they perceive the direness of the status quo, but they may not be able to act unless there is a pressure on them which would help them legitimise their compromises internally. And in that respect ripeness can be a useful concept for the mediator in identification of the right moments for exerting such pressure on the parties. Furthermore, ripeness should also be explored with respect to the mediator's readiness and involvement, whether there are "ripe" moments, on the part of the mediator, to be fully engaged in in the mediation process.

3.2.6. Defining Success in Mediation

The definition of success in mediation is rather elusive and analysts studying particular mediation processes often seek to define their own criteria to assess mediation outcomes. Although a negotiated settlement is often the crude measurement used to assess success in mediation, some scholars note that there are also lesser forms of success which fall short of a settlement, such as a ceasefire, a partial settlement or initiation of some dialogue between the parties (Bercovitch, Anagnoson and Wille, 1991, 9). Kriesberg (1991, 19) points out that assessing whether a mediation

has been successful is difficult because evidence required is often very obscure, while failure is always relative as it depends on what the original goal sought was. There is also the problem of whose goal would be taken as a reference point; the mediator and the disputants individual objectives would not necessarily be the same. Moreover, the goals of the disputants are not always clear and could be changing over the course of the mediation (Kleiboer 1996, 362). However, these problems do not seem to be applicable in negotiation processes explicitly aimed at bringing about a specific form of settlement, such as power-sharing. In that case the mediation success can simply be defined as a negotiated settlement on power-sharing. This measurement of success is particularly well-established in the studies on Bosnia, Cyprus and Northern Ireland, almost all of the studies on these societies focus on negotiated settlement in order to assess the mediator's role in the negotiations. In other words, a negotiated settlement on power-sharing is widely accepted as the normative outcome which the mediation process will be judged against. This does not, however, mean that the mediator's role should be considered as the main determinant and anything other than a power-sharing settlement should always be regarded as a total failure. Instead, it can be posited that mediator's particular role towards bringing about the settlement or its efforts in that direction can be assessed. This role may not be the crucial one but that does not entail that the mediator's role, and particularly whether it has been effective in a given context, cannot be analysed. Therefore, success of mediation processes which will be studied in the following chapters will be assessed on the basis of their contribution towards a negotiated power-sharing settlement.

3.3. Peacemaking in Deeply Divided Societies: What is lacking in the mediation literature?

The mediation literature seems to have often focused on issues around the effectiveness of certain mediators and mediation styles in general. Nevertheless, there are some conclusions which could be inferred from the third party mediation literature with regard to peacemaking interventions in deeply divided societies. Regarding the identity of the mediator, it can be claimed that the United Nations is not likely to be an effective mediator in negotiations for power-sharing in deeply divided societies. In terms of the style of mediation, as noted above, power mediation seems to be more effective given the context; and impartiality is not necessarily an asset for the mediator, thus it can be argued that biased mediators are likely to be more effective in mediation of power-sharing settlements. As for the nature of the conflict and the disputants' objectives in mediation, conflicts in deeply divided societies are intensely hostile, and as such will be less amenable to mediation. And where this is coupled with the fact that one or both of the parties are

regarding the mediation process as a means to continue the conflict, effectiveness of mediation may ultimately depend on the use of some form of coercion on the part of the mediator. The concepts of the MHS and the "ripe moments" could be useful in identifying when the mediator's intervention would be more effective, but there is also a need to extend these concepts to analyse the ripeness of the mediator itself. Finally, success in mediation of power-sharing in deeply divided societies should be assessed on the basis of the progress towards a power-sharing settlement.

However, there are some major deficiencies in the mediation literature. According to Wall and Dunne (2012), there are a number of issues not considered at all or understudied in the recent mediation literature, and among those two of them are essentially about mediation effectiveness: a lack of reports on the conditions under which mediation would be most effective; and the non-use of the methodology of comparison or control groups for determining the effectiveness of specific techniques.

> Now it is time to move forward with structured research programs in which researchers investigate actual mediations, utilizing comparison groups. The comparison group might be a control in which no mediation is utilized or the comparison group could be one in which a different style of mediation is utilised (Wall and Dunne 2012, 239).

The effectiveness of strategies or styles which have been used by different mediators across the conflicts or by the same mediator even in the same conflict over the years will be one of the themes which is going to be investigated in the case study chapters. But it is not only different styles of mediation utilised which needs to be further researched, there is also a significant omission in the mediation literature: kin-states' role in third party peacemaking processes.

3.4. The Role of Kin-states in Peacemaking: Quasi-mediation?

In this section, the existing literature on kin-state involvement in ethnic conflicts will be discussed and a new conceptualisation of kin-state involvement within the context of peacemaking will be suggested. Broadly speaking, a kin-state is a certain state whose dominant ethnic group has identified itself with a co-ethnic population beyond its borders; in some cases the 'kinship' linkage may be based on non-ethnic identity such as a political or religious identity. The kin-state and its dealings with its kin communities became a subject of international interest in relation to democratisation processes in the Eastern Europe in the aftermath of the Cold War. According to the European Commission for Democracy through Law (more commonly known as the Venice Commission), which is an advisory body of the Council of Europe, "the phenomenon of the concern of certain States for their kin-minorities" only became an issue of interest for the

international community as a result of the discussions which ensued the Hungarian parliament's adoption of the Act of Hungarians Living in Neighbouring Countries, in June 2001, and the commission was set up to deal with this gap.[23]

Whereas, in the scholarly literature, kin-states' involvement in ethnic conflicts has been discussed since the mid-1990s and some theoretical perspectives on this involvement have also been proposed. Brubaker (1996) suggests a triadic model in reference to the post-Cold War Eastern Europe which argues that there is a triadic structure of relational fields constituted by a nationalising state (host state), a national minority population and a national homeland (kin-state). Brubaker (1996, 59) also emphasises that kin-states claim the right, even obligation, to protect the interests of their kin and hence play a significant role in the rise of extreme nationalism and ethnic conflict. There have been some studies on kin-states involvement in other geographical contexts as well. Ganguly (1998) studies some kin-state interventions in secessionist conflicts in South Asia by drawing on Modelski's (1961) theoretical model.[24] Ganguly argues that there are four different ways through which kin-states may respond to secessionist conflicts involving their kin. These are diffusion and encouragement (which is essentially about the kin-state allying itself with the kin group); isolation and suppression (which in effect means allying with the government of the host state); reconciliation (i.e. becoming a third party mediator between the kin group and their host state); and diffusion or isolation through inaction or non-intervention, if the host state is powerful inaction would be regarded as isolation by the kin group, but if the kin group is stronger inaction would be interpreted as support to them by the host state (Ganguly 1998, 13-33). Ganguly's analysis underlines that non-intervention on part of the kin-state is often the most unlikely policy. Byrne (2000; 2006) uses the term "external ethnoguarantors" to describe the kin-states in the Northern Ireland and the Cyprus conflicts.[25] However, Byrne's analysis is built on a comparative overview of the external ethnoguarantors and primary mediators' roles in Cyprus and Northern Ireland, and as such does not study the roles played by the ethnoguarantors as part of any particular mediation or peace process. Meanwhile, Wolff (2002, 33-36) develops an analytical framework which takes into account the complex relationship between host-state, kin-state, actors in the disputed territory and the international context in explaining the transnational

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[23] Venice Commission, "Kin-State", http://www.venice.coe.int/site/main/Themes_Transn_E.asp#Kin-State (accessed 1/8/12).

[24] Modelski's (1961) analysis is on the international relations of internal war.

[25] Byrne posits (2006, 152) that: "The external ethnoguarantors are regionally powerful third-party mediators with regional interests who perceive they have a direct and historical connection, as well as a shared national identity, with their internal allies on the islands."

dynamics of ethnic conflict settlements in Alsace, the Saarland, South Tyrol, Northern Ireland, Andorra and the New Hebrides. According to Wolff (2002, 220), at the level of the kin-state balancing of the interests of the external minority (the kin community) and of the host-state is a key determinant of the possibility to settle the conflict. However, Wolff's analysis focuses on the course of main developments in these conflicts and does not explore the kin-state involvement in any particular peacemaking process. For instance, Wolff (2002, 179-182) does not explore the kin-state dynamics in the Northern Irish all-party negotiations, which culminated in the Good Friday Agreement, but only briefly outlines some major developments from the 1995 Framework Documents to the Good Friday Agreement in 1998. More recently, there has been a growing interest in politics of the relationships between kin-states and their co-ethnics, mostly in relation to citizenship laws and development of foreign policy of kin-states.[26] Caspersen (2007; 2008) analyses the nature of relationships between the kin-state leaderships and the kin community leaderships in the conflicts in Bosnia, Croatia and Nagorno Karabakh. Caspersen's analysis looks at the Serb-Bosnian, the Serb-Croatian Serb and the Armenian-Nagorno-Karabakhi relationships in terms of their power dynamics, but does not assess the roles played by the kin-states in regard to third-party peacemaking processes. Caspersen's (2008, 370) conclusion is also limited, she simply suggests that " the degree and the form of kin-state influence are likely to vary both between cases and, over time, within cases, and complete unity of kin-state and local leaders should not, in any case, be assumed."

The literature reviewed suggests that kin-states' role in ethnic conflicts have not been fully explored, and particularly kin states' role within third party peacemaking processes remains underexplored. Analysing kin-states' involvement in the context of mediation is essential in order to assess whether this involvement is consistent or inconsistent with third party mediator's and local parties' goals. This involvement needs to be analysed in terms of kin-states' influence on the context and process of mediation, specifically kin states' roles and interactions with mediators and disputants within the context of peacemaking. A set of questions can be raised in order to guide the case study analyses with respect to kin-state involvement in the context of peacemaking interventions for power-sharing. What roles do kin states assume in peacemaking for power-sharing? Do they act as mediators? What specific roles do they assume if they act as mediators? Do they assume tasks similar to a third-party mediator, such as facilitation of communication between the disputants, formulation of proposals, or act as power-brokers in the conflict? Many

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[26] See Wolff and Cordell (2007); Batory (2010); and Pogonyi, Kovács and Körtvélyesi (2010).

would argue that kin-states are directly or indirectly parties to the conflicts and therefore cannot be considered as mediators. Moreover, it is often assumed that kin-states are likely to act as counterforces in a mediation process and provide the parties with resources to sustain the conflict. These arguments can be challenged by pointing out that there is a wider range peacemaking roles than often assumed. Kriesberg (1991) notes that there is a multiplicity of actors providing a variety of mediation services which are not only different persons and groups that are officially designated as mediators but also representatives of one side in the dispute who function as intermediaries between the government they represent and the other side. According to Kriesberg (1991, 23) the latter group can be conceptualised as quasi-mediators, and this category includes:

> [f]actions or even parties within the governing coalitions ruling one of the adversaries. They also include persons who are not officials but who have close ties with officials and act as agents for them, conducting unofficial inquiries or testing responses to possible official proposals. For some mediating services, quasi-mediators may be non-official groups without close ties to any government officials.

Thus, it can be argued that some kin-states may also be acting as quasi-mediators. In that case mediation can no longer be conceptualised as a triadic relationship between the disputants and the third party. Likewise, the triadic structure suggested by Brubaker in explaining the kin-state and kin community nexus would also become insufficient and require addition of the third party mediators into the structure. There would also be certain implications for a basic model of mediation. As proposed by Bercovitch, Anagnoson and Wille (1991, 10-11), in a basic contingency model of mediation, it is assumed that there are two sets of variables in a given mediation: the context and process variables. The context variables are the nature of the parties, the nature of the dispute and the nature of the mediator, while the process variables are the mediator's strategies. According to this contingency model, the interaction of these two sets of variables determines the outcome of the mediation. But in cases of mediations where kin-states are involved as quasi-mediators, or possibly in other forms as well, the contingency model would also need to account for kin-states as another variable. On the basis of findings from the case studies, I will reassess and expand on these theoretical suggestions in Chapter 7.

3.5. International Intervention in the Post-Cold War Era: From Peacemaking and Peacekeeping to Peacebuilding and Statebuilding

The questions and propositions raised above cannot be addressed without situating peacemaking within the wider process of international intervention and conflict resolution. International peacemaking efforts are usually accompanied by peacekeeping missions in the field, and in the

post-Cold War era these interventions have been usually followed or supplemented with peacebuilding, and less frequently by statebuilding interventions. The combination of peacemaking and peacekeeping, however, may come with complications of its own, as peacekeeping can become either a political asset or a liability for the third party peacemakers. As will be discussed in the case study chapters, the UN's involvements in Bosnia and Cyprus are prime examples of such entanglements. Although peacebuilding is widely conceptualised as a post-conflict intervention, it can be practiced along peacemaking (as it has been in Cyprus), and it is often a continuation of a peacemaking intervention, which is the case in Bosnia. Given all these interlinkages, an overview of the conceptual developments in the broader framework of international intervention is necessary for underpinning the discussion in the following chapters.

Peacebuilding and statebuilding have emerged as dominant discourses and practices of international intervention and have increasingly supplemented peacemaking and peacekeeping in the post-Cold War era. Although a distinct line has never been drawn between the first and the second generations of peacekeeping by the United Nations itself, the increasing number of deployments of the UN peacekeepers in civil war countries, mostly even before hostilities ended, in the early 1990s, is regarded as the beginning of the second generation of UN peacekeeping.[27] The first generation of United Nations peacekeeping, which was during the period of the Cold War, essentially entailed interposing peacekeepers between the conflicting parties and hoping for a resolution that would come through negotiations between the conflicting parties. It was based on three core principles: impartiality (of the UN involvement), consent (of the conflicting parties) and minimum use of force (by the UN peacekeepers). Most first generation missions were deployed in interstate conflicts but there were exceptions like Cyprus and Lebanon (Ramsbotham, Woodhouse and Miall 2005, 134-135). Bertram (1995) has identified four main substantial differences of the second generation from the first generation peacekeeping: (i) they mostly dealt with domestic conflicts, (ii) the government of host country was one of the parties to the conflict, (iii) the aim of the missions was either development or implementation of a political transition that comes after or during an end to military conflict, and (iv) the reform or establishment of basic state institutions constituted a central objective of the missions. Although there was a decline after the mid-1990s in the number of missions and troops deployed, which marked the end of high point of the second

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[27] The increasing number of civil conflicts in the early 1990s is mostly attributed to the end of Cold War, which resulted in the diminishing support of the great powers to some client regimes that were previously sustained either by the US or the USSR due to geopolitical concerns. And this led to an era of what many have called "United Nations interventionism", see, for example, Mayall (2007, 1-31); and Doyle and Sambanis (2006, 6-18).

generation operations, these four characteristics were largely present in most of the peace operations throughout the 1990s.

The changes in peacekeeping were essentially due to a conceptual shift in how the international community, and particularly the UN, sought to get involved deeper into conflict resolution. In addition to UN's traditional modes of intervention, which were preventive diplomacy, peacemaking and peacekeeping, the Secretary-General Boutros-Ghali, in 1992, suggested "post-conflict peace-building" as a new component of UN peace operations. According to the Secretary-General, peacebuilding would seek to "… identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict".[28] Although this has become the most widely used and cited definition of peacebuilding, some weaknesses and limitations of the UN's definition have also been pointed out. Lederach (1997, 20), for instance, has provided his own much broader and comprehensive definition that emphasises the continuity of the peacebuilding process before and after any formal peace process:

> Peacebuilding is a comprehensive concept that encompasses, generates and sustains the full array of processes and approaches, and stages needed to transform conflict towards more sustainable, peaceful relationships. The term thus involves a wide range of activities that both precede and follow formal peace accords. Metaphorically, peace is seen not merely as a stage in time or condition. It is a dynamic social construct.

There has been also advocacy for democratisation as a means of peacebuilding. The Secretary-General Ghali noted this as follows:

> The entire range of United Nations assistance, from support for a culture of democracy to assistance in institution-building for democratization, may well be understood as a key component of peace-building.[29]

 Kofi A. Annan (2002), the immediate successor of Boutros-Ghali, also posited that democratisation should be the focus of international intervention, and underlined the essential need for dealing with issues relating the control of state and its power in civil conflicts.

> For international peace to grow, democracy must be restored where it has been broken down, or cultivated where it has yet to take root. These activities have much to do with the domestic affairs of states, and especially with the resolution or prevention of internal conflict … At the centre of virtually every civil war is the issue of the state and its power –

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[28] UN Security Council (1992a), "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping - Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992", paragraph no. 21, http://www.unrol.org/doc.aspx?n=A_47_277.pdf (accessed 28/8/2012).

[29] Ibid, paragraph no. 46.

who controls it, and how it is used. No armed conflict can be resolved without responding to those questions (Annan 2002, 137-8).

Peacebuilding through democratisation has thus become a major aspect of the international intervention framework.[30] In the early 1990s, there was also a widespread optimism about results of UN peace operations and the international community was willing to initiate such missions.[31] The optimism, however, would disintegrate because of a set of tragic failures. The unexpected and humiliating losses suffered by the US troops who were acting under UN authorisation in Mogadishu in 1993, the Rwandan Genocide in 1994, and the Srebrenica Massacre in Bosnia in 1995, as well as mixed results of the other missions initiated in the same period, led the international community to recognise certain weaknesses of UN operations, as the basic principles which they are built on such as impartiality and consent of all the parties to the mandate became questionable. According to Doyle and Sambanis (2006, 15-18), what subsequently emerged was the third generation, which would seek peace enforcement, with its defining characteristic being the lack of consent from one or more of the parties to the mandate of UN operation. The third generation operations would include an even broader array of tasks which would vary from the enforcement of ceasefires to the reconstruction of failed states. Moreover, the third generation operations were increasingly undertaken by regional security organisations and outside UN aegis, e.g. NATO (Ramsbotham, Woodhouse and Miall 2005, 155-158). In the so-called Brahimi Report of the ad hoc UN panel on peace operations convened by the Secretary-General Annan, it was underscored that UN peacekeeping forces should be provided with capabilities and logistical support matching the requirements of their mandates, which would enable them to take sides where necessary. The report also advocated "a doctrinal shift in the use of civilian police, other rule of law elements and human rights experts in complex peace operations to reflect an increased focus on *strengthening rule of law institutions* (my emphasis) and improving respect for human rights in post-conflict environments".[32] This particular recommendation on institution building, in fact, summed up a new and highly intrusive mode of international intervention, which would soon become known as statebuilding.

The statebuilding recommendation was underlined with the attacks of 9/11; the attacks were widely interpreted as a testimony to the fact that failed states, whether due to civil conflict

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[30] This point will be elaborated below in the section on the liberal peace.

[31] Mayall (2007, 11) note that this optimism was shared by the Security Council as well, and that there was only confidence expressed regarding UN peacemaking and peacekeeping, particularly in January 1992 meeting of the Council at the level of heads of government.

[32] UN Security Council (2000), "Report of the Panel on United Nations Peace Operations" (Brahimi Report), paragraph no. 47, http://www.unrol.org/doc.aspx?n=brahimi+report+peacekeeping.pdf (accessed 1/8/12).

or not, were now the main threat to international security. The repercussions of failed states were thought to be generating insecurity both at domestic and international levels; the transnational effects of the domestic conflicts such as terrorism, drug trafficking and organised violence were specifically pointed out.[33] It was also argued that strengthening of state institutions should take precedence over democratisation in international peacebuilding missions (Paris 2004; 2006).[34] Statebuilding has thus become increasingly considered as the core task of international intervention. A prominent former UN diplomat Lakhdar Brahimi (2007, 5) underscores this conceptual shift succinctly:

> The concept of statebuilding is becoming more and more accepted within the international community and is actually far more apt as a description of exactly what it is that we should be trying to do in postconflict countries – building effective systems and institutions of government.

In summary, international intervention has evolved from a limited model of peacemaking and peacekeeping, which was prevalent during the Cold War, towards an essentially intrusive peacebuilding and statebuilding framework. Doyle and Sambanis (2006, 63-68) suggest that to what extent such peace operations are a domestic or international endeavour is determined by the capabilities and willingness of the international community and the domestic capabilities of the post-conflict society at the time of intervention, thus where there are very limited capabilities of the host-society, the international community is to have the opportunity to maximise its influence. This explanatory model seems to explain why international intervention has even taken the form of transitional administration by United Nations in some places, such as in East Timor and Kosovo.[35] However, the intrusive nature of international intervention in the post-Cold War era has also been often critiqued, and it is pointed out that it is conceptually underpinned by a certain understanding of peace - i.e. the liberal peace.

3.6. The Liberal Peace and Its Critiques

Causal association of liberalism with peace can be traced back to Immanuel Kant's (1795) essay, *Perpetual Peace*, in which Kant argued that republics (which are liberal democracies in today's sense) would be more peaceful in their dealings with each other. In the late 20th century, Kant's

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[33] See, among others, Fukuyama (2004); and Rotberg (2003, 1-45).

[34] International organisations, such as the OECD and the World Bank, also posited that effective state institutions were necessary in achieving better conditions for millions in the developing world, see, for example: OECD (2007, 2), "Principles for Good International Engagement in Fragile States and Situation", http://www.oecd.org/development/conflictandfragility/38368714.pdf (accessed 1/8/12).

[35] For a detailed analysis of UN Transitional Administrations, particularly in Kosovo and East Timor, see Chesterman (2004).

proposition became widely known as the democratic peace theory which holds that democracies rarely go to war with each other, and this is mostly attributed to success of liberal democratic institutions and norms that enable them to resolve their conflicts peacefully.[36] A domestic version of the Democratic Peace theory is also suggested, and argues that democratic states are expected to be more peaceful domestically as well (Rummel 1995; Hegre et al. 2001). Essentially, both versions of the liberal peace paradigm is based on liberal theory which argues that mankind is mostly non-violent, rational, and cooperative and the relations among states are therefore generally cooperative and peaceful. Thus it is widely assumed that promotion of liberal democracy would lead peace between and within states, but it is often left obscure what exactly those liberal democratic norms and institutions are. Some have suggested that liberal states are distinguishable by a set of common characteristics that is shared by most of them, as Doyle (1986, 1156) has put it:

> There is no canonical description of liberalism. What we tend to call *liberal* (emphasis in the original) resembles a family portrait of principles and institutions, recognisable by certain characteristics – for example, individual freedom, political participation, private property, and equality of opportunity – that most liberal states share, although none has *perfected* (my emphasis) them all.

As such, Doyle seems to emphasise the liberal aspect of liberal democracy, rather than simply equating it to representative government. Likewise, Danilovic and Clare (2003) argue that when Kant's essays considered collectively, instead of solely focusing on *Perpetual Peace*, it can be posited that constitutional liberalism lies at the heart of Kant's claim.[37] In the context of international intervention, however, the liberal peace is simply used to refer to "the dominant form of internationally supported peacemaking and peacebuilding that is promoted by leading states, leading international organisations and international financial institutions" (Mac Ginty 2010, 393). Politically, the liberal peace aims to construct a polity which follows Western liberal constitutional models. Paris (2002, 642-650) identifies some mechanisms of transmission which are employed by international actors to promote the liberal peace: the international community's role in the making of the peace settlement and thus its influence over the content; provision of expert opinion to parties in the implementation phase; imposition of conditionalities that require certain political and economic reform in order to get economic aid; and the performance of some government functions even including some core functions such as defence, finance and judiciary.

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[36] See, among others, Doyle (1983a; 1983b; 1986); Russett and Oneal (2001); and Chan (1997).
[37] Danilovic and Clare (2003, 402-403) suggest that constitutional liberalism is consisted of three major components: the protection of individual freedoms (liberalism), rule of law and legal equality (constitutionalism), and representative government (democracy).

A specific free market economic model has also been promoted as part of the liberal peace, and according Pugh (2005, 24), this entails:

> [t]ransformation through macro-economic stability, reduction of the role of the state, the squeezing of collective and public space, a quest for private affluence, and a reliance on privatisation and on exports and foreign investment to stimulate economic growth.

The liberal peace is not merely about distinct political and economic frameworks, it is also a discursive milieu which exhibits a distinct set of assumptions (Richmond 2005; Heathershaw 2008). Richmond (2005, 206) posits that the liberal peace is "a discourse, framework and structure, with a specific ontology and methodology", which is underpinned by the dominant Western peacebuilding consensus. He identifies four major conceptual graduations within the liberal peace framework: the hyper conservative, the conservative, the orthodox, and the emancipatory peace; and notes that international interventions are often initiated on the conservative model (which is a top-down, state-led and hegemonic peace) with the aspiration of moving towards the orthodox, a still state-led, but relatively balanced and multilateral peace (Richmond 2005, 214-222). Richmond (2005, 227) points out that liberal peace interventions focuses on "the creation of the hard shell of the state", instead of building a functional society and sustainable economy, and the overall result is a "virtual" peace which appears to the those outside something like the orthodox peace, while the local experience is rather like the conservative peace.

The liberal peace has been subject of a wide range of critiques and some of these critiques have been very fundamental. It has been argued that liberal peace interventions are counterproductive and therefore should not be undertaken at all (See Herbst 2003; Weinstein 2005), and that these interventions are very intrusive in affairs of host societies and as such can be framed as a new form of Western imperialism. One of the leading proponents of the imperialist critique, Chandler (2006) claims that statebuilding, particularly, is an imperial exercise of power by the West, and since the West denies taking responsibility for its deeds, this form of imperialism has become even more detrimental than once traditional imperialism was. Chandler (2006, 5) also regards most engagements of non-Western states with international institutions as statebuilding on the grounds that the essence of these engagements "includes forms of conditionality which relate to the internal governance mechanisms of non-Western states". Paris (2002), in his early work, similarly claims that liberal peacebuilding could be regarded as a new form of "mission civilisatrice" which seeks to transform domestic political frameworks of its host societies. Both scholars thus focus on the imperial nature of relationship between third party interveners and

host society, but there remains one very crucial difference between the two: the former is critical of this essentially imperial relationship, while the latter appears to have become more comfortable with it (Paris 2004; 2010).

Liberal peace interventions are also critiqued for constituting a new form of hegemonic control over host-societies, Duffield (2001, 34) has argued that:

> The ultimate goal of liberal peace is stability. In achieving this aim, liberal peace is different from imperial peace. The latter was based on, or at least aspired to, direct control where populations were ruled through juridical and bureaucratic means of authority. … Liberal peace is different; it is a non-territorial, mutable and networked relation of governance. Ideally, liberal power is based on the management and regulation of economic, political and social processes.

Although the maintenance of Western hegemony and imposition of particular forms of governance through liberal peace interventions may appear in the interests of Western interveners, this perspective, however, becomes questionable if one is to note the costliness and rather limited influence of most international interventions on the host societies. As Newman (2009, 45) has argued, although it is useful to focus on how peace operations are shaped by broader forces and processes of international politics, also "it is highly questionable whether peacebuilding has such a momentous impact on these societies, for good or ill". Moreover, as most liberal peace interventions take place in some of the world's poorest nations where there are very limited economic opportunities, it seems rather implausible to assume that there are substantial economic gains for the intervening nations as it once used to be with traditional imperialism. Nevertheless, it cannot be claimed that the relationship between the liberal peacebuilders and the host society is one of equals. As it will be pointed out in the case studies, there is a hegemonic aspect to liberal peace interventions.

The economic dimension of the liberal peace paradigm is premised upon free market institutions. The free market institutions evolved in the West over the centuries and the externalities of the free market economics, such as unemployment and other social grievances, have been largely accommodated, whereas the adoption of free market economic institutions without sufficient remedies for the market externalities in post-conflict contexts have caused instability and suffering in host societies (Pugh 2005; 2010). Jabri (2010) specifically relates this situation to the nature of global economic system arguing that the liberal peace project is in fact not a project of peace, but one that seeks conformity to liberal international political economy by shaping societies to make them self-governing entities within distinct liberal lines. Likewise,

Newman (2009, 49) posits that Neoliberal Hegemonic approach to peacebuilding (as opposed to the Wilsonian one) is part of the machinery that props up a dysfunctional international system and manages the conflict produced by globalization, structural adjustment and social inequality. There is almost no doubt that market economics do not work towards management or resolution of conflicts, and can become one of the leading catalysts for recurrence of the conflict. Thus, the neoliberal culture of peacebuilding, which focuses on political reform and marketisation, should be replaced with one which also prioritises the everyday needs of locals, such as social justice, growth and economic stability (Richmond 2008, 295-300).

Many have pointed out that international involvement in post-conflict societies have created a long term dependency that neither peace nor democracy can be sustained in the absence of internationals (Bastian and Luckham 2003; Burnell 2006; Zaum 2007) In democracies sovereignty is meant to belong to the people, so as such any international involvement violates this principle and lacks legitimacy which is essential for sustainable democratic development.[38] So the international community denies the self-governance to the host nations by establishing international administrations that seek to strengthen the institutions of state, and by doing so international involvement inescapably breaches the sovereignty of the host nation. Zaum (2007, 27) has called this the sovereignty paradox: "… international administrations compromise a fundamental aspect of a political community's sovereignty by violating its right to self-governance, but do so with the aim of making it sovereign with regard to the relations between state and society". Imposition of the liberal peace through undemocratic means brings about a dilemma between maintenance of peace in the short term and emergence of a home-grown self-sustainable democracy in the long term. This dilemma lies in the fact that that democracy necessitates some form of peace and stability to develop and in post-conflict settings maintenance of peace is often through use of force by internationals, which in turn limits the political space available for nurturing domestically legitimate political institutions that are essential for long term democratic stability (Fortna 2008). This is particularly evident in cases like Bosnia where international involvement has repeatedly resorted to limit the political rights of some extremist political groups in order to maintain a modicum of peace.

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[38] As Burnell (2006, 16) have noted: "In democracies the people are supposed to be sovereign. And a common notion is that democratization must come from within, not gifted from without. Possibly a truism it is also a practical observation, for unlike a truce, which can be imposed, democracy must be owned by the people. The involvement in political process is essential. Only then can the political arrangements secure a lasting legitimacy."

Lack of legitimacy is also a problematic aspect of the liberal peace, as a peace process which is externally driven may not be seen as legitimate by the local public. It is also worth remembering that statebuilding, particularly, is a reconfiguration of the relationship between the state and the society, which cannot avoid the issues relating to the legitimacy of state (Menocal 2010). The lack of local ownership is hugely problematic for the emergence of sustainable political institutions in many ways. Barnett and Zürcher (2009) point out that an informal contract between international actors and locals is mostly inevitable since both parties have fewer resources than necessary to reach their objectives unilaterally and therefore are likely choose to strike a bargain that will benefit them mutually. Thus, in the worst case scenario, a weak statehood can be strengthened by striking an informal bargain to create the appearance of change (since both parties benefit from such appearance) even though the existing state-society relations are largely left intact.

3.7. Towards a Post-Liberal Peace: Hybridity and Kin-states

As there are many problems inherent in liberal peace interventions, particularly its dismal record of meeting everyday needs of its "subjects", Richmond (2009) argues that the liberal peace should be replaced with a post-liberal approach which emphases the local needs and participation. According to Richmond (2009), a post-liberal peace needs to be built on the basis of a social contract between society and polity, and supported with a peacebuilding contract between international and local actors reflecting the social contract within the polity.[39] The insufficiencies and internal inconsistencies of liberal peace are also noted to have led to hybridisation of the liberal peace frameworks. In various cases interactions between international and local actors have culminated in emergence of hybrid forms of peace (See Mac Ginty 2011; Richmond and Mitchell eds. 2012). In other words, a post-liberal peace is constantly being sought in many post-conflict situations as the liberal peace blueprints promoted by the international community are hybridised in local contexts at an interface, where " the everyday activities, needs, interests and experiences of local and the goals, norms and practices of international policy-makers/implementers overlap" (Richmond and Mitchell 2012, 1).

In terms of hybridity in peacemaking, however, Mac Ginty (2008) posits that the space available for indigenous and traditional approaches to peacemaking has been minimised because of the dominance of a proto-hegemonic form of internationally supported peacemaking (i.e. the

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[39] For the full list of suggestions for developing a post-liberal peace framework, see Richmond (2009, 578-580).

liberal peace); for example, traditional and indigenous forms of dispute resolution, such as gathering of the local elders in Afghanistan, has been artificially resuscitated and co-opted by the external interveners. This is consistent with what Richmond (2005, 118) has claimed regarding the entry of international interveners in a conflict setting, that the entry would often be predicated on the conservative end of the liberal peace spectrum. Peacemaking as part of the wider liberal peace framework thus may seem the least likely process for hybridisation, particularly in its early stages, but in fact there might be particular contexts where peacemaking could also become somewhat hybridised. Liberal peace interventions are based on the assumption that there are two distinct parties to a liberal peace intervention: the international interveners and the local parties to the conflict. And a hybrid peace is conceptualised as emerging where the locals manage to resist and forge some changes to the liberal peace blueprint. However, it has not been noticed that in some conflicts the only parties to the intervention process are not the local parties and the international interveners, but there are kin-states involved as well, and this may further accentuate the hybridisation of the liberal peace. As kin-states can be conceptualised as both interveners and very close allies of the local parties, this would likely to lead to hybridisation of the liberal peace where a kin state becomes both an intervener and a recipient of the intervention. Since its interests are closely aligned with a local party, a kin-state is an indirect (or possibly even direct) subject of international intervention, and if it is co-opted by third party interveners, a kin-state can also become an agent of liberal peace intervention. In short, kin-states could assume a hybrid role within the liberal peace framework, which would likely to lead some form of hybridisation of the liberal peace. Along with the points raised earlier on kin-states, I will seek to elaborate on this point in Chapter 7 by drawing upon the case studies.

3.8. A Framework for Analysis of International-Kin-state Intervention for Power-sharing

This section provides a series of distinct of questions which will be applied to the cases in the subsequent chapters. The framework is essentially chronological and phases based because it seeks to explore how a power-sharing settlement is being agreed upon in the context of third party peacemaking intervention and kin-state involvement. This cannot be done without studying a certain period and exposing what conditions and events have brought about an ultimate outcome, as Sisk (2009, 43) has noted: "Critical in any process model of conflict termination is the actual sequencing of events that lead to a negotiated settlement, which may contain important implications for the outcome." The questions are formulated on the basis of the discussion in this and the preceding chapters.

The Conflict's Context and Analysis

This initial stage of the analytical framework is about the structure, context and history of the conflict. There is also a brief discussion on the existing literature concerning the peacemaking intervention. This analytical stage primarily deals with the following questions:

- What are the main dimensions of the conflict? What are the core issues at stake?
- What external parties (such as kin-states, international actors) are involved? What roles have such actors played in the development of the conflict?

The Process Leading to Substantive Negotiation

The second stage of the analysis is to assess the process leading to substantive negotiations. The actors and factors involved in this process are very likely to be crucial in determining the course of the next stage of peacemaking intervention. The critical questions which guide the analysis are:

- What actors and factors are involved in leading the process towards substantive negotiation?
- Is the conflict "ripe" for resolution? Are the kin-states or third parties involved in "ripening" the conflict?
- What are the incentives/disincentives which led the parties to move to the substantive negotiations phase?

The Substantive Negotiations: The End Game and Its Dynamics

Substantive negotiations refer to the period during which the disputants engage each other and seek to agree on a negotiated settlement. During this stage, the role of the mediator and the kin-states are critical, especially towards the culmination of the talks.

- Who mediates the negotiations? What mediation techniques (facilitation, formulation, coercion etc.) are used by the mediator?
- What specific roles do the kin states and other involved international actors assume in the negotiations?
- Do the kin-states engage in quasi-mediation with their kin communities?
- Are the parties genuinely after a settlement? What goals, regarding the negotiations, do the local parties have?

Assessment of the Power-sharing Model

The political settlement's main features are analysed in this section. Two questions are especially important:

- Is the political system envisaged by the settlement a particular form of power-sharing?

- Does it envisage any role for the kin-states and other third party actors?

Implementation

Finally, there will be a brief discussion of post-settlement developments. And the following questions will be addressed:

- What roles are assumed by the kin states and other third parties in implementation?

- How do the roles of kin-states affect the stability of the power-sharing system?

- Is the power-sharing stable without third party involvement?

- If no settlement has been reached, what is the current state of the conflict?

The case studies will be analytically based on this framework but there will be some variation across the cases. For instance, there was a full-scale war in Bosnia and the developments regarding the war will be a significant aspect of the analysis. And in Cyprus and Bosnia the past experiences of power-sharing were important factors and will be separately discussed. As the focus of this research is on peacemaking, the case studies primarily investigate the process leading to substantive negotiations, the substantive negotiations and then assess the power-sharing settlements. However, there will be some brief assessments on the implementation or the current state of the conflict.

3.9. Conclusion

This chapter has reviewed the literature on international intervention, especially mediation, as well as the currently limited literature on kin-states. It has sought to identify possible roles for third party peacemakers and kin-states in their involvements in deeply divided societies. The chapter's analysis indicates that kin-states' role in peacemaking is understudied. Quasi-mediation has been suggested as one of possible roles for kin-states within peacemaking processes. The liberal peace paradigm, which underpins international interventionism, is also discussed, and kin-states' potential for a hybrid role within a liberal peace intervention is highlighted. Finally, a framework for analysis has been developed, which will be used to analyse the cases in the following three chapters.

CHAPTER 4

Cyprus: The Never-ending Saga and the Negligence of Kin-states

4.1. Introduction

The Cyprus conflict has been on the agenda of the international community in one form or another for more than half a century. Many rounds of negotiations for a power-sharing settlement between the divided island's Greek Cypriot and Turkish Cypriot communities have been held under UN mediation since the fall of the island's last power-sharing government in 1963. Unlike many previous rounds of negotiations, the negotiations held between January 1999 and April 2004 was one of the closest ever the parties approached a settlement. During this period UN's involvement in the negotiations steadily grew and culminated in a comprehensive proposal that aimed to reunify the island under a power-sharing regime. The UN proposal, widely known as the Annan Plan, was ultimately put to referendum on the island and rejected by the Greek Cypriot community, though approved by the Turkish Cypriot community.

The chapter first provides an overview of Cyprus's recent history to posit main dimensions of the conflict, views of the parties regarding power-sharing and the roles played by Greece and Turkey as kin-states. This is followed by a brief review of the existing literature on the Annan Plan's demise. Upon establishing the main patterns of the existing literature and demonstrating the need for an analysis of the role of Turkey as a kin-state involved in the UN peacemaking process (1999-2004), the chapter proceeds to explore and disentangle the main dynamics behind the process. As for the kin-states' involvement in peacemaking, the chapter argues that there were Turkey's quasi-mediation efforts engaging with the Turkish Cypriots, which were later replaced with more coercive tactics aimed at subduing the Turkish Cypriot leader, Rauf Denktash. Meanwhile, Greece's involvement was solely focused on promoting its kin community's interests within the EU, especially by pushing for Cyprus's EU membership. In short, the two kin-states were largely either negligent or inconsistent in their involvement in the UN peacemaking intervention. The chapter also discusses the Annan Plan, particularly the power-sharing system envisaged, and whether it was a balanced compromise meeting both communities' main needs and concerns. Finally, the chapter looks at the referenda and its aftermath, and then concludes with an assessment of the UN's role in mediating the Cypriot power-sharing negotiations.

4.2. A Contentious History: Cyprus from a Failed Consociation to De Facto Partition

It is essential to review the main developments in the history of the conflict to understand how these historical developments informed the positions of the two communities with regards to power-sharing. The island's first attempt at consociationalism in 1960 and the events leading to its disintegration in 1963, particularly, had a great impact on the two communities' attitudes towards a future power-sharing deal.

However, it is also important to note that Cyprus's independent statehood was result of a rather unusual process. The independence of the island in 1960 was not based on a demand coming from the islanders but rather imposed on the people of the island by the colonial power Britain and the two kin-states, Greece and Turkey.[40] In the 1950s when decolonisation movements were in full swing globally, the island's larger community,[41] Greek Cypriots, were demanding *Enosis*[42] with Greece, while Turkish Cypriots were asking for *Taksim*,[43] the island's partition between Greece and Turkey. The Greek Cypriot struggle for *Enosis* included both armed resistance[44] and diplomatic efforts, which involved various initiatives by Greece at the UN (Faustmann 2001, 9-13). The armed resistance of the Greek Cypriots to the British rule and the Turkish Cypriots' objection to this also made the British and Turkish Cypriots temporary allies against the Greek Cypriots; most Turkish Cypriots were in favour of the continuation of the British rule instead of a union of the island with Greece. The relations between the two communities were thus deteriorating as the Greek Cypriot attacks on the British authorities also meant attacks on the Turkish Cypriots, who were well represented in the police forces of the island. In 1950s, the two communities occasionally clashed with each other, which led to scores of deaths on both sides and paved the way for an increasing feeling of mutual insecurity. By the late 1950s, the British

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[40] Cyprus was a province of the Ottoman Empire from 1571 to 1878, until it was leased to the British Empire by the Ottomans in return of the British support against the Russian Empire. In 1914, it was annexed by the British in reaction to the Ottoman entry into the World War I in alliance with the Germans. In the Treaty of Lausanne (1923), in which the borders of the Republic of Turkey as successor state to the Ottoman Empire were settled, Turkey recognised the British rule over the island, and in 1925 the island was made a crown colony (Mallinson 2005, 9-21).

[41] The exact composition of the island's population is heavily disputed by the Cypriot communities, as both sides claim higher percentages for their own community in the total population of the island. According to the CIA World Factbook, the composition of the island's population(2001 est.) is: 77% Greek Cypriots, 18% Turkish Cypriots, 5% people with other ethnic backgrounds, such as the island's native Maronite and Armenian communities, and the total population(July 2011 est.) is 1,120, 489. Source: https://www.cia.gov/library/publications/the-world-factbook/geos/cy.html (accessed 7/8/12).

[42] "Enosis" means union in Greek.

[43] "Taksim" means partition in Turkish.

[44] For a detailed analysis of the Cyprus Emergency (1955-1959), during which the British struggled to supress the EOKA (the Greek Cypriot paramilitary group), see Holland (1998).

were no longer keen to keep the island under their colonial rule and they invited Greece and Turkey to become their partners in settlement of the conflict. In February 1959, the two kin-states of the Cypriot communities bilaterally negotiated an agreement by which Cyprus would become independent.[45] According to some accounts, even in the late 1950s the British were still reluctant to cede their sovereignty over the whole island. But when Greece and Turkey unexpectedly reached an agreement in 1959, Britain was forced into, partly due to US pressure, accepting the island's independence and in return maintaining two military bases on the island (Varnava 2010, 98).

4.2.1. The 1960 Consociation and Its Demise

The 196O constitution of Cyprus, built on the provisions set out in the Zurich (1959) and London (1960) Agreements, envisaged a consociation between the island's two main communities, and also provided some minority rights for the island's Maronite and Armenian communities. Consociationalism was embedded in almost all aspects of the 1960 political system: powers at most organs of the government were to be shared between the Greek Cypriot and Turkish Cypriot communities. The executive branch of the government was to consist of a Greek Cypriot President and a Turkish Cypriot Vice President, both having veto rights over the most crucial issues, such as ones relating to security and finance. Distribution of power within the council of ministers, which would be headed by the president and the vice president collectively, was also carefully balanced between two communities by allocating certain quotas to each community. There were quotas for both communities in the army and public sector employment as well, usually 65% allocated for Greek Cypriots and 35% for Turkish Cypriots.

At international level, the Cypriot independence and constitution were guaranteed by a treaty between Greece, Turkey and the United Kingdom, in which the three guarantor powers were granted the right to intervene, together or unilaterally, in order to restore the 1960 status quo.[46] However, implementation of the 1960 constitution immediately became problematic: for the Greek Cypriots, the island's independence was not a happy turning point as *Enosis* was banned and power in the new state of affairs had to be shared with the Turkish Cypriots. Furthermore, the negotiation of the basic terms of the 1960 constitution by the Greek and Turkish governments without effective participation of the two communities meant the agreement lacked any

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[45] "Zurich Agreement: Basic Structure of the Republic of Cyprus", Zurich, 11 February 1959, http://www.cypnet.co.uk/ncyprus/history/republic/agmt-zurich.html (accessed 7/8/12).
[46] "Treaty of Guarantee", Nicosia, 16 August 1960, http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/484B73E4F0736CFDC22571BF00394F11/$file/Treaty%20of%20Guarantee.pdf (accessed 7/8/12).

legitimacy, particularly the Greek Cypriots considered the constitution as an imposition. The Greek Cypriots were particularly displeased with the quotas in public employment and the veto rights of the Turkish Cypriots, and perceived these as unfair arrangements which are causing inefficiencies in the government (Dimari and Varnava 2011). The first disagreement was about the composition of the army battalions: the Greek Cypriots preferred mixed battalions while the Turkish Cypriots insisted on each battalion being solely from one community. At the same time, the two communities continued to develop their paramilitary forces, which were originally set up in the 1950s, and those organisations (the Greek Cypriot *EOKA*[47], the Turkish Cypriot *TMT*[48]) would become major players in inter-communal conflict. Disagreements also emerged regarding the provision of the constitution which stipulated the right of Turkish Cypriots to set up separate municipalities in the island's major towns, as well as about implementation of the public employment quotas, which were favouring Turkish Cypriots. By 1963, the Greek Cypriots were blocking establishment of the separate municipalities and the Turkish Cypriots were retaliating by blocking budget and taxation legislation at the Republic's House of Representatives. In November 1963, President Makarios suggested a set of amendments to the constitution to deal with the deadlock. The set of amendments[49] in effect meant curbing the veto rights of the Turkish Cypriots, and were promptly rejected by the Turkish Cypriots and Turkey (Baier-Allen 2004, 80-83; Richmond 1998, 77-80).

By late December, the tension between the two communities was dramatically high as both feared an immediate attack from each other. On 21 December 1963, the inter-communal violence broke out in Nicosia and then quickly spread across the island in the following weeks. As a result of this situation, the Turkish Cypriots withdrew from the government, but whether this was a voluntary or forced withdrawal is still heavily debated. The Greek Cypriots have maintained that the Turkish Cypriots vacated their seats at the cabinet and the other government offices in the hope that this would trigger a Turkish intervention and they deemed the Turkish Cypriots as "rebels" (Kyriakides 1968, 112; Markides 1977, 21-34). The Turkish Cypriots, on the other hand, have argued that they were forced to leave their posts because they were either prevented by the Greek Cypriots or could not attend their duties due to the security situation. They also have regarded the solely Greek Cypriot composed government as "unconstitutional" (Ertekun 1984, 215-218; Necatigil 1993, 53-56). Although it is hard to establish how it exactly happened, the result

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[47] EOKA is the abbreviation for the "National Organisation of Cypriot Fighters" in Greek.
[48] TMT is the abbreviation for the "Turkish Resistance Organisation" in Turkish.
[49] "The 13 Points: Suggested Measures for the Removal of Causes of Friction between the Two Communities", 29 November 1963, http://www.cyprus-conflict.net/13_points.html (accessed 7/8/12).

was very clear: the 1960 consociation was dead. From then on, the island's two communities have never participated in the same government. The political situation would be further aggravated when the UN Security Council Resolution 186, passed in March 1964 to establish the UN Peacekeeping Forces in Cyprus (UNFICYP), explicitly referred to the government of Cyprus.[50] This was at odds with the Turkish Cypriots' view that there was no constitutionally legitimate government of Cyprus at the time. The resolution thus contributed towards creation of an uneven relationship between the two sides in terms of international status: the Greek Cypriots received international recognition, while the Turkish Cypriots were denied such status (Richmond 1998, 90-99).

Moreover, the Turkish Cypriots, following the incidents in December 1963, began resettling their population in a few enclaves (covering approximately 5% of the island) and also set up a separate administration. With the arrival of the UN peacekeepers in 1964, particularly after 1967, the security situation was somewhat stabilised (Lindley 2001, 80). Meanwhile, the first ever round of UN mediation (1964- 1965) failed when the mediator's proposals were rejected by the Turkish Cypriots and Turkey. After a two year gap, the representatives of the two communities began holding negotiations in 1968, which lasted until the situation took a turn for the worse in 1974, and the UN's role was, this time, limited with provision of good offices (Richmond 1998, 106). On 15 July 1974, a Greek backed coup d'état aiming at union with Greece deposed President Makarios and installed Nicos Sampson, a Greek Cypriot ultranationalist, as president. On 20 July, alarmed by these developments, Turkey militarily intervened, invoking her role as a guarantor of the 1960 status quo.

4.2.2. De facto Partition (1974) and Beyond

As a result of the Turkish military intervention, the partition, which is still prevalent today, took its form: a Turkish Cypriot north and a Greek Cypriot south, separated from each other by an UN-patrolled buffer zone. In terms of territory, the Greek Cypriots have remained in control 59.74% and the Turkish Cypriots 34.85% of the island, while the UN controlled Green Line (i.e. buffer zone between the two sides) covering 2.67% and the British Bases 2.74% of the island. Both sides agree that in the case of a solution there will be some territorial adjustments favouring the Greek Cypriots, though their views substantially differ on the amount and locations of such adjustments. The de facto partition of the island has definitely led the paths of the two communities to further diverge. The 1974 ceasefire line became almost an interstate "border", and was maintained as such

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[50] UN Security Council (1964), "The Cyprus Question: Resolution 186", 4 Mar., http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/211/44/IMG/NR021144.pdf (accessed 7/8/12).

until the Turkish Cypriot authorities largely lifted the restrictions on the freedom of movement between the two parts of the island in April 2003.[51] Another major development in the post-1974 era was the Turkish Cypriots' unilateral declaration of an independent political entity in the north, namely the Turkish Republic of Northern Cyprus (TRNC). The international community (except Turkey) did not welcome the TRNC's independence declaration.[52]

The trust which was almost completely lost during the episodes of violence in the 1960s and the mid-1970s became even more impossible to be rebuilt under the post-1974 de facto partition conditions. The two communities' divergent interpretations of the disintegration of the 1960 consociation continued to hinder the two sides from reaching a compromise solution. Regarding power-sharing, the Greek Cypriots pointed out the imposition of an unfair and inefficient constitution on them in 1960 as the main reason for the disintegration in 1963 and argued for a more majoritarian political system. The Turkish Cypriots claimed that the previous regime failed to protect them and demanded a more entrenched and guaranteed form of power-sharing – i.e. confederation (Olgun 2001). Also, the two sides drew totally conflicting conclusions about security and guarantees in a reunified Cyprus: the Greek Cypriots considered continuation of the Treaty of Guarantee, which, they claimed, led to the de facto partition, as unacceptable, while the Turkish Cypriots maintained that the Treaty of Guarantee prevented the coup d'état achieving its goal of union with Greece and therefore should remain in force (Ker-Lindsay 2008).

The only major agreements ever reached by the leaderships of the two communities since the collapse of the 1960 regime are the High-Level Agreement (1977) and the Ten-Point Agreement (1979), in which the two communities agreed that a reunified Cyprus would be a bizonal, bicommunal federation.[53] But the sides repeatedly failed to agree on how to substantiate these parameters. The Greek Cypriots, though they accepted bizonality and federalism in principle, in negotiations insisted on a centralised and loosely bizonal framework; the Turkish Cypriots, regardless of the fact that they agreed to a reunification in principle, sought a weak central government and strictly bizonal structure. In terms of power sharing, the Greek Cypriots argued for a majoritarian framework with very limited, or preferably none, veto rights for the Turkish Cypriots.

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[51] BBC News (2003), "Emotions as Cyprus Border Opens", 23 Apr., http://news.bbc.co.uk/1/hi/world/europe/2969089.stm (accessed 7/8/12).

[52] The UN Security Council passed two resolutions (UNSC Resolutions 541 and 550) deeming the unilateral declaration of the independence of the TRNC illegal and calling upon states not to recognise it as such.

[53] "The High-Level Agreement", Vienna, 12 March 1997, http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/1974B2EDA77F8D0DC22571D30034D344/$file/February%201977.pdf (accessed 7/8/12) ; "The Ten-Point Agreement", Vienna, 19 May 1979, http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/028429D5BB7B89F4C225721B0033C262/$file/May%201979.pdf (accessed 7/8/12).

The Turkish Cypriots, however, demanded an equal say in almost all aspects of decision-making. In short, the parties' visions of federalism and power-sharing have often been almost diametrically opposed to each other. Many rounds of negotiations between the two sides, therefore, did not produce any concrete results during the 1980s and the 1990s, despite all the efforts spent by the successive UN Secretary-Generals. As Richmond (1998, 242) underlines, the negotiations process was often viewed by each party as "… an agent of legitimation for the international and the internal position of each side, and then as an agent of the legitimization of its negotiation positions", and both communities were in fact looking for an ally in the mediation process to strengthen their positions towards their unilateral objectives. Thus, the parties' positions regarding a solution to the conflict largely remained stagnant over the years, which in effect led to reinforcement of the status quo.

Moreover, two additional issues emerged and gained significance as the conflict persisted and the island remained de facto partitioned. Those are the issues of Turkish "settlers" and "properties". The issue of "settlers", or Turkish "immigrants", resulted from the movement of people from Turkey to the northern part of the island, which the Greek Cypriots regarded as an act of colonisation by Turkey. The Turkish Cypriots view is that such people should be regarded as economic immigrants. As many "settlers" are granted citizenship by the Turkish Cypriot authorities, their status in a reunified Cyprus has become an issue of contention.[54] The issue of "properties", meanwhile, is a direct result of the de facto partition and the subsequent resettlement of many people within the island; approximately 100,000 Greek Cypriots moved to south and 40,000 Turkish Cypriots to north, both leaving their properties behind.[55] The two sides hold opposing views about a solution to this issue as well. The Greek Cypriots maintain that the original owners should have the first say over their properties. The Turkish Cypriots, on the other hand, argue that the Greek Cypriot suggestion would not be possible, given the level of development since 1974 as well as their preference for a strict bizonality, and instead propose a wholesale exchange of the Turkish Cypriot and Greek Cypriot properties along with some form of compensation.[56]

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[54] The exact number of people that can be labelled as "settlers" is unknown. The Turkish Cypriot side disputes the term and therefore does not provide any statistics on it. However, Hatay (2005, VIII), by drawing on the TRNC census data and electoral rolls, estimated that the number of those originally from Turkey that are citizens of the TRNC is between 32,000 and 35,000 plus offspring.

[55] The two sides hold different views about the exact amount of the properties in this condition. However, a combined analysis of both sides' claims shows that 60-70 % of the land in the northern part of the island is owned by the Greek Cypriots and that between 12-22% of the land in the southern part of the island is owned by the Turkish Cypriots (International Crisis Group 2010, 2-5).

[56] The issue has become even more complicated when some Greek Cypriots who left properties in the north sued Turkey at the ECHR arguing that northern part of the island is under the Turkish control and their property rights are violated. For discussion of one such case, see E. MackAskill (2005), "Turkey Faces Huge

In sum, the imposition of the 1960 consociation and the subsequent developments that led to the island's de facto partition has made Cyprus an unlikely candidate for a power-sharing regime. As discussed in Chapter 2, Lijphart (1996) posits eight favourable conditions for consociationalism: geographical concentration of segments; no majority segment plus segments of equal size; external threats; small population size; overarching loyalties; small number of segments; tradition of elite accommodation; socioeconomic equality.[57] Cyprus seems to have only its small population as a favourable condition. Although two other factors may initially appear favourable, they are in fact undermined by some other traits of the conflict. The number of social segments is just two, however, that is largely weakened as a favourable condition as the Greek Cypriot community is far larger than the Turkish Cypriot one. And the geographic concentration of the segments is a result of the de facto partition, which is not accepted by the Greek Cypriots. However, despite all these bleak prospects, there is still a realist argument that can be made for power-sharing on the island. A unitary and majoritarian political system is unacceptable for the Turkish Cypriots, and a two-state solution is strongly rejected by the Greek Cypriots and the international community, hence a form of power-sharing coupled with federalism becomes the compromise solution.

4.3. Why did the Annan Plan Fail?

The failure of the UN mediated process to reunify Cyprus under a power-sharing regime prompted many scholars to look for the reasons behind this outcome. Many have pointed out a number of factors specific to each Cypriot community and their interpretations of the Plan that led to the divergent outcomes in the referenda. Some other accounts, however, focus on the role played by certain third party actors, the UN in mediating the negotiations leading to the referenda and the EU's involvement through Cyprus's EU accession process.

In the case of the Turkish Cypriot community, according to Bahceli (2004, 56-58), the overwhelming acceptance of the UN Plan was largely because the Turkish Cypriots were increasingly convinced that there was no prospect for the TRNC's international recognition and the

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Payout for Homes in Cyprus", *The Guardian,* 23 December 2005, http://www.guardian.co.uk/world/2005/dec/23/turkey.cyprus (accessed 7/8/12).

[57] The preceding overview of the conflict already makes abundantly clear which of these conditions are missing in the case of Cyprus, except the socioeconomic situation. Thus, it is essential to note here that the level of socioeconomic development of Turkish Cypriots is not on a par with the Greek Cypriots, as the Turkish Cypriot economy is crippled mainly due to its lack of international status which largely restricts its access to international capital and goods markets. The most important indicator of this situation is that the Turkish Cypriots per capita GDP is usually estimated around one-third of the Greek Cypriot one; for example, see "The World Factbook: Cyprus Economy", https://www.cia.gov/library/publications/the-world-factbook/geos/cy.html (accessed 7/8/12).

Plan was meeting their basic demands, such as autonomy in their affairs and the continuation of Turkey's guarantorship. It has been noted that the Turkish Cypriot business community, civil society actors and main opposition parties played crucial roles in shaping the public's view of the Plan (Balkir and Yalman 2009; Kaymak and Vural 2009). A set of domestic considerations are also identified as the reasons for the rejection of the Annan Plan by the Greek Cypriots. Trimikliniotis (2006) argues that the public debate on the Plan among the Greek Cypriot community was lacking clarity and objectivity, and was manipulated by some perceptions of the Plan propagated by the "No" camp led by the President Papadopoulos and the Greek Orthodox Church of Cyprus. Anastasiou (2007, 199) shares the same view and contends that the Greek Cypriot leadership even presented the public its own erroneous interpretation of the Plan. Ker-Lindsay (2005, 135) claims that the single most important factor behind the Greek Cypriot 'No' vote was the stance that President Papadopoulos took against the Plan. However, some suggest that the Greek Cypriot public overwhelmingly opposed to the Plan due to their concerns about the Plan's provisions regarding the issues of property, settlers, security and guarantees (Faustmann 2009; Lordos 2009; Michael 2007). In other words, in the case of Greek Cypriot community concerns about the Plan and the opposition of political leadership are widely regarded as the main factors leading to the "No" vote.

The roles of the UN and the EU in the 1999-2004 process have been also analysed. Ker-Lindsay (2009a, 161) argues that the process could be defined as arbitrated mediation, or in short meditration, and the only reason the Plan did not fall unambiguously within the bounds of arbitration was the fact that there was not any formal sanctions attached to the Plan. According to Ker-Lindsay (2009b, 231-2), the failure of the Annan Plan process was mainly due to two main causes: the international actors concentrated too hard on the Turkish Cypriots while misjudging the Greek Cypriots' feelings about the Plan, and also the fact that meditration is essentially an undemocratic tool and therefore de-legitimising itself in the eyes of the public. As for the EU, Tocci (2007, 50) identifies the disconnection of the Greek-Cypriot controlled Republic of Cyprus's EU accession process from a comprehensive settlement of the conflict in the 2002 Copenhagen European Council decisions as the main factor undermining the peace process. It has been also argued that the EU lacked conflict transformation tools, such as civil society level conflict resolution workshops and track two level diplomatic activities, which could be used for improving the conditions for peace on the ground (Akcali 2009; Diez 2002; Eralp and Beriker 2005).

This brief review of the existing literature indicates that the kin-states' role in the 1999-2004 UN peacemaking intervention in Cyprus has not been fully analysed. Regarding Greece, it is often noted that Greece played a significant role within the EU promoting the EU accession of Cyprus (Muftuler-Bac and Guney 2005 286; Tocci 2004, 123-134). However, although there are often references to Turkey's role in the case of Turkish Cypriots, the evolution of the Turkish-Turkish Cypriot relationship vis-à-vis the UN peacemaking process (1999-2004) remains unexplored. Therefore, this aspect of the peacemaking intervention will be particularly investigated in the following analysis.

4.4. EU Incentives for Everyone: The Dynamics Behind the Emergence of the Plan

Given the historically entrenched patterns of the conflict, and the dismal record of the previous peacemaking interventions, what could explain the UN's revival of its peacemaking intervention in 1999? Was this due to a sudden change in the Cypriot communities' hardened positions? This section seeks to disentangle and analyse the main dynamics of the process leading to the Annan Plan and its referenda in order address these questions.[58]

UN's efforts that culminated in the referenda on the island in April 2004 can be traced backed to December 1999. The first phase in this four year process was the proximity talks that were held from December 1999 to November 2000; the second phase was the direct negotiations from January 2002 to March 2003; and the final phase of the negotiations was between February 2004 and the end of March 2004. The tabling of the first version of the 'Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem' (i.e. the so-called Annan Plan I) by the United Nations Secretary-General Kofi Annan came roughly in the middle of this four year process. Although the history of Cyprus negotiations were not encouraging, the UN, and many others actors in the international community, was convinced that a set of developments had paved the way for reaching a settlement as of December 1999.[59] These developments were that in December 1999 at Helsinki European Summit the European Council decided that Cyprus would be among the 10 countries joining the European Union in the next enlargement and Turkey was now officially

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[58] The main narrative of the negotiations in this and the following sections is reconstructed by drawing on the UN Secretary-General Kofi A. Annan's reports to the UN Security Council (2003, 2004) on his Cyprus mission, as well as the accounts of the process written by the British Special Envoy Lord David Hannay (2005) and Claire Palley (2005), who was the adviser to the Greek Cypriot leadership on constitutional law. The narrative is also supplemented and cross-checked through an analysis of press reporting of the process.
[59] UN Security Council (2003), "Report of the Secretary-General on his mission of good-offices in Cyprus - (S/2003/398)", New York, 1 Apr., paragraph no. 6,
http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/305/59/PDF/N0330559.pdf (accessed 7/8/12).

declared as a candidate for EU accession, and also some other parallel developments which improved the long strained relations between Greece and Turkey.[60]

Among these developments, Cyprus's EU membership prospect was the most crucial one, which essentially set a deadline for the progress of the talks, as the Helsinki European Council (1999) decisions noted: "… a political settlement will facilitate the accession of Cyprus to the European Union. If no settlement has been reached by the completion of accession negotiations, the Council's decision on accession will be made without the above being a precondition. In this the Council will take account of all relevant factors."[61] This statement could be interpreted as pointing that a Cyprus settlement would not be required before EU accession and, in that case the absence of a solution would mean admitting the Greek Cypriots to the Union while leaving Turkish Cypriots outside. The possibility of the accession of a divided Cyprus also carried the eventuality of putting a future Turkish EU membership at risk as the Greek Cypriots would be expected to block such membership once they joined the EU. However, the reference to consideration of "all relevant factors" while a decision to be made on the accession of Cyprus implicated that although resolution of the conflict was not a precondition, there was some room left for manoeuvring in order to pressure the Greek Cypriots.[62] Whereas, for the Turkish Cypriots, it was obvious that they would be left out unless there was a solution to the conflict, and as such their accession was contingent on a settlement of the conflict.

The UN's first step towards initiating a peacemaking process was taken some months before the Helsinki European Council Summit, in June 1999, the UN Security Council (1999) Resolution 1250 requested the UN Secretary-General to invite the Cypriot leaders to negotiations

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[60] The relations were steadily improving from the low point of 1996 Kardak/Imia crisis (regarding the ownership of the two islets in the Aegean) in which the two countries almost went to war against each other, especially thanks to easing of tensions after they sent aid to each other when they both hit by earthquakes in 1999. See S. Kinzer (1999), "Earthquakes Help Warm Greek-Turkish Relations", *The New York Times*, 9 September 1999, http://www.nytimes.com/1999/09/13/world/earthquakes-help-warm-greek-turkish-relations.html (accessed 7/8/12).

[61] European Council (1999), "Presidency Conclusions: Helsinki European Council (10-11 December 1999)", paragraph no. 9(b), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/ACFA4C.htm (accessed 7/8/12).

[62] The rather ambivalent wording of the European Council decision was referred to as "a masterpiece of constructive ambiguity" by Hannay (2005, 113). However, Hannay (2005, 111-115) also notes that it did not receive a positive response from Turkey and the Turkish Cypriots, as both maintained that the Council decisions provided an almost unconditional commitment to the EU accession of Cyprus. This ambiguity of the Council decision was also tried to be solved by an explanatory letter from the Finnish prime minister, in his capacity as president of the European Council, explaining that the EU criteria for Turkish accession has not changed with the Council decisions and a political settlement for Cyprus before its accession would remain as an objective for the EU (Park 2000, 38-41).

in the autumn of the year.[63] The resolution also called upon the sides to commit themselves to negotiations under the auspices of the Secretary-General by adhering to the following principles: no preconditions, all issues on the table, commitment in good faith to continue to negotiate until a settlement is reached and full consideration of relevant United Nations resolutions and treaties.[64] Another crucial development in terms of the UN's efforts to move the process forward came with the appointment of Alvaro de Soto as the UN Secretary-General's Special Adviser on Cyprus in November 1999. Before this appointment the post of the UN Secretary-General's Special Adviser on Cyprus was not a full time one, which reflected the slow pace of the peace process, but with the appointment of de Soto the UN's commitment and involvement were set to grow (Hannay 2005, 105). The first session of proximity talks were held in New York in early December 1999 between Glafcos Clerides and Rauf Denktash, respectively the leaders and chief negotiators of the Greek and Turkish Cypriot communities. The beginning of the talks just days before the Helsinki Summit was telling, as it underlined the linkage with Turkish efforts for seeking EU candidacy.[65] In total, five sessions of proximity talks were held either in the presence of the Secretary-General or his Special Adviser. The format of the talks followed the pattern of the UNSG or his representative meeting the parties separately. This was the result of the demand by the Turkish Cypriot leader, that he would not meet the leader of the Greek Cypriot community face to face unless the latter recognized the existence of the TRNC. Handicapped by the format, nevertheless, the proximity talks aimed to prepare ground for negotiations.

When it became clear that the proximity talks would lead nowhere, the UN decided to step up its efforts by suggesting a framework for negotiations titled "Preliminary Thoughts".[66] It was presented by de Soto to the parties on 12 July 2000, and asked the leaders to respond in the next session later in the month. The "Preliminary Thoughts" set the basic outline that would later become the basis of the Annan Plan. Some important concepts that came out of this document and maintained throughout the process were that the settlement should leave nothing to be negotiated after a solution, include binding timetables and commit Cyprus to EU membership. And in other respects, it broadly followed the outline set out in the earlier UN blueprints for Cyprus:

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[63] UN Security Council (1999), "Resolution 1250 (1999)", New York, 29 Jun., paragraph no.6, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/191/38/PDF/N9919138.pdf (accessed 7/8/12).
[64] Ibid, paragraph no. 7.

[65] ''Obviously Turkey needed to make some positive gesture ahead of Helsinki, but I wouldn't hold out too much hope. There's so little trust between the two sides,'' Kyle, a British Diplomat, quoted saying in "Diplomats Expect Little From Cyprus Peace Talks", *Toronto Star*, 16 November 1999.
[66] For the full text of the "Preliminary Thoughts", see Hannay (2005, 125-127).

envisaging a federal Cyprus consisting of two entities, political equality of the two communities, emphasizing a balanced solution to property and territory aspects of the conflict. The two leaders' response to the document was to further push for their own respective cases, thus it did not bring about a change in the proximity talks towards setting the ground for full-fledged negotiations. On the 8 November 2000, the fifth session of proximity talks ended with a statement from the Secretary-General. The statement largely followed the "Preliminary Thoughts" document but went further in details. Most notably, it introduced a new methodology in the conduct of talks, the Secretary-General (as cited in Hannay 2005, 137-138) noted:

> Since no useful purpose would be served by myself or Mr de Soto conveying proposals from the parties back and forth, we are working towards a single negotiating text as the basis for negotiations. For this process to succeed it is essential that you provide specific comments on the ideas put forward by the UN. I would ask you to give us indications of what you feel might not be fair or viable in the ideas we put to you, and why. This would be more helpful to the process than substitute proposals, position papers or suggested amendments. Without your specific comments, and those of the other side, we cannot take them on board in revising our submissions, and your participation in shaping the negotiating text will be hampered. I ask you to engage with us fully in this way so as to enable us to advance on all issues simultaneously.

The novelty of this statement was that the UN hinted its intention to table a proposal in the future phase of the talks and asked the parties to contribute towards this in a certain way. However, the invitation to sixth session of proximity talks were declined by Denktash and thus the proximity talks came to an end. The Turkish Cypriot leader's reaction was mainly due to two issues: the new methodology, which he and the Turkish delegation to the talks described as "UN Diktat", and the internationally unrecognized political status of the Turkish Cypriots outside the negotiation framework. The recognition issue was a long-running complaint of Denktash, which he repeatedly asked for a remedy. In fact, under the UN talks' framework, the parties were simply referred to as the Greek and Turkish Cypriot communities and their leaders respectively as the Greek and Turkish Cypriot leaders. But, as noted earlier, since December 1963 when the last power-sharing government fell apart, the Greek Cypriot leadership was also the only internationally recognised government of the island. According to Denktash, at least the acknowledgement of the TRNC was needed to put both parties on equal footing outside the UN framework as well. Otherwise, Denktash argued, the Greek Cypriots would not need to engage in negotiations fully and instead use their international status to put more pressures on the Turkish Cypriots. The Turkish

government also supported Denktash's argument and the talks came to a halt in November 2000.[67] The Turkish Cypriots and Turkey were also concerned about the Secretary-General's statement in which he suggested that the comprehensive settlement should not constitute an obstacle to Cyprus's EU membership; this part, they claimed, was leading to the conclusion that the EU would play a crucial role in the making of the settlement.

But the international community, led by the UN, the UK and the US, were not willing to put an end to the process. The concerted efforts of the UN, the UK and the US to bring Denktash back and resume the process were described by Hannay (2005, 144-145) as follows:

> When de Soto sat down with Moses [the US Special Envoy to Cyprus] and myself in New York on 18-19 January we had no difficulty in agreeing on the way ahead, even if we had no illusions that would it would be easy or quick. There was no inclination to take no for an answer. The arguments were pressing on, in particular the approach of the conclusion of EU enlargement negotiations, remained convincing. Nor was there any inclination to discuss Denktash's preconditions. … Since we were aiming to get the Turks and Denktash back to the negotiating table without making any concessions of substance, we agreed to a division of labour. De Soto would lead on all matters relating to Annan's 8 November statement. … The US and UK would meanwhile use all means possible to bring home to the Turks that Denktash's walk-out was damaging them to an increasing extent as time passed.

These combined efforts worked, and it was secretly agreed between the US and Turkey that the Turkish government would convince Denktash to return to negotiations. In September 2001, Denktash declined the Secretary-General's invitation for talks[68], and instead went on to write a letter to Clerides, in November, proposing to meet face to face without any preconditions. The subsequent correspondence culminated into an agreement on starting direct talks, which begun 16 January 2002 in the presence of the UN Special Adviser Alvaro de Soto.[69]

The progression of the direct talks, though, was no different than the prior indirect talks. It gradually became clear that the leaders were unlikely to reach any agreement as the talks usually turned into discussions about the past rather than full-fledged negotiations. Only some headway

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[67] For an account of Denktash's objections, see "Denktas Pulling out Cyprus Talks, Unless …", *Turkish Daily News*, 25 November 2000, http://www.hurriyetdailynews.com/h.php?news=denktas-pulling-out-cyprus-talks-unless...-2000-11-25 (accessed 7/8/12).

[68] The most convincing interpretation of these developments is that the Turkish government could not deliver at its first attempt but then put more pressure on Denktash and finally succeeded getting him to agree to talks. Also, Denktash probably wanted to make his dissatisfaction known about the Turkish-US agreement on resuming the talks behind his back and delayed the start of talks as long as he could (Hannay 2005, 148-156).

[69] D. Frantz (2002), "Cypriot Leaders Agree to First Talks in 4 Years on Reunification", *The New York Times*, 17 January 2002, http://www.nytimes.com/2002/01/17/world/cypriot-leaders-agree-to-first-talks-in-4-years-on-reunification.html (accessed 7/8/2012).

was made on a small number of issues by the initial target date of June.[70] The lack of progress, however, convinced Secretary-General Annan that the best way forward would be a UN proposal:

> It was abundantly clear by this time that, left to their own devices, the two leaders would not be able to reach an agreement. The process had, however, given the United Nations a detailed understanding of their positions, and the time to generate ways of bridging them in a manner which sought to meet the legitimate underlying concerns, needs, interests and aspirations of each side in manner consistent with those of the other. I therefore gave careful consideration to the question of submitting a written proposal.[71]

The Secretary-General's meeting with the leaders on the island as well as in Paris and New York, held respectively in May, September and October, also did not result in much progress. In New York, the leaders agreed to create three technical committees: one working on international obligations of the new Cyprus, another focusing on the laws of the common state, and last one on the technicalities of territorial adjustments and property issues.[72] After the New York meeting, Denktash had his heart surgery in the city and the direct talks did not resume until January 2003. Meanwhile, the UN presented the first version of the Anan Plan under the title of "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem". The Plan was given to the two Cypriot communities and the guarantor states on 11 November 2002, a week after the early general election in Turkey. The timing of the Plan seem related with the EU accession process of Cyprus and the upcoming Copenhagen European summit, and according to Palley (2005,33), the UN was manipulated by the EU:

> … it will be recollected that in October 2002 the two sides agreed to an enhanced role for the Special Adviser in relation to making "bridging proposals". His team of lawyers then devised a Draft Plan, on which they had long been working. The document was a patch-work of compromises, and was later to be known as "the Annan Plan". By later dated 6 November 2002, the President of the European Union, the then Prime Minister of Denmark, Mr Rasmussen, requested that the Plan be presented, and the Special Adviser on 11 November 2002 presented the first public version of the Plan (Annan I). This was a UN construction following bi-lateral talks, and it had not been negotiated between the parties concerned.

The result of Turkish election was likely to affect the course of negotiations, the outgoing DSP/ANAP/MHP government, led by Prime Minister Ecevit who ordered the Turkish intervention in Cyprus in 1974; Ecevit's government often tended to have hardline policies, e.g. supporting the Turkish Cypriot leader's insistence on separate statehood and sovereignty for Northern Cyprus.

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[70] UN Security Council (2003), op. cit., paragraph no. 36-37.
[71] Ibid, paragraph no. 42.
[72] The agreement on the third one was withdrawn by Denktash later, but the remaining two did not start to work immediately either as the appointment of the Turkish Cypriot members delayed until early 2003.

Whereas the incoming AKP government was hinting a rather moderate stance, as Tayyip Erdogan - the AKP chairman at the time due to ban preventing him becoming the PM yet- remarked:

> Hawkish policies will get us nowhere. ... I cannot understand the logic behind claims that we would lose Cyprus. What is gaining and what is losing? That should be figured out in the first instance. We are talking about a new state in Cyprus based on two equal, sovereign states. ... This problem has not been solved for decades. We want a solution now, not new problems.[73]

The AKP leader was signaling a policy change despite Denktash and his Turkish allies' resistance.[74] But whether that change would be implemented soon was not still clear. The account of the negotiations thus far points the existence of EU accession incentives for all of actors involved in the conflict acted as the prime catalyst behind the start and continuation of the negotiations and then the emergence of the Annan Plan. In short, the EU helped furthering the process by offering incentives to all those concerned: EU membership prospects for both sides of Cyprus and Turkey. Moreover, some state actors, such as the UK and the US, were also crucial in moving the process forward, especially when the UN's ability as a mediator was not sufficient to put it back on track.

4.5. The Copenhagen and The Hague Summits: The End of the Road?

With the Annan Plan I, the Secretary-General asked the parties to respond to his proposal within a week. But as Denktash was hospitalized in New York after his heart surgery, the Turkish Cypriot reaction was not prompt. The Turkish government was also newly formed and still in the process of acquainting itself with the developments, hence not yet ready to make substantial changes in Turkish policy regarding the Cyprus conflict. In the end, the Turkish Cypriot response arrived on 27 November 2002 and was rather lukewarm, though agreed to negotiate on the basis of the plan. The Greek Cypriots, on the other hand, responded much earlier, on 18 November 2002, that they would be ready to negotiate on the plan, given that the formal decision about their EU accession was going to be made in a month's time; they, after all, had to seem conciliatory to get the final approval from Copenhagen European Council for EU the membership. However, according to Palley (2005, p.33 footnote no. 1): "Upon discovering the Plan's likely contents, President Clerides vehemently objected in letters of 24 October and 5 November, threatening not to sign". In other

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[73] "Hawkish Policies Will Get Us Nowhere", *Turkish Daily News*, 22 November 2002, http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=erdogan-hawkish-policies-will-get-us-nowhere-2002-11-22 (accessed 7/8/12).

[74] For an analysis of the tensions within the Turkish foreign policy-making circles with respect to the Cyprus conflict, and particularly how this was central to reconfiguration of power relations between the AKP government and the diplomatic and military Turkish establishments, see Kaliber (2005).

words, the Greek Cypriots were aware of the contents of the plan before they officially received it and their objections to the Plan were already conveyed to the UN.

After receiving the parties' initial reactions to the Plan, the UN Secretary-General tabled a revised version taking into account concerns of both sides on 10 December 2010, only two days before the Copenhagen European Council. The Secretary-General also asked both leaders to be present in Copenhagen for negotiating and then signing the Plan. However, Denktash sent in his foreign minister instead; though he had authority to sign an agreement should Denktash make such a decision.[75] Although some negotiation took place as de Soto shuttled between the parties. The negotiations did not show any sign of progress. The Turkish Cypriots raised their concerns, while Greek Cypriots took advantage of this: "Mr Clerides took a non-committal position; in view of the negative attitude of Mr Denktash the question whether the Greek Cypriot side would sign became theoretical."[76] No agreement was reached on the Plan in Copenhagen, but the EU membership of Cyprus, along with nine other candidate states, was decided to take effect on 1 May 2004. Both the EU and the UN this time called on the Cypriots to reach an agreement by the end of February 2003, the date set in the Annan II for finalizing the Plan. Also, the Copenhagen European Council (2002) noted that Turkey's EU accession negotiations would start immediately upon her completion of political reforms needed for satisfying the EU's Copenhagen criteria, thus providing further incentives for Turkey to substantially change her Cyprus policy.[77]

The Cypriots resumed negotiations in early January, and the technical committees also started working on laws and treaties that would be binding for the future state. This round of negotiations continued until the end of February, with only a briefly interruption when the Greek Cypriots held their presidential election in mid-February. The result was no different than the previous rounds. Meanwhile in the Greek Cypriot presidential election Glafcos Clerides lost to Tassos Papadopoulos, the immediate effect of this change in leadership was expected by the UN Secretary-General (UNSG) to be minimal as Papadopoulos indicated to him that the process would continue along the lines it had been going on.[78] However, Papadopoulos, in his letter to the UN Secretary-General on 28 February 2003,[79] expressed a long list of concerns and finished stating

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[75] "Copenhagen under Turkish Occupation", *Turkish Daily News*, 13 December 2002, http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=copenhagen-under-turkish-occupation-2002-12-13 (accessed 7/8/12).

[76] UN Security Council (2003), op. cit., paragraph no. 47.

[77] "Turkey satisfied with EU's final statement on Turkey and Cyprus", *Turkish Daily News*, 15 December 2003, http://www.hurriyetdailynews.com/h.php?news=turkey-satisfied-with-eus-final-statement-on-turkey-and-cyprus-2003-12-15 (accessed 7/8/12).

[78] UN Security Council (2003), op. cit., paragraph no. 53.

[79] For the full text of the letter, see Palley (2005, 265-69), "Appendix 3".

that he reserved his right to further comments. Then, on contrary to the UN Secretary-General's claim, Papadopoulos seems to have, early on, indicated that he had some substantial objections to the Plan.

The UNSG presented the third version of the plan on 26 February, and with the third version, the methodology of how the plan would be adopted was changed. Until the third version, the leaders' signatures were required before putting the plan to referendum but, with the Annan III, the leaders were now asked to only agree that they would put the Plan that would come out of the negotiations to referendum. That is to say, they were going to commit that there would be a referendum over the Plan. This change was clearly intended to prevent Denktash from blocking the process going ahead. Since last December there had been many mass demonstrations[80] in northern Nicosia in favour of the plan, which probably led the UN to conclude that Turkish Cypriot public opinion was mostly in favour of the plan and Denktash was losing his people's support. In order to respond to the new UN proposal, the two leaders were called to The Hague to meet the Secretary-General. In The Hague, Papadopoulos said he would accept to put the plan to referendum; his only condition was that the plan that would be voted on should be complete in its entirety.[81] However, according to the UNSG, "The conditions which Mr. Papadopoulos laid down to submitting the plan to referendum were stringent. … Mr. Papadopoulos also argued that one or two months were required between the completion of the negotiations and the referendum; this would have exceeded the time frame and prevented the signature of the Treaty of Accession by a reunited Cyprus. In the event, Mr. Denktash's rejection of my request to submit the plan to referendum made it pointless to press Mr. Papadopoulos on these issues."[82] Given Papadopoulos's earlier mentioned long list of objections stated in his 28 February 2003 letter, it can be claimed that Papadopoulos's conditional acceptance was most probably strategically motivated, as he was secure in the knowledge of Denktash's rejectionist stance.

Denktash, on the other hand, said that he had objections about the basic principles of the plan and was not ready to put the plan to referendum.[83] At this point, Turkey also indicated its

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[80] T. Morgan (2003), "Pressure increases on Turkish Cypriot leader", *BBC News*, Nicosia, 15 Jan., http://news.bbc.co.uk/1/hi/world/europe/2660735.stm (accessed 7/8/12).

[81] UN Security Council (2003), op. cit., paragraph no. 56.

[82] Ibid, paragraph no. 140.

[83] It was reported that: "Denktas said he was not trying to prevent his people from having a vote on the U.N. document, but before the plan could be dispatched to a referendum it must receive the blessing of the Turkish Cypriot government. ... Denktas insists that the document must clearly state the sovereignty and equality of the Turkish Cypriot constituent state, respect the principle of bi-zonality and provide Turkey's efficient guarantee for Turkish Cypriot security. He also rejects the return of any Greek Cypriot refugees to their pre-1974 properties in northern Cyprus and insists that the refugees and property issues must be

inability to make a commitment regarding the part of the plan, which required the signatures of the guarantors as well, on the grounds that such a commitment would require an approval from the Turkish parliament. This was an issue that was not mentioned before but came up at The Hague, and therefore confused the UN and the others involved, the US, the EU and the UK, whether it was a genuine issue or a tactical one, and Papadopoulos underscored that such a commitment from the guarantors was necessary before a referendum could be held.[84] During The Hague summit, the UN's aim was to have an agreement before the signing of the Cyprus's accession treaty to the European Union on 16 April. Eventually, however, the UN offered the parties to extend negotiations until 28 March and deciding about holding the referendum by then. Denktash rejected this proposal as well, and the summit ended without any progress. The UN confirmed that the process was over, though suggested that the plan were to remain on the table as the Secretary-General noted: "… the process had reached the end of the road … I made clear, however, that my plan remained on the table, ready for the Greek Cypriots and the Turkish Cypriots to pick it up and carry it forward if they could summon the will to do so."[85]

The process seemed to have died for the remainder of the 2003. But in December 2003 general election in Northern Cyprus political parties in favour of the plan strengthened and managed to gain exactly half of the seats in the Turkish Cypriot parliament. The leader of the Republican Turkish Party (CTP) Mehmet Ali Talat formed a government with the Democratic Party (DP) of Serdar Denktash -the son the Turkish Cypriot leader- and became prime minister of the TRNC. The outgoing National Unity Party (UBP) government was traditionally a backer of the Turkish Cypriot leader; whereas Talat led CTP was arguing that Denktash had missed two historic opportunities: one at the Copenhagen summit and another one at The Hague summit. According to Talat, the Annan Plan was mostly acceptable and could be improved through further negotiations.[86] Nevertheless, these political changes in the Turkish Cypriot politics were not sufficient to resume the negotiations: Denktash was still the Turkish Cypriot president, and therefore the chief negotiator, and his term would not expire until 2005, and his son was the foreign minister of the new Turkish Cypriot government.

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resolved through a global exchange and compensation scheme so that two live peacefully separately" , in "Denktas Leaves For Make-or-Break Summit at The Hague", *Turkish Daily News,* 10 March 2003, http://www.hurriyetdailynews.com/h.php?news=denktas-leaves-for-make-or-break-summit-at-the-hague-2003-03-10 (accessed 7/8/12).
[84] UN Security Council (2003), op. cit., paragraph no. 56.
[85] Ibid, paragraph no. 60.
[86] "Talat: Plan on the Table is Annan Plan not Ankara Plan", *Turkish Daily News*, 19 December 2003. http://www.hurriyetdailynews.com/h.php?news=talat-plan-on-the-table-is-annan-plan-not-ankara-plan-2003-12-19 (accessed 7/8/12).

In terms of the dynamics moving the process forward, in the run up to the Copenhagen and The Hague summits, Cyprus's EU accession was still the prime catalyst again, and the UNSG's strategy largely rested on the assumption that the Greek Cypriot side was committed to the Plan, though, in fact, there were some early signs that they had some substantial objections as well. On the UNSG's part, the mediation strategy seems to have focused too much on Denktash while neglecting the concerns of the other side and by doing so losing the chance to develop a strategy which would be needed to tackle Papadopoulos in the future. Likewise, the EU also seems to have neglected the Greek Cypriot side, especially when it did not attach any conditions to its decision approving the Cypriot accession to the Union at the Copenhagen Council.

4.6. Enter Erdogan: Reconfiguration of Turkey's Cyprus Policy and the Reemergence of the Annan Plan

Although the political developments on the island were not totally promising, the AKP government in Turkey was pondering a change in Turkey's long maintained Cyprus policy. The AKP government grew dissatisfied with Denktash's intransigence which, they believed, led the negotiations process to a collapse and paved the way for the Greek Cypriot controlled Republic of Cyprus's accession to the European Union.[87] The Turkish government was keen to begin its own EU accession negotiations and Cyprus's accession to the EU was set to be a problem for Turkey as Turkey did not recognize the Greek Cypriot government. In January 2004 the Turkish Prime Minister Erdogan met the UN Secretary-General Annan at the sidelines of the World Economic Forum in Davos, Switzerland.[88] In that meeting, Erdogan asked Annan to restart the process and assured him that his government would support it and also pressure the Turkish Cypriots to do so as well:

> For its part, the Government of Turkey was putting together the elements of a new policy on Cyprus, which was conveyed to me by Prime Minister Recep Tayyip Erdoğan when we met in Davos on 24 January 2004. He told me that Turkey supported a resumption of negotiations. He expressed preferences for dealing with the main issues by 1 May 2004, and for a political figure to handle the negotiations, but was open to discussion on these points. He added that, as far as Turkey was concerned, it had no objection to my "filling in the blanks" in the plan should the parties not be able to agree on all issues. He assured me

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[87] As early as January 2003, there were signs of Erdogan's rejection of the traditional Turkish policy in Cyprus and his disagreements with Denktash. Erdogan was reported to have remarked: "I'm not in favor of the continuation of the policy that has been maintained in Cyprus over the past 30 to 40 years. …We will do whatever falls on us. This is not Mr Denktash's private matter", quoted in "Turkish Cypriot Leader Is Criticized by Ankara", *The New York Times*, 3 January 2003, http://www.nytimes.com/2003/01/03/world/turkish-cypriot-leader-is-criticized-by-ankara.html (accessed 7/8/12).
[88] "Turkish Leader Suggests UN Can Work out a Cyprus Settlement", *The New York Times*, 25 January 2004, http://www.nytimes.com/2004/01/25/world/turkish-leader-suggests-un-can-work-out-a-cyprus-settlement.html (accessed 7/8/12).

that, henceforth, the Turkish side, including the Turkish Cypriots, would be "one step ahead" in the effort.[89]

Subsequent to this meeting, the Secretary-General met Greek Cypriot leader who also assured him about his willingness to negotiate on the basis of the plan. The Secretary-General then asked Denktash and Papadopoulos to meet him in New York and restart the process. Once he received the letter, Denktash travelled to the Turkish capital and met the Turkish Prime Minister Erdogan. Erdogan sought to persuade Denktash to attend the New York meeting and they negotiated a five-page list of changes the Turkish Cypriots would demand on the Annan Plan.[90] In other words, this meeting was a quasi-mediation process led by Turkey as a kin-state. Erdogan's public statements and the evolution of the process after the Ankara meeting indicate that the Turkish government also tightened its grip on Denktash. On 13 February, on the first day of the New York meeting, Erdogan declared that if Denktash would not stick to the road map agreed in Ankara "... the Turkish Republic of Northern Cyprus (TRNC) will pay for that".[91] It was not clear exactly what consequences were there for the Turkish Cypriots. However, it was no secret that the Turkish Cypriots were dependent on Turkey for both military aid and economic assistance.[92] The Turkish government thus initially engaged in quasi-mediation and then turned to coercion to deal with its kin community's intransigent leader. Denktash responded the Turkish government's strategy by seeking to form a public opinion against the Plan through his statements to the Turkish media and occasionally in his addresses to public gatherings in Turkey organised by his allies in the Turkish opposition parties, but the support received from the public was far less than he expected.[93]

At the New York meeting which took place 10-13 April, the Turkish Cypriot Prime Minister Talat, widely seen as an ally of the Turkish government, was with Denktash. When Denktash

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[89] UN Security Council (2004), "Report of the Secretary-General on his mission of good-offices in Cyprus - (S/2004/437)", New York, 28 May, paragraph no. 7, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/312/85/PDF/N0431285.pdf (accessed 7/8/12).
[90] "Going to New York, but...", *Turkish Daily News*, 7 February 2004, http://www.hurriyetdailynews.com/going-to-new-york-but.aspx?pageID=438&n=going-to-new-york-but...-2004-02-07 (accessed 7/8/12).
[91] "Message of Erdogan to Denktas", *Turkish Daily News*, 11 February 2004, http://www.hurriyetdailynews.com/h.php?news=message-of-erdogan-to-denktas-2004-02-11 (accessed 7/8/12).
[92] Turkish financial assistance to the TRNC in 2004 was estimated at 250 million US dollars (World Bank 2006, 121). Figures on Turkish military assistance to the Turkish Cypriots are unpublished. For an analysis of the Turkish aid and the economic development of Northern Cyprus, see World Bank (2006, 121-122).
[93] Denktash would continue to seek manipulation of the Turkish public opinion in the following months. For an account of one of Dentash's addresses to the Turkish public, see M.A. Birand (2004), "Denktas expected a larger crowd", *Turkish Daily News*, 6 Mar., "http://www.hurriyetdailynews.com/denktas-expected-a-larger-crowd.aspx?pageID=438&n=denktas-expected-a-larger-crowd-2004-03-06 (accessed 7/8/12).

attempted to side with Papadopoulos to reject the procedure about finalisation of the plan by UNSG and the commitment to hold a referendum on the finalised Plan, the Turkish Cypriot leader, in the face of the pressure from the Turkish government and his own Prime Minister, changed his mind overnight and accepted the framework.[94] After seeking some clarifications, Papadopoulos also changed his mind and agreed to the UN's framework. Palley (2005, 103), a member of the Greek Cypriot diplomatic team at the summit, claims that the ultimate reasoning behind the Greek Cypriots' acceptance of the UNSG's new procedure was that "… they knew that the final word on the Secretary-General's conduct would be by the people of Cyprus through citizens direct and personal votes at the referenda." More strikingly, Palley also notes (2005, p. 103 footnote 19) that: "The international furore had his [UNSG] good offices been rejected would have been so damaging that the Republic of Cyprus's [i.e. the Greek Cypriot government] position as the State of Cyprus could have been thrown to reconsideration by angered States." In sum, in both cases the leaders submitted to the process as they were motivated by likelihood of certain sanctions from other states or a kin-state, rather than a genuine commitment to a settlement through the UN's procedure. It should also be noted that the United States was noted as playing a key role, at the request of Turkey, in convincing the UNSG to restart negotiations and also bringing about a deal at the New York summit.[95]

The UN's new proposal was that both leaders would follow a three phase procedure: first, they would negotiate until 22 March; and if there is no agreement then an international conference, attended by Greece and Turkey as well, would be convened to finalise the plan; and if there is still no agreement, the UN Secretary-General was to finalise the plan that was going to be submitted to referendum in April. This procedure effectively meant arbitration by the United Nations, though it was not clear whether the leaders would accept the outcome of the arbitration and campaign for its acceptance by their respective communities in the referendum. Moreover, the international conference was to be attended by the EU as well and hence creating more pressure on the parties to agree on finalising the plan. The three phase procedure in place, Weston

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[94] The then Under-Secretary of the Turkish Foreign Ministry, Ugur Ziyal, was in the Turkish delegation accompanying Denktash in the New York summit. Ziyal gave Denktash a note from the Turkish government asking him to either continue the process, or in case he chooses to leave, warning him that the Turkish Cypriot PM Talat will replace him with Turkey's support. See S. Ergin (2004), "AB'den Tarih Almaya Giden Sürecin Perde Arkasındaki Mimar", *Hürriyet*, 26 December 2004, http://hurarsiv.hurriyet.com.tr/goster/ShowNew.aspx?id=284058 (accessed 7/8/12).

[95] Palley (2005, 99-100) attributes the restart of the negotiations to the US pressure on the UNSG, and while *Hürriyet*, the Turkish daily, claimed that the Secretary of State Powell and the US Special Envoy Weston were involved in the New York summit, see "Tarihi zirve üçüncü gününe sarktı", *Hürriyet*, 11 February 2004, http://webarsiv.hurriyet.com.tr/2004/02/11/411391.asp (accessed 7/8/12).

(the US representative to the Cyprus talks) believed the settlement was definitely within reach: ''It is almost certain now that there will be a settlement on the island of Cyprus.''[96]

4.7. The End Game: the International Conference and Finalisation of the Plan by the UNSG

The negotiations restarted on the island 19 February. As the Turkish Cypriot team included Prime Minister Talat, his Foreign Minister Serdar Denktash, in addition to the Turkish Cypriot leader, the Turkish Cypriots were more engaged. But the Greek Cypriots were increasingly non-cooperative, as the UNSG noted:

> The Greek Cypriot side regularly insisted on full satisfaction of its demands, while arguing that the Turkish Cypriot paper of 24 February was outside the parameters of the plan and thus precluded engagement with Turkish Cypriot proposals. When the Turkish Cypriot side produced a priority list on 18 March, this did not alter the Greek Cypriot attitude to Turkish Cypriot concerns. (That paper, together with the letter of transmittal from the United Nations to the Greek Cypriot side, found its way into the press.) The Turkish Cypriot side argued that the Greek Cypriot delay in exposing the extent of their demands was preventing the beginning of real negotiation, and amounted to filibustering. … An additional factor inhibiting frank discussions at the table was the regular public disclosure of the contents of the negotiations, usually with a negative spin, either by Greek Cypriot leakage, or by the daily oral briefings of Mr. Denktash to the press, ostensibly for the Turkish Cypriot public.[97]

At the end of the first phase of negotiations, which took place on the island, the progress at the leaders' level was limited and far from completion, though there was quite substantial progress at the technical committees' level.[98] The leakages to the press and the negative spin accompanying those were, in fact, the signals that the parties were sending their constituents in order to shape the referendum outcome. It can even be suggested that both the Greek Cypriot leadership and Denktash regarded the negotiations as a platform to form a public opinion against the Plan, which was not even yet finalised. Also, Denktash decided not to attend the UN convened international conference by claiming that "I don't believe [the situation] will change. Therefore I won't go to Switzerland".[99]

As the final agreement could not be reached through the negotiations on the island, the international conference convened in Bürgenstock, Switzerland on 24 March. The Turkish Cypriots

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[96] Thomas G. Weston quoted saying in "Cyprus Greeks and Turks Agree on Plan to End 40-Year Conflict", *The New York Times*, 14 February 2004, http://www.nytimes.com/2004/02/14/world/cyprus-greeks-and-turks-agree-on-plan-to-end-40-year-conflict.html (accessed 7/8/12).

[97] UN Security Council (2004), op. cit., paragraph no. 22-23.

[98] Ibid, paragraph no. 29-30.

[99] "Leader to snub UN's Cyprus talks", *The Guardian*, 18 March 2004, http://www.guardian.co.uk/world/2004/mar/18/eu.turkey?INTCMP=SRCH (accessed 7/8/12).

were represented by Prime Minister Talat and his Foreign Minister Serdar Denktash. During the Bürgenstock conference, again the Turkish Cypriot team was engaged in the process and promptly provided a short list of changes the UN asked parties to submit. Whereas the Greek Cypriot leader Papadopoulos was present but not willing to negotiate and sometimes even inaccessible to the UN team; the Greek Cypriot side also refused to hold direct negotiations with the Turkish Cypriots, and failed to produce a short list of crucial demands, instead producing a 45 page document.[100] All these, in effect, meant the rejection of the UN led process by the Greek Cypriots.

There was not any agreement in the end of the second phase either. In the following third phase of the agreed procedure, the UN submitted a fourth version of the plan on 29 March and after consultations with the parties finally presented the very last version -Annan Plan V - on 31 March. In his closing remarks to the conference, Secretary-General Annan portrayed his plan as the only realistic option available: "Let me be clear. The choice is not between this settlement plan and some other magical or mythical solution. In reality, at this stage, the choice is between this settlement and no settlement."[101] Whether the Cypriots would chime in with this view and support the Plan would be decided in the referenda held separately on both sides. The power-sharing system envisaged by the Plan, as well as whether it was a fair and workable compromise meeting the two sides' main concerns, will be discussed next.

4.8. The New State of Affairs: Consociational Power-sharing?

There were five different versions of the Annan Plan presented to the parties over two years. The provisions of the plan regarding the power-sharing system of the united Cypriot state were mostly maintained across the five versions of the Plan. The following analysis will be based on Annan Plan V, which was the final version which went to the referenda.[102]

The Plan's provisions were not only about detailed workings of the political system, there were also provisions concerning the other crucial aspects of the conflict as well. Those other provisions included the continuation of the international guarantee regime for maintenance of the new state of affairs by Greece, Turkey and the United Kingdom (satisfying the Turkish Cypriot demand); a Property Board composed of equal number of members from each constituent state

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[100] UN Security Council (2004), op. cit., paragraph no. 35-37.
[101] "Secretary-General's remarks at the closing of the Cyprus talks", Bürgenstock, 31 March 2004, http://www.un.org/sg/statements/index.asp?nid=857 (accessed 7/8/12).
[102] The documents collectively referred to as Annan Plan V is constituted of two main sets of documents: the basic premises of Annan Plan V was first introduced in the Foundation Agreement and then reiterated in the constitution of the United Cyprus Republic which is attached to the former as one of its annexes, and the annexes include, among others, the federal laws, international treaties binding the United Cyprus Republic, and territorial adjustments. Annan Plan V can be accessed at: http://www.zypern.cc/extras/annan-plan-for-cyprus-2004.pdf (accessed 7/8/12).

and non-Cypriots members for settling the property disputes within some parameters (striking a balance between the two sides' view), some territorial adjustments between the two Cypriot states (benefiting the Greek Cypriots by transferring approximately 7% of the whole island's territory from the Turkish Cypriot control to the Greek Cypriots), and a number of regulations regarding the number of Greek and Turkish troops that would remain on the island (bringing the numbers down to the 1960 levels over a ten year process, partially satisfying both sides). These provisions of the plan could be regarded largely balanced, given that both parties could not achieve all of their key demands in case of a compromise solution.

The overarching federal political entity of the reunited Cyprus under the Annan Plan was named "the United Cyprus Republic" (UCR). The UCR itself would be constituted by two communal level political entities: the Greek Cypriot State and Turkish Cypriot State. Article 1 of the constitution of the United Cyprus Republic (UCR) was defining the new state as follows: "The United Cyprus Republic is an independent and sovereign state with a single international legal personality and a federal government and consists of two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State." The emphasis on the single international personality and sovereignty of the UCR was meant to appease the Greek Cypriot fear that a united Cyprus based on a federal political structure would be used as a stepping stone by Turkish Cypriots to achieve separate statehood in the future. On the other hand, the Turkish Cypriot fear was that a strong federal government would be used by Greek Cypriots to get to a unitary state in future, and their fear was tackled by the architects of the plan through a set of articles of the constitution which underscored the federal nature of the UCR and prohibited amendments to change the basic terms of the constitution.[103] The pattern of relations between the constituent states and the United Cyprus Republic was clearly defined in the constitution of the United Cyprus Republic insomuch that there was no hierarchy between federal and state laws.[104]

At the legislative level, the constitution stipulated two chambers: the Senate and the Chamber of Deputies. According to Article 22 of the Constitution, the Senate would have equal

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[103] For the amendments procedure, see Article 37 of the UCR constitution. Article 37(2) prohibits amending the basic articles of the constitution, which are the first two articles of the constitution stating political equality of the two communities and equal status held by each constituent state, as well as the sanctity of the constituent states' territorial boundaries and territorial integrity of the UCR.

[104] The basis of the relations between the federal government of the United Cyprus Republic and its constituent states is described in Article 2 (3) of the constitution of the United Cyprus Republic as follows: "The federal government shall fully respect and not infringe upon the powers and functions of the constituent states under this Constitution. Each constituent state shall fully respect and not infringe upon the powers and functions of the federal government or the other constituent state under this Constitution. There shall be no hierarchy between federal and constituent state laws."

numbers of Greek and Turkish Cypriots members who would be elected separately by their respective communities. Here, it should be pointed that the constitution explicitly refers to Turkish Cypriots and Greek Cypriots rather than citizens of the Greek and Turkish Cypriot constituent states.[105] This provision could be interpreted as guaranteeing equal representation of the two communities regardless of future demographic changes in composition of their respective constituent states. To accommodate the Plan's provisions into the European *Acquis communautaire*, particularly those with respect to the demographics of the constituent states, a draft act was also included in the annexes of the Plan for adoption of the European Union.[106] Article 2 of this draft act noted that either constituent state may impose restrictions to ensure that no less than two-thirds of its permanent Cypriot citizens speak its official language as their mother tongue. Although this measure was against one of the main principles of the EU, particularly the freedom of residence within the Union, and was likely to be challenged at the European Court of Justice, it was included in the Plan to solidify the bicommunality and bizonality of the UCR.

The composition of the Chamber of Deputies, which was to be based on the principle of proportionality, stipulated that at least a quarter of the Chamber's members should hail from each constituent state. Given that the Turkish Cypriots were around 18% of the island's population, this provision implied their overrepresentation. The presidents and vice presidents of both legislative bodies were also required to be not from the same community at the same time, and a similar principle would apply to selection of the two vice chairs of both the president of the Senate and the Chamber of Deputies. In terms of voting procedures, each decision of the Parliament would require approval of the Senate with a quarter of the senators from each constituent state being present and voting. Moreover, some specific set of issues would require a special majority of at least two fifths of sitting senators from each constituent state, as well as a simple majority of deputies present and voting. The issues within this realm most crucially included approval of the federal budget, ratifications of international treaties, and election of the presidential council, citizenship, immigration, and taxation laws.[107] In short, it can be said that a complicated veto mechanism was deeply entrenched in legislative process. The situation was no different at the executive level as Article 26(6) provided that at least one third of its voting members and one third of its non-voting members must hail from each constituent state, and Article 26(7) stating that at

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[105] The constitution, in fact, prescribes two different forms of citizenship: Cypriot citizenship (i.e. federal) and internal constituent state citizenship (Article 12 of the UCR constitution).
[106] Appendix D, "Draft Act of Adaptation of the Terms of Accession of the United Cyprus Republic to the European Union".
[107] Article 25(2) of the UCR Constitution.

least one member from each constituent state voting in favour of a decision required for its adoption.

Similar provisions for guaranteed representation of both communities were also envisaged for the Central Bank, the offices of Auditor General and the Attorney General. At the federal judiciary level, the Supreme Court of the island would be composed of equal number of judges from the two constituent states in addition to three non-Cypriot judges.[108] Supreme Court decisions would be taken by simple majority and this makes it the only crucial element of the political system of the UCR in which there is no qualified majority or veto mechanism embedded. It can be said that the presence of three non-Cypriots and simple majority decision making mechanism are provisions that are meant to achieve effective decision-making as the Supreme Court was envisaged as the arbitrator of the disputes that may emerge between the federal state and one or two of the constituent states and between the constituent states. According to Article 36(2) of the constitution, any such disputes would be in exclusive jurisdiction of the Supreme Court. Furthermore, the Supreme Court was given the authority to make an interim decision when a deadlock in a matter of vital importance for functioning of the federal state or one of its institutions arises.[109] This meant the Supreme Court would ultimately become an arbitrator in executive disputes as well. However, as Cypriot judges are likely to vote along with their respective communal allegiances, the ultimate arbitrator would be the three non-Cypriot judges. In order to prevent a deadlock emerging due to disagreement between the Cypriots, third party arbitration was thus provided at the Supreme Court level.

Three of the main institutional features of consociational power-sharing (grand coalition, proportionality and mutual veto) were embedded in the UCR's legislative and executive decision making bodies and procedures. And the fourth institutional principle, segmental autonomy, was provided by giving authority to the constituent states in areas of policy making that were not specified in the constitution within the jurisdiction of the federal state; the list includes, among others, education, health, and security within their territories.[110] Furthermore, the article 15(2) of

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[108] Article 6(2) of the Foundation Agreement stipulates that there would be three non-Cypriot judges as well as equal number of judges from each constituent state until otherwise provided by law, and Article 36 of the UCR constitution does only mention the requirement for equal number judges hailing from each community. The presence of three non-Cypriot judges, therefore, seems to have been thought on provisional basis.
[109] Article 36(6) of the UCR Constitution.
[110] Article 15(1) of the UCR Constitution.

the constitution notes that such jurisdictional competencies would be exercised "sovereignly" by the constituent states.[111]

Overall, the Annan Plan envisaged a consociational political system which would create an entrenched power balance between the Cypriot communities. Achieving a power balance under consociationalism usually requires smaller group (or groups) getting overrepresented in a number of political institutions. Accordingly, the Annan Plan provided for Turkish Cypriot overrepresentation at legislative, judicial and executive organs of the federal state. As noted in Chapter 2, consociational theory posits that overrepresentation through quotas and mutual veto rights are essential elements of the elite level bargain to stabilise a divided society as the elites realise that there is no other sustainable alternative for achieving stability. In the case of Cyprus, the elites were not motivated to reach such bargain; initially the Turkish Cypriot leadership and then the Greek Cypriot leadership were not convinced of the necessity of sharing power with each other. A bargain was ultimately struck by the UN Secretariat General's team of experts, who tried take into account the gravest concerns of both sides, and seems to have largely succeeded in doing so. However, whether their consociational blueprint for Cyprus would be approved in the referenda was still dependent upon the role of Cypriot elites in persuading their respective publics.

4.9. The Referenda and Its Aftermath

On 24 April 2004, only a week before the accession of Cyprus to the EU, the Annan Plan was put to simultaneous referenda in the two parts of the island. The Greek Cypriot community overwhelmingly rejected the plan, with a 75.83 per cent 'No', whereas the Turkish Cypriot community approved with a 64.90 per cent 'Yes'.[112]

Annan Plan V met fierce opposition from the Cypriot leaders. The Greek Cypriot leader, Tassos Papadopoulos, supported by a group of political parties and the Greek Orthodox Church of Cyprus, led a fierce 'No' campaign.[113] The Greek Cypriot leader's main argument was that the Greek Cypriot community's EU membership was set to be materialized soon, precisely one week after the referenda, regardless of the outcome thereof, and the Greek Cypriots, according to Papadopoulos and his political allies, would be getting a new leverage against the Turkish Cypriots

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[111] This seems to imply a stronger basis for the rights of the constituent states and thus trying to meet the Turkish Cypriot demand for separate sovereignty, though it should be noted that such a term does not carry any specific meaning in terms of international law, as only states that are part of the international system (i.e. the UN system) are conceived to be sovereign entities.

[112] "Greek Cypriot Voted No, Turks Yes", *Turkish Daily News*, 24 April 2004, http://www.hurriyetdailynews.com/greek-cypriot-voted-no-turks-yes.aspx?pageID=438&n=greek-cypriot-voted-no-turks-yes-2004-04-24 (accessed 7/8/12).

[113] The Greek Orthodox Church of Cyprus even labelled the Plan "satanic" and threatened those in favour of its adoption with "eternal damnation" (International Crisis Group 2006, 8).

and Turkey to secure a better deal in the future.[114] Some anticipated that the Plan would be supported by the communist AKEL, the largest Greek-Cypriot political party and also a member of the political coalition which supported Papadopoulos in his presidential bid. In the event, the party demanded security guarantees for implementation of the Plan from the UN Security Council. The efforts to provide such guarantees failed when a resolution with a reference to Article 7 of the UN Charter was vetoed by Russia at behest of Papadopoulos.[115]

On the other side of the divide, Denktash and the main opposition UBP campaigned against the Plan. Their main objection was that that there were no sufficient guarantees for the Turkish Cypriots, during his "No" campaign Denktash also alleged the Turkish government and media of putting immense pressure on his people.[116] In the run up to the referendum the ruling AKP of Turkey also called on Denktash to resign if the referendum succeeded.[117] Meanwhile, the Turkish Cypriot prime minister, Mehmet Ali Talat, worked very closely with the Turkish government during the Annan Plan negotiations and led a 'Yes' campaign in the referendum.[118] In April 2005 TRNC presidential election, Denktash did not seek re-election and was replaced by Talat.[119]

In 2006, Talat and Papadopoulos began a new round of negotiations under the UN mediation, which soon proved fruitless.[120] A glimmer of hope emerged when Papadopoulos lost his re-election bid in 2008 and Dimitris Christofias of AKEL became the Greek Cypriot leader. The fact that Christofias was known to be more conciliatory towards the Turkish Cypriots than

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[114] In his televised address to the Greek Cypriots on 12 April 2004, as he officially started the "No" campaign, Papadopoulos underscored this point: "If the people with their vote reject the plan, in one week the Republic of Cyprus will become a full and equal member of the EU. We will achieve a strategic aim that we mutually set to upgrade and politically safeguard the Republic of Cyprus, we will not stop striving for a solution of the Cyprus problem, history does not end on May 1." The full text of the speech is accessible at: http://www.hri.org/news/cyprus/cna/2004/04-04-08.cna.html#01 (accessed 7/8/12).

[115] G. Wright (2004), "Greek Cypriot leaders reject Annan plan", *The Guardian*, 22 Apr., http://www.guardian.co.uk/world/2004/apr/22/eu.cyprus (accessed 7/8/12); Y. Kanli (2004a), "Russian veto relieves Turks", *Turkish Daily News*, 23 Apr., http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=russian-veto-relieves-turks-2004-04-23 (accessed 7/8/12).

[116] "Denktash: UN Plan Diabolical", *Turkish Daily News*, 16 April 2004, http://www.hurriyetdailynews.com/denktas-un-plan-diabolical.aspx?pageID=438&n=denktas-un-plan-diabolical-2004-04-16 (accessed 7/8/12).

[117] "AKP says Denktash should resign if referendum succeeds", *Turkish Daily News*, 23 April 2004, http://www.hurriyetdailynews.com/akp-says-denktas-should-resign-if-referendum-succeeds.aspx?pageID=438&n=akp-says-denktas-should-resign-if-referendum-succeeds-2004-04-23 (accessed 7/8/12).

[118] Y. Kanli (2004b), "'Yes' and 'No' bout on Cyprus", *Turkish Daily News,* 3 Apr., http://www.hurriyetdailynews.com/yes-and-no-bout-on-cyprus.aspx?pageID=438&n=yes-and-no-bout-on-cyprus-2004-04-03 (accessed 7/8/12).

[119] "Talat Ho!", *The Economist*, 21 April 2005, http://www.economist.com/node/3893699 (accessed 7/8/12).

[120] "Cyprus rivals still far apart after rare talks*", Agence France-Presse* (AFP), 5 September 2007, http://afp.google.com/article/ALeqM5jOx46StmMKNL4V3NiH_JvG-u0Kew (accessed 7/8/12).

Papadopoulos led many to suggest that a deal was within reach. However, no such deal was materialised, and in the April 2010 Turkish Cypriot presidential election Talat lost to Dervish Eroglu of the UBP, a nationalist veteran of Turkish Cypriot politics.[121] The negotiations between Christofias and Eroglu reached a deadlock by early 2012 and were suspended in May 2012, and there seems to be no prospect of a deal until at least February 2013 Greek Cypriot presidential election.[122]

4.10. Conclusion

The Cypriot elites' lack of commitment towards a power-sharing agreement was the most important factor in the failure of the UN peacemaking intervention. But the account of the process (1999-2004) also demonstrates that the organisation was not able to play a significant role at many critical junctures in the talks because it was often devoid of means to motivate parties towards a compromise solution, and the UNSG's efforts seeking to instil a sense of urgency on the parties towards a settlement largely failed. This case study of Cyprus underlines the complexity of relationships between the Cypriot communities, their kin-states and the third party peacemaker. The Turkish-Turkish Cypriot interaction was largely shaped by Turkey's desire to join the EU, which led the Turkish leadership to seek initially a quasi-mediation role and then a coercive role in shaping the Turkish Cypriot policy vis-à-vis the UN peacemaking process. And the UN seems to have sought to deal with its lack of clout with the Turkish Cypriots by taking advantage of Turkey's EU accession process and deep involvement as a kin-state in the conflict. Meanwhile, in the case of Greece and Greek Cypriots the kin-state-kin-community relationship was predicated on Greece's support for the latter's EU process, and a role similar to Turkey's was not assumed by Greece in the peacemaking process for two main reasons. Since the Greek led coup d'état in Cyprus in 1974 triggered the Turkish intervention and the island's de facto partition, Greece's influence over the Greek Cypriots was substantially reduced, and also there was no direct consequence for Greece from the continuation of the Cyprus conflict. However, within the EU, Greece promoted the Greek Cypriot interests and even threatened to block the EU's eastern enlargement if Cyprus were not included (Tocci 2004).

During the Copenhagen summit in 2002, the Turkish Cypriots were not prepared to engage fully in the process, and when they were ready to do so at the Bürgenstock conference in 2004, this time the Greek Cypriots were not willing to negotiate. These developments reflected a pattern of the Cyprus conflict: both sides alternately acted as spoilers of peace processes ever since the

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[121] BBC News (2010), "New hardliner joins Cyprus talks", 26 May, http://www.bbc.co.uk/news/10165771 (accessed 7/8/12).
[122] "Talks downgrade likely to last until elections in 2013", *Cyprus Mail*, 25 May 2012.

beginning of the conflict. Both Cypriot communities have certain strengths that enable them to pursue the conflict rather than agreeing to a compromise solution. Since the disintegration of the 1960 consociation in 1963, the Greek Cypriots have been recognised as the government of Cyprus (and hence a member of the UN) and there has been a few quite strongly worded UNSC resolutions against international recognition of the TRNC. The UN's general policy towards the conflict is thus firmly established, with almost no room for flexibility. The status quo leaves the Greek Cypriot side with only one major incentive for a solution: recovering the Greek Cypriot properties in the north. As for the Turkish Cypriots, they have been denied an international status since 1963 and become dependent on Turkey for sustenance of their de facto statehood. But their negotiation positions have often been as hardened as the Greek Cypriot ones, especially as long they did not clash with Turkey's wider foreign policy objectives.

In terms of the mediator's role, the 1999-2004 peacemaking process was not essentially shaped by the UN. The process was instead manipulated by the EU and Turkey. Turkey, through its influence on the Turkish Cypriots, and the European Union, through the accession processes of Cyprus and Turkey, were the crucial players. As discussed, Turkey's desire to join the European Union was the main reason why Denktash agreed to participate in the UNSG mediated process and subsequently submitted to the UNSG's finalisation of the Plan and the referenda. For the most part, the Greek Cypriots tried to appear conciliatory in order to keep their EU accession on track. However, when the accession was guaranteed, they stopped engaging in the UN led process. According to Alvaro de Soto, the UNSG's special adviser on Cyprus, the failure was ultimately due to the fact that Turkey and the Turkish Cypriots changed their course rather late, when there was no incentive left for the Greek Cypriots:

> The problem is it all happened rather late: Turkey and the Turkish Cypriots turned around, but they turned around too late and by the time the negotiation had been going for a couple of years the Greek Cypriots had got the impression the Turkish Cypriots, particularly their leader Rauf Denktash, were being their usual obdurate selves. By then Greek Cypriot public opinion had pretty much given up on it and when the presidential election came they elected someone they knew to be much more of a hardliner and much less committed to a settlement than the person who had been leading them until then. So, the EU decided to enlarge the Union with ten states, and the Greek Cypriot leader made a speech a few weeks before the referendum on the settlement plan in which he said something like, 'why should I agree to a compromise that I don't particularly like when I will be able - once we are in the EU in a few weeks - to exert pressure on Turkey in order to get a better deal.' And that proved to be a killer argument. In other words we ran out of time. The incentive was there, which for the Greek Cypriots was entering Europe reunified, but after a certain point, whether it was late 2002 or early 2003, we had probably missed the boat because they were already in a position where they could get the reward contained in the incentive without having to pay anything for it (Accord 2008, 26).

De Soto does not explain whether the UN team took into account the weakness of the incentive structure after late 2002 and tried to deal with it. Manipulation of the incentive structure (i.e. EU's enlargement policies) was most probably not within the UNSG's reach. It should be, then, questioned why the UN invested almost five years in a process which was inherently flawed. The most likely explanation is that the UN's focus on Denktash made it harder for them to notice that there might be some other potential spoilers, e.g. Papadopoulos. Also, it could be argued that the UN committed a strategic mistake by not pushing for the leaders' consent to the Plan at the New York summit in February 2004. The referenda mechanism was devised to get around Denktash's intransigence, but the UN failed to see that without a requirement to commit to the outcome of the process (i.e. Annan V) the leaders could continue to undermine the UN's work through their influence over their publics. As the Cypriot elites were neither willing nor ready to compromise, the UNSG's mediation efforts should have been supported with a combination of strong incentives and disincentives to motivate the Cypriots. Maintenance of the conditionality of reaching a settlement for EU accession beyond Copenhagen and indicating the international community's will to take some steps towards legitimising the Turkish Cypriot statehood could have been very effective incentives/disincentives. Both options, though, would require consent and cooperation of a number of states, the EU, including Greece, for making the Cypriot accession conditional and the UN Security Council in legitimising the statehood.

The efforts spent by the UNSG and his team of experts towards piecing together the Annan Plan were huge and the Plan itself was largely successful in striking a balance between the basic needs of both sides. The case of Cyprus indicates that power-sharing regimes cannot be built solely through the efforts of a third party peacemaker. A feeling of urgency should also be shared by the local elites. The de facto partition of Cyprus and the subsequent relative stability of the conflict seem to have led the Cypriot elites to believe that there is no urgent need for a political settlement. As long as the Cypriot elites continue to pursue their idealistic goals and are still enjoying their publics' support, it is unlikely that there will be a power-sharing settlement. Moreover, the role of kin-states was ultimately inconsistent or negligible and, at times, counterproductive for peacemaking purposes. Without consistent and considerable kin-state pressure on their co-ethnic allies to enter into a compromise agreement, the position of the Cypriot elites is not likely to change, and such pressure currently seems improbable as the conflict is a matter of secondary importance to both Greece and Turkey.

CHAPTER 5

Bosnia: Kin-states from Quasi-mediators to Enforcers

5.1. Introduction

The disintegration process of the Socialist Federal Republic of Yugoslavia caused a number of conflicts among its constituent entities and peoples. The war in Bosnia[123] was the most brutal one of those conflicts: the cruelty of warfare and civilian suffering reached to the levels that had not been witnessed on the European continent since the end of the Second World War. The war ended on 21 November 1995 with the Dayton Peace Agreement (DPA). The DPA was not merely a peace agreement, it also provided for an intricate power-sharing regime among Bosnia's three main ethnic groups, namely the Bosnian Muslims (who are also known as Bosniaks), the Bosnian Croats and the Bosnian Serbs. The process leading to the DPA was very convoluted and the agreement was ultimately reached at the very last moments of the Dayton conference. The conference took place against the backdrop of many failed rounds of negotiations mediated by several international bodies since 1991.

This chapter looks at the international peacemaking interventions in Bosnia (1991-1995), which culminated at Dayton. In order to do so, the chapter first discusses the unravelling of Yugoslavia and, in particular, how this unfolded in Bosnia. That is followed by a brief overview of the literature on peacemaking during the Bosnian war. The substantive analysis first focuses on European Community (EC) and the ICFY (International Conference on Former Yugoslavia) led collective mediation efforts. Subsequently, the US policy on Bosnia with a focus on its interaction with kin-state actors within the context of peacemaking intervention is analysed. The latter part of chapter investigates the Dayton conference, especially the mediation strategy and tactics used by the US mediators to coerce the parties towards an agreement. Finally, some assessments on the power-sharing model envisaged by the Dayton settlement and its implementation are provided. The chapter finds that the role of kin-states in the peacemaking process in Bosnia was initially limited with quasi-mediation. However, as the conflict intensified and the international community put more pressure on Croatia and Federal Yugoslavia (i.e. Serbia and Montenegro), the two kin-states, in an implicit alliance with the American peacemakers, took over their respective

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[123] In accordance with common practice, I use "Bosnia" instead of the country's official name "Bosnia and Herzegovina".

kin community's leadership. The Croat and Yugoslav governments thus assumed the role of enforcing their kin-groups' submission to the Dayton process and agreement.

5.2. The Breakup of Yugoslavia and the Birth of Bosnia as an Independent State

The first Yugoslavia was formed at the end of World War I as a multinational state for the south Slavs.[124] International context continued to play a major role in Yugoslavia's history as its socialist successor was constituted during the Second World War in 1943 by the Partisans, a communist led resistance movement who fought against the invading Nazis and their local collaborators. The socialist state would be officially declared in 1945 as the Federal People's Republic of Yugoslavia and renamed as the Socialist Federal Republic of Yugoslavia in 1963. The Partisans, and also the Yugoslav federation, was led by Marshall Tito. Josip Broz Tito himself was of Croat and Slovenian origins and the socialist Yugoslavia, like its founder, was multi-ethnic in its composition. The main ethnic groups living in Yugoslavia included Albanians, Bosnian Muslims, Croats, Hungarians, Montenegrins, Macedonians, Serbs, and Slovenians.[125]

According to its 1974 federal constitution, the socialist Yugoslavia was composed of six republics and two autonomous provinces. These six republics were Bosnia, Croatia, Macedonia, Montenegro, Serbia and Slovenia, and there were two autonomous provinces of Serbia, namely Vojvodina and Kosovo (Singleton 1989, 260-264). As this part of the Balkans historically had very heterogeneous demographics, there were significant numbers of ethnic minorities in all the Yugoslav republics, except Slovenia. And in Bosnia, which was the most multi-ethnic of the Yugoslav republics, no ethnic group formed a majority: the Muslims were the largest group but they were closely followed by the Serbs and there was also a sizeable Croat minority.[126] At the federal level, the 1974 constitution established a collective presidency which included

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[124] The word "Yugoslavia" was formed by combining the Slavic words of "Jug", which means south, and Slaveni, which means Slavs. The South Slavs primarily include Bulgarians, Bosnian Muslims, Croats, Macedonians, Montenegrins, Serbs, and Slovenes. Yugoslavia included all of these South Slav peoples, except Bulgarians. Between the years of 1918-1929, the country was officially called "Kingdom of Serbs, Croats and Slovenes" (Singleton 1989, 131-150).

[125] The Serbs were a third of the total population and followed by the Croats (19.7%), Muslim Slavs (8.9%), Slovenes (7.8%), Albanians (7.7%), Macedonians (6.0%), Montenegrins (2.6%), and Hungarians (1.9%). Source: The Library of Congress – Federal Research Division (1990), "A Country Study Yugoslavia (Former): Ethnic Composition", *Country Studies*, http://lcweb2.loc.gov/frd/cs/yutoc.html (accessed 28/8/12).

[126] According to the last Yugoslav census, which was held in 1991, Bosnia had a population of roughly 4.4 million people. Ethnically, they were of composed of 43.5 % Muslim Bosnians, 31.2 % Eastern Orthodox Serbs, 17.4 % Catholic Croats, 5.6% who identified themselves as Yugoslav and others. Source: Federation of Bosnia and Herzegovina – Federal Office of Statistics, "STANOVNIŠTVO PREMA NACIONALNOJ PRIPADNOSTI, PO POPISIMA 1961 – 1991", http://www.fzs.ba/Dem/Popis/NacStanB.htm (accessed 28/8/12).

representatives of all the six republics and the two provinces. However, as Tito was made president for life of the collective presidency, the collective presidency remained as a rather symbolic institution until his death in 1980 (Baylis 1989, 115). There were also republic-level collective presidencies and thus political power seemed very much diffused at many levels in the intricate political system of Yugoslavia. In fact, federal politics and power was essentially maintained by the League of Communists of Yugoslavia, which was the overarching political organisation of all the republics' communist parties until its dissolution in January 1990. In short, the overwhelming role of Tito and the unity of the League of Communists of Yugoslavia managed to sustain a modicum of stability in the Yugoslav politics for almost four decades. However, there were two major destabilising factors throughout Yugoslavia's history. These were the rival ethnic nationalisms, which maintained their vigour despite Tito's efforts at forging an overarching Yugoslav identity, and the country's failing socialist economic system. It is often argued that Tito's rule kept a lid on the rival nationalisms but did not tackle the underlying historical animosities among the Yugoslav peoples, especially the one between the Serb and Croat nationalists.[127] The economic malaise of Yugoslavia, on the other hand, was mainly caused by the inefficiencies of Yugoslavia's socialist economy which made the country dependent on external borrowing to maintain a modicum of economic stability.[128]

By the mid-1980s, these two main problems were aggravated when Tito's death left a power vacuum at the federal centre and the country's economic woes were rapidly deteriorating. This provided a fertile ground for political agitation and upheaval and nationalists in the Yugoslav republics were becoming more vocal and active. In Serbia, Slobodan Milosevic exploited the tense situation between the majority ethnic Albanians and minority Serbs in Kosovo to further his political career by championing Serbian nationalism and establishing his control over Serbia's two autonomous province (Silber and Little 1995, 36-48). In Slovenia, the economically most advanced and the politically most liberal of the Yugoslav republics, the republic's secession from the Yugoslav federation was debated within intellectual circles and the liberal attitude of the

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[127] The animosity was largely a result of the developments during the Second World War. During the war the Croat fascist Ustaša movement was allied with the Nazis and many Serbs were victimised by this alliance. At the end of the war many Ustaša members, along with some Croat civilians, were summarily executed by the predominantly Serb Partizans (Tomasevich 2001, 397-412).

[128] By 1982, Yugoslavia was often on stand-by agreements with the IMF. This was largely the result of borrowing internationally and investing that money in big public projects for years, which actually did not help improve the country's poor export performance. For an analysis of this economic malaise, see Z. Antic (1982) "Yugoslavia's Foreign Debts", *Radio Free Europe Background Report* no. 58, 10 Mar., http://www.osaarchivum.org/files/holdings/300/8/3/pdf/85-4-126.pdf (accessed 28/8/12).

Slovenian political leadership towards this debate was enraging the military and political leadership of the federal state (Ibid, 49-59). Alarmed by the fact that Milosevic was empowering himself as he now controlled three (or four if his influence over Montenegro taken into account) seats at the eight seat federal presidency and also unhappy with the slow paced and limited liberalisation of the economy, the Slovene communist party leadership proposed changes to the Slovene constitution which included the right to secede from Yugoslavia and limit their contribution to federal budget. Despite the tumultuous public and private quarrels the proposed changes caused with the Yugoslavia's other national political elites, the Slovenes went ahead and adopted the changes in their parliament. At federal level, only the Croatian members of the federal party's central committee eventually sided with the Slovenes and the growing disagreements within the federal political elite ultimately resulted in the dissolution of the League of Yugoslav Communists in January 1990 (Pavkovic 2000, 112-121). Each Yugoslav republic then went on to hold its first multiparty elections, and the newly founded nationalist parties came to power in all of them.

The nationalist electoral victories soon paved the way for the disagreements between the Croat- Slovene block (both republics were now seeking independence) and the Serbs (who were already arming the Serbs in Croatia and Bosnia) to turn into open hostilities. On 25 June 1991, both Slovenia and Croatia declared their independence. In Slovenia, this led to a ten day war between the Slovenian forces and the Yugoslav National Army (JNA). The quick end to the Slovenian conflict was mainly due to the facts that Slovenia's ethnic composition was almost totally Slovenian and that it was geographically situated in the most far away part of the country from Serbia (Bennett 1995, 101-106). Therefore, it was not considered integral to Milosevic's plans for a greater Serbia. In Croatia, however, there was a sizeable Serbian minority (12.1 % of the Croatia's population in 1991). The Croatian Serbs, or Krajina Serbs as they called themselves, were mostly settled on the Croatian side of the Bosnian border and were now being armed and supported by the JNA, which was in effect controlled by the Serbian leadership (Ibid, 131-137). In April, the Croatian Serbs acted to pre-empt the approaching Croatian independence by declaring their own autonomous entity in order to secede from Croatia and unite with Serbia.[129] The military conflict initially began with the clashes between the Croatian Serb paramilitaries and the Croatian police force. But it soon turned into a full-scale war when JNA attacked Croatia in order to stop its

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[129] C. Sudetic (1991a), "Rebel Serbs Complicate Rift on Yugoslav Unity", *The New York Times*, 2 Apr., http://www.nytimes.com/1991/04/02/world/rebel-serbs-complicate-rift-on-yugoslav-unity.html (accessed 28/8/12).

secession. Eventually, in January 1992, a ceasefire was agreed between Milosevic and Tudjman, the Croat leader, and this was followed by the deployment of UNPROFOR (United Nations Protection Force) and the withdrawal of the Yugoslav army, and its heavy weaponry, from the region in May 1992.

As the war in Croatia deepened, mediation efforts were undertaken by the European Community (EC) to seek a resolution to the conflict.[130] In September 1991, the EC convened a peace conference on Yugoslavia, which would be chaired by a British peer, Lord Carrington.[131] The Carrington conference failed to achieve its primary goal, which was to keep the Socialist Federal Republic of Yugoslavia together, when Milosevic, the Serbian president at the time, rejected the proposals which envisaged a looser Yugoslav federation. Along with the conference, the Council of Ministers of the EC also set up an arbitration commission to provide legal advice to Lord Carrington. This legal advice commission, the Badinter Arbitration Commission, delivered a series of opinions regarding Yugoslavia's dissolution. The most prominent of these was its Opinion No. 3 which argued that internal borders of Yugoslavia should be maintained and become international borders if its constituent republics were to choose becoming independent states. This opinion was particularly significant for Bosnia where its Bosnian Serb and Croat populations were respectively seeking union with Croatia and Serbia (Pellet 1992).

The nationalist fragmentation of Bosnian political party system resulted in creation of three main ethnic parties: the Muslim SDA (Party of Democratic Action), the SDS (Serbian Democratic Party) and the HDZ (Croatian Democratic Union) BiH – the Bosnian branch of the HDZ of Croatia. The Bosnian independence was not initially argued by any of the Bosnian groups and the Bosnian government did not take a concrete position towards the wars in Croatia and Slovenia (Malcolm 1994, 228). By the mid December 1991, however, the Bosnian government's determination for preserving Yugoslav's unity was eroded by the EC's policy shift towards recognising Croatia and Slovenia as independent states, which was primarily advocated by Germany, and there were now two options for the Bosnian government, both with equally substantial negative consequences.[132] The first option was to remain in a rump Yugoslavia which

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[130] A. Riding (1991), "Conflict in Yugoslavia: Europeans Send High-Level Team", *The New York Times*, 29 Jun., http://www.nytimes.com/1991/06/29/world/conflict-in-yugoslavia-europeans-send-high-level-team.html (accessed 28/8/12).
[131] P. Montgomery (1991) "Europe Plans Yugoslav Peace Talks", *The New York Times*, 4 Sep., http://www.nytimes.com/1991/09/04/world/europe-plans-yugoslav-peace-talks.html (accessed 28/8/12).
[132] S. Engelberg (1991), "Germany Raising Hopes of Croatia", *The New York Times*, 12 Dec., http://www.nytimes.com/1991/12/12/world/germany-raising-hopes-of-croatia.html (accessed 28/8/12); C.

was very likely to be dominated by Serbia. And the second option was to secede and become an independent country; though it was evident that the Bosnian Serbs would object to this. As Bosnia's independence looked like a more palpable option, the Bosnian Serb party SDS's leadership counteracted by increasing its demands and withdrawing from the Bosnian government: they first argued for the secession of the large parts of northern and western Bosnia to unite with the Serbian held regions in Croatia, then declared four Serbian autonomous regions within Bosnia with the help of the JNA and backing up of Belgrade, and later set up a Bosnian Serbian parliament and eventually declared their own republic, the Republika Srpska (RS), on 27 March 1992 (Ibid, 230-233). The Bosnian Muslim and Croat leaders, on the other hand, argued in favour of an independent Bosnia and a referendum, as demanded by the EC as a precondition for recognition, was held on 29 February - 1 March 1991 and 98% of those participated voted in favour independence (the Bosnian Serb leadership prevented the referendum to take place in the areas of the country it controlled).[133] The independence of the Republic of Bosnia and Herzegovina was formally declared on 3 March 1992 by the Bosnian government in which the Bosnians Serbs were no longer represented. And on 6 April 1992 Bosnia was recognised as an independent state by the EC and soon after by many others, including the US.

In other words, Bosnia's birth as an independent state was a result of its Yugoslav neighbours' actions and the EC's recognition of them[134] and the rising tide of Serbian nationalism. The recognition of the Bosnian independence by the EC, the US, and its accession to the UN, however, did not solve the major problem facing the Bosnian government, which was the objection of the Bosnian Serbs, and instead led the Bosnian Serbs to intensify their armed campaign and thus a fully-fledged war accompanied the Bosnian independence.[135] Although the

Sudetic (1991b), "Yugoslav Breakup Gains Momentum", *The New York Times,* 21 Dec., http://www.nytimes.com/1991/12/21/world/yugoslav-breakup-gains-momentum.html (accessed 28/8/12); S. Kinzer (1992), "Europe, Backing Germans, Accepts Yugoslav Breakup", *The New York Times*, 1 Jan., http://www.nytimes.com/1992/01/16/world/europe-backing-germans-accepts-yugoslav-breakup.html (accessed 28/8/12).

[133] The results of the referendum and observations regarding its conduct were compiled into a detailed report by the US Helsinki Commission delegation who visited the country during the referendum. See US Helsinki Commission (1992) "The Referendum on Independence in Bosnia-Herzegovina February 29 – March 1, 1992: A Report Prepared by the Staff of the Commission on Security and Cooperation in Europe", http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=250&Region_id=0&Issue_id=0&ContentType=G&ContentRecordType=G&CFID=71289225&CFTOKEN=56562442 (accessed 28/8/12).

[134] For an in-depth analysis of EC's recognition of former Yugoslav republics, see Caplan (1998).

[135] There is no exact date for the start of the war as interethnic clashes had been going on since early March 1992. For the most prominent of the early clashes, see E. Vulliamy and S. Sullivan (2000), "Bloody Handiwork

outbreak of the war was not totally unexpected, the Muslim led Bosnian government was not prepared for it. And this was mainly because of the arms embargo imposed by the UN in September 1991 on Yugoslavia, which was being upheld for its successor states as well. With the independence of Bosnia, the Bosnian government asked JNA to leave the country and the JNA complied, though its Bosnian Serb members along with substantial heavy military equipment were left behind. The Bosnian government's only organised forces were its territorial defence force, which largely drew on reservists. Thus, the Muslim led Bosnian government had international recognition but lacked any effective military force to control and protect its territory, and neither had access to international arms market, while the Bosnian Serbs had superior military equipment and troops but very few friends among the international community (Silber and Little 1995, 245-255). The actions of the international community, and particularly the EC, played a significant role in Bosnia's descent into war. Moreover, the international community still maintained significant tools (such as the arms embargo and the international isolation of the RS) to influence the parties, so the international actors' role in the conflict was not reduced with the onset of war but became rather more critical, especially in shaping the parties strategies in peace negotiations.

5.3. Why did the Dayton Conference Succeed?

This section provides a brief review of the existing literature on the European and the US led peacemaking interventions in Bosnia. The literature largely seems to agree on the main reasons why the Americans succeeded where the Europeans had repeatedly failed. The literature mostly emphasises the use of coercive means by the Americans. Beriker (1995) suggests that the mediators acted as manipulators in all the mediation initiatives during the conflict. She argues that the European mediators, like their American counterparts, used their own resources and power in order to change the structure of the conflict, but the difference between the US and other mediation attempts was the extent of the US leverage and when it was used. According to Burg and Shoup (1999, 316), "it was the United States that ultimately took on the role of hegemonic actor in the Balkans: taking sides, projecting power in the form of air strikes (in NATO guise), and isolating the local violator of the preferred status quo [emphasis in the original]". Likewise, Touval (2002, 167) contends that the Americans engaged in ripening the conditions on the battleground, through their help and influence on the Bosnian Muslims and Croat in particular.

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of Arkan", *The Observer,* 16 Jan., http://www.guardian.co.uk/world/2000/jan/16/balkans3 (accessed 28/8/12).

Many weaknesses of the collective mediation initiatives are extensively pointed out in the literature as well. The disagreements within NATO, between the US and its allies, are identified as a factor undermining the peace initiatives (Papayoanou 1997; Neville-Jones 1996). It has been also argued that Europe's nascent common foreign and security was rather unprepared and ill-equipped to deal with the complex situation in Bosnia (Paczulla 2004, 258-259). Leigh-Phippard (1998, 315) claims that the Contact Group (which comprised of the US, Russia, the UK, France and Germany) mainly failed because there were serious divisions among its members over which policy they should adhere to in their mediation, whether partition or federation should be the framework for negotiations.

However, although there are often references in the literature to Milosevic's quarrels with the Bosnian Serb leadership[136], the role of kin-states within the context of international intervention for peacemaking remains understudied. The Croat and Serb leaders' deep involvement at Dayton negotiations is widely noted. But the kin-states' role in the wider process leading to Dayton and their interactions with third party peacemakers with respect to their kin has not been fully explored. The following analysis will therefore seek to analyse the successive mediation efforts in Bosnia with a particular focus on kin-state involvement.

5.4. Collective Mediation in the Bosnian War

During the first two years of the Bosnian war, five major collective peacemaking initiatives were undertaken. All these mediation processes were backed by the EC (later EU) but the United States', though supportive at rhetorical level, was often either disengaged or unsupportive. Although they all eventually failed, assessments of these five initiatives are essential for analysis of the subsequent US led process.

5.4.1. The Carrington-Cutileiro Plan

As keeping the Yugoslav federal unity became unattainable, Lord Carrington asked Jose Cutileiro, a Portuguese diplomat, to hold talks with the three Bosnian communities. The Portuguese diplomat held several rounds of talks in Lisbon and Sarajevo with the leaders of the Bosnian political parties and on 23 February 1991, just six days before the independence referendum, an agreement, which would become known as the Carrington-Cutileiro Plan, was reached. But Alija Izetbegovic, the Bosnian Muslim leader, withdrew his signature when he came under heavy pressure from his community's public opinion. In March, Cutileiro renewed his mediation and the parties agreed that Bosnia would be "a state composed of three constituent units, based on national principles

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[136] See, among others, Woodward (1995, 307-309); and Silber and Little (1995, 373-383).

and taking into account, economic, geographic and other criteria."[137] The statement did not specify what territorial adjustments would be made but set out substantial provisions for a power-sharing regime.[138] This time the Bosnian Croats were the first to reject the Carrington-Cutileiro Plan. Touval (2002, 110) argues that the Bosnian Croats' prime goal at the time was to maintain their alliance with the Muslims and the Muslims should be regarded as the main force behind the plan's ultimate rejection. According to Burg and Shoup (1999, 112), the Croats were concerned about ethnic cantonisation provided by the plan, fearing that most Bosnian Croats, whose population was scattered, would become a national minority. The Muslims were also worried about the establishment of ethnically dominated cantons; they regarded the plan a step towards official partition of the country. Izetbegovic's initial assent could be interpreted as appearing conciliatory in order to secure international recognition, but when he subsequently noticed that the US was unhappy with the plan, this prompted him to reject the blueprint.[139]

The plan was essentially undermined by the patchy international support, both within the EC and from the US. The US was pressing for Bosnia's international recognition, regardless of the outcome of the negotiations; Bosnia would be recognised on 7 April without any agreement achieved between the Bosnian groups.[140] Carrington and Cutileiro continued to push for an agreement on their plan and finally ended their efforts in June, when Izetbegovic refused to continue the talks unless the basis for negotiations changed.[141] In other words, the first EC backed mediation process failed mainly due to fact that the impending recognition of Bosnia emboldened

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[137] Section A (1), "Statement of Principles for a New Constitutional Arrangements for Bosnia and Herzegovina", http://sca.lib.liv.ac.uk/collections/owen/boda/ecco3.pdf (accessed 28/8/12).

[138] The statement, for instance, stipulated that a chamber of constituent units would be formed where each group would have equal representation, which would enshrine the political equality between the three ethnic groups.

[139] Some US officials later disclosed that the US policy at the time was to encourage Izetbegovic to oppose the plan which the US deemed was an "ethnic partition plan". The US officials also admitted that they promised Izetbegovic US support in the United Nations for recognition and pressed the Europeans to recognise Bosnian independence before a settlement. On 29 August 1993, David Binder of *The New York Times* quoted a high-ranking State Department official saying that, "The policy was to encourage Izetbegovic to break with the partition plan. … It was not committed to paper. We let it be known we would support his Government in the United Nations if they got into trouble." Source: D. Binder (1993), "U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992", *The New York Times*, 29 Aug., http://www.nytimes.com/1993/08/29/world/us-policymakers-on-bosnia-admit-errors-in-opposing-partition-in-1992.html (accessed 28/8/12).

[140] D. Binder (1993) reported that, "Mr. Baker [the US Secretary of State] "told the Europeans to stop pushing ethnic cantonization of Bosnia," and Richard Johnson, who was the Yugoslav desk officer at the State Department, claimed that "We [the US] pressed the Europeans to move forward on recognition."

[141] UN Security Council (1992b), "Report of the Secretary-General Pursuant To Paragraph 15 of Security Council Resolution 757(1992) and Paragraph 10 of Security Council Resolution 758(1992) -(S/24100)", 15 Jun., paragraph no. 5, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N92/252/36/PDF/N9225236.pdf (accessed 28/8/12).

the Muslims to demand a better deal and, with the recognition, the mediators lost the most effective diplomatic tool they had to convince the Muslims. On the battleground in Bosnia the plan's provisions as well as the approaching independence encouraged all the fighting groups to try to acquire and ethnically cleanse more territory so that they could claim it for their territorial unit in the future (Burg and Shoup 1999, 117-120). The incoherent and uncoordinated state of the Western policy, or its lack thereof, did not help the mediators achieve their goal and instead rather worsened the armed conflict.

As the war deepened, the Bosnian Serbs acquired control over half of the Bosnian territory. The siege and bombardment of Sarajevo by the Bosnian Serb forces and the suffering this caused was shocking to the international public opinion.[142] The need for a new diplomatic strategy was clear. The EC and the UN backed London conference took place in August 1992; its aim was to formulate the international community's policy towards the Bosnian conflict and reinvigorate the peace talks. The agreed parameters for a solution to the conflict were put together in a public statement which was read out by the British Prime Minister John Major. The statement provided that a political settlement to the conflict must preserve Bosnia's territorial integrity and independence, unless mutually agreed otherwise; and must include recognition of Bosnia by all the former Yugoslav republics.[143] The conference also decided to turn into an ad hoc international body which would remain in being until a final political settlement reached to all the Yugoslav conflicts.

5.4.2. The Vance-Owen Plan

The International Conference on the Former Yugoslavia (ICFY)[144] would be co-chaired by Cyrus Vance (a former US Secretary of State, representing the UN) and Lord David Owen (a former British Foreign Secretary, representing the EC), who would be later replaced by Thorvald Stoltenberg (a former Foreign Minister of Norway) in 1993. In January 1993, the ICFY co-chairmen put forward a peace proposal. The Vance-Owen Plan (VOP) outlined a decentralised Bosnian state where its three constituent peoples would exercise substantial autonomy at provincial level.

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[142] J. F. Burns (1992), "Bosnian Troops Fail to Break Serbs' Tight Siege of Sarajevo", *The New York Times*, 2 Aug., www.nytimes.com/1992/08/02/world/bosnian-troops-fail-to-break-serbs-tight-siege-of-sarajevo.html (accessed 28/8/12).
[143] "Statement on Bosnia: The London Conference, 27 August 1992", http://www.johnmajor.co.uk/londonconf.pdf (accessed 28/8/12).
[144] The ICFY's steering body would be based in Geneva and composed of representatives from the UN Security Council's five permanent members, the EC(which would soon become the EU), the UN Secretary General, Yugoslavia's neighbours, the CSCE, the Organisation of the Islamic Conference (OIC), which was to be represented by Turkey.

According to the VOP, Bosnia would be reconstituted into ten proposed provinces, though not ethnically marked for one group, often were to be dominated by one of three ethnic groups, except Sarajevo which would have power-sharing between the three groups. The Bosnian Serbs would control three provinces, though those three would not constitute a single block, as this was something they always demanded in order to constitute a Serb controlled territory from the Bosnia-Serbia border to the Serbian dominated regions of Croatia which are adjacent to Bosnia, it soon became one of their prime objections to the plan. While the Bosnian Muslims would dominate three provinces, the Bosnians Croats have two provinces under their control, and in one province Muslims and Croats would share power.[145] The Bosnian state would continue to remain as a single international legal personality, which was a key Muslim demand. There would be a collective presidency at national level, where all three groups would be represented; this was clearly a continuation of pre-war inter-ethnic power-sharing arrangements. The plan was requiring the Bosnian Serbs to withdraw from almost half of the territory they controlled at that stage of the war, which was some 70% of Bosnia. This meant that the Bosnian Serbs would have 42.3% of Bosnia, giving up their de facto control over another 38.6%, and the Bosnian Muslims and the Croats would have control over the remaining territory, respectively 32.3% (including Sarajevo) and 25.4% of the country (Klemenčić 1994, 49).

By February, the parties were nearing to accept the constitutional framework and the Bosnian Croats were happy with the map as well. However, both the Muslims and the Serbs raised grave concerns about the map and demanded substantial changes on it.[146] The Bosnian Muslims' leader Izetbegovic was particularly concerned about the VOP map because some historically Muslim dominated areas, he argued, would be ceded to the Serbs who had just ethnically cleansed those area (Owen 1996, 98-100). Izetbegovic kept delaying to make a decision on the plan but the ICYF mediators were eager to push the process forward at least by getting the Muslims on board, in addition to the Croats, and thus leaving only the Serbs as the last one to be convinced to consent to the VOP. In order to achieve this goal, Lord Owen went on publically pointing the lack of US pressure on the Muslims as the main reason for the Muslim's lack of willingness to accept the VOP. On 3 February, Owen was quoted by *The New York Times* claiming that:

> Against all the odds, even against my own expectations, we have more or less got a settlement. But we have a problem. We can't get the Muslims on board. And that's largely the fault of the Americans, because the Muslims won't budge while they think Washington

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[145] "The Vance-Owen Plan", http://sca.lib.liv.ac.uk/collections/owen/boda/sp13a.pdf (accessed 28/8/12).
[146] For a detailed account of the negotiations on the VOP, see Owen (1996, 94-197).

may come into it on their side any day now. What do they want down there, a war that goes on and on? This isn't just the best act in town, it's the only act in town. It's the best settlement you can get, and it's a bitter irony to see the Clinton people block it.[147]

A week after Owen's public denouncement, the US position regarding the plan begun shifting towards supporting the VOP.[148] In late March the Bosnian Muslims signed up to the VOP, which could be explained both by the US pressure and the Bosnian Croats' threat to break up their then military alliance with the Muslims.[149] As the Bosnian Croats were already on board, now the only remaining party needed to consent to the VOP was the Bosnian Serbs. The UN Security Council imposed sanctions on the Federal Republic of Yugoslavia in order to pressure the Serbian leadership to cut off their supplies to the Bosnian Serb forces. Among the UNSC resolutions imposing sanctions on the rump Yugoslavia, the Security Council Resolution 820 was particularly broad and effective and set to cripple the country's economy.[150] In Belgrade on 26 April and in Athens 1-2 May, the Serbian president Milosevic, along with the federal president Cosic and the Montenegrin president Bulatovic, held meetings with the Bosnian Serbs leadership (Silber and Little 1995, 309-314). On 2 April, the quasi-mediation process culminated in the Bosnian Serb leader Karadzic's signing of the VOP in Athens.[151] This was the first instance of a successful quasi-mediation by a kin-state in the conflict. However, there was a condition attached to Karadzic's acceptance: his signature would only be valid upon the Bosnian Serb parliament's ratification of

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[147] "R. W. Apple Jr. (1993), "Mediator is upset at U.S. reluctance over Bosnia Talks", *The New York Times*, 3 Feb., http://www.nytimes.com/1993/02/03/world/mediator-is-upset-at-us-reluctance-over-bosnia-talks.html (accessed 28/8/12).

[148] Owen (1996, 123) argued this change came about thanks to his public campaign exposing U.S.'s lack of support for the VOP. However, it can be argued that the main reason behind the policy change was the fact that the US was not willing to engage militarily in the conflict, which led President Clinton declare that, "We are not committing today to make war in the former Yugoslavia. We are committing to try to help get a peace and then to enforce it. … I do not believe that the military of the United States should get involved unilaterally there now." Source: E. Sciolino (1993a), "Conflict in the Balkans; U.S. Backs Bosnian Peace Plan, Dropping Threats to Use Force", *The New York Times,* 11 Feb., http://www.nytimes.com/1993/02/11/world/conflict-balkans-us-backs-bosnian-peace-plan-dropping-threats-use-force.html (accessed 28/8/12).

[149] P. Lewis (1993a), "Bosnian Muslims Join Croats in Accepting Peace Pact", *The New York Times*, 26 Mar., http://www.nytimes.com/1993/03/26/world/bosnian-muslims-join-croats-in-accepting-peace-pact.html (accessed 28/8/12).

[150] UN Security Council (1993a), "Resolution 820 - (S/RES/820)", 17 Apr., http://www.ohr.int/other-doc/un-res-bih/pdf/820e.pdf (accessed 28/8/12).

[151] The Federal Yugoslavia's leaders convinced the Bosnian Serb delegation arguing that the US military attacks would be imminent if they did not sign and that they were putting the whole Serb nation at risk. It is also reported that Milosevic told the Bosnian Serbs that the VOP would very much likely to prove not implementable on the ground, and therefore there was not much need to worry about the VOP map as more gains on the map could be achieved during the implementation phase (Silber and Little 1995, 309-310).

the VOP.[152] Although the same parliament did reject the plan a week earlier, many anticipated that the RS parliament was going to ratify the VOP because of Milosevic's growing pressure on them (Owen 1996, 159).

On the early morning of 6 May, after hours-long debate which was attended by the Serbian leadership as well as the Greek Prime Minister, who all spoke to the parliament pleading for VOP's ratification, the Bosnian Serb parliament overwhelmingly decided in favour of holding a referendum on the VOP on 15-16 May, which was very likely to deliver a "No".[153] Owen(1996, 164) recounts that Milosevic told him that General Mladic's (the top Bosnian Serb commander) intervention was the main reason behind the parliament's decision which helped the parliament's speaker Krasnic, who was the only member of the Bosnian Serb elite openly opposing the VOP, to garner more support among the members of the parliament.[154] In other words, the Bosnian Serb military was eager to continue the war which it thought it was going to win. The session of the RS assembly was the first major clash over policy between the Bosnian Serbs and their kin-state leadership. Milosevic's quasi-mediation efforts with the Bosnian Serb military and political elite through persuasion failed, and he was reported to have stormed out of the assembly building (Owen 1996, 167). The referendum result was overwhelmingly against the VOP which, Karadzic declared, was now dead.[155]

Lord Owen and the new ICFY co-chair Stoltenberg continued their efforts and argued for "progressive implementation" of the VOP (Owen 1996, 176-177). The ICFY co-chairmen essentially were asking for imposition of the VOP on the Bosnian Serbians. But the "progressive implementation" would require use of substantial military force which neither the US nor the EU countries were willing to undertake such a task. The US Secretary of State Warren Christopher already declared, in late April to the US Congress, that:

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[152] S. Kinzer (1993a), "Conflict in the Balkans; Top Bosnian Serb, facing U.S. action, signs a peace plan; Vote set on Accord", *The New York Times*, 3 May, http://www.nytimes.com/1993/05/03/world/conflict-balkans-top-bosnian-serb-facing-us-action-signs-peace-plan-vote-set.html (accessed 28/8/12).
[153] S. Kinzer (1993b), "Conflict in the Balkans; Serbs reject Bosnia Pact, Defying friends and foes, and Insist on Referendum", *The New York Times*, 6 May, http://www.nytimes.com/1993/05/06/world/conflict-balkans-serbs-reject-bosnia-pact-defying-friends-foes-insist-referendum.html (accessed 28/8/12).
[154] Silber and Little (1995, 316) argue that Mladic's intervention, and especially his speech, during which he showed on a map which territories, according to the VOP, would be handed back, played a significant role in shaping the vote at the RS parliament.
[155] C. Bellamy and R. Block (1993), "Bosnian Serb Voters Heading for Rejection", *The Independent,* 17 May, http://www.independent.co.uk/news/bosnian-serb-voters-heading-for-rejection-of-vanceowen-plan-thousands-brave-sarajevo-sniper-fire-to-vote-in-referendum-2323446.html (accessed 28/8/12).

... President Clinton will not authorize military action in Bosnia unless he is certain the United States can avoid getting more deeply involved than it wants. Mr Christopher laid out four strict tests for the use of force: the goal must be stated clearly, there must be a strong likelihood of success, there must be "an exit strategy" and the action must win sustained public support.[156]

And the VOP suffered an ultimate blow when *The New York Times* reported, on 21 May, that the US and Russia agreed to negotiate a new common strategy with Europeans that would accept more territory could be retained by the Bosnian Serbs in a Bosnia peace settlement.[157] In sum, the VOP failed due two main reasons: it often lacked support of the US, which was essential for its implementation, and the conditions on the battleground for the Bosnian Serbs were not yet ripe for a settlement.

5.4.3. The Invincible Plan

During April and May 1993, the war got another dimension when tensions between the Bosnian Croat and the Muslim forces increasingly turned into violent confrontations leading to a rift in the military alliance between the Muslims and the Bosnian Croats.[158] Taking advantage of this new rift between the Bosnian Muslims and the Bosnian Croats, the mainland Serb and Croat leaderships increased their secret contacts to reinvigorate their pre–Bosnian war consultations regarding a partition of Bosnia amongst Serbia and Croatia (Silber and Little 1995, 339-342). Negotiations were held between the Serbian and Croatian delegations, under guidance of their respective presidents Milosevic and Tudjman, and they agreed on turning Bosnia into a very loose federation of three ethnic states.[159] Subsequently, the ICFY co-chairmen Owen and Stoltenberg took over the initiative from Milosevic and Tudjman and proposed a new peace plan based on the tripartite and loose federation framework agreed by the Serb and the Croat leaders. The first all-party negotiations,

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[156] E. Sciolino (1993b), "Christopher Explains Conditions for Use of U.S. Force in Bosnia", *The New York Times*, 28 Apr., http://www.nytimes.com/1993/04/28/world/christopher-explains-conditions-for-use-of-us-force-in-bosnia.html (accessed 28/8/12).

[157] E. Sciolino (1993c), "U.S. and Russia Agree on Strategy Accepting Serbian Gains for Now" in *The New York Times*, 21 May, http://www.nytimes.com/1993/05/21/world/us-and-russia-agree-on-strategy-accepting-serbian-gains-for-now.html (accessed 28/8/12); E. Sciolino (1993d),"U.S., in Bosnia Policy Shift, Offers U.N. Air Protection", *The New York Times*, 22 May, http://www.nytimes.com/1993/05/22/world/us-in-bosnia-policy-shift-offers-un-air-protection.html (accessed 28/8/12).

[158] Silber and Little (1995, 323-336); J.F. Burns (1993a), "Vicious 'Ethnic Cleansing' Infects Croat-Muslim Villages in Bosnia", *The New York Times*, 21 Apr., http://www.nytimes.com/1993/04/21/world/vicious-ethnic-cleansing-infects-croat-muslim-villages-in-bosnia.html (accessed 28/8/12); and C. Sudetic (1993a), "Conflict in the Balkans; Croatian Guns Pound Besieged Muslims", *The New York Times*, 17 May, http://www.nytimes.com/1993/05/17/world/conflict-in-the-balkans-croatian-guns-pound-besieged-muslims.html (accessed 28/8/12).

[159] P. Lewis (1993b), "Serb-Croat Plan to Split up Bosnia Worries Mediators", *The New York Times*, 24 Jun., http://www.nytimes.com/1993/06/24/world/serb-croat-plan-to-split-up-bosnia-worries-mediators.html (accessed 28/8/12).

with participations all the three Bosnian parties as well as the Croats and Serb leaderships, were held in Geneva in June and the final negotiations took place on the British aircraft carrier *Invincible* at the Adriatic Sea in September. The Invincible Plan, also known as the Owen-Stoltenberg Plan, envisaged a union of three ethnic republics. The multi-cantonal federation suggested in the VOP was abandoned in favour of a tripartite federation which could easily lead to a break-up of Bosnia into three ethnic states in the future. The Bosnian parties reached an agreement on the constitution for "the Union of Republics of Bosnia and Herzegovina" in late July; accordingly, the union would be composed of the Muslim, the Croat and the Serb constituent republics.[160] Although the power-sharing arrangements provided by the constitutional agreement which was signed by the parties were less complex than the intricate VOP provisions, there were firmly entrenched mechanisms for inter-ethnic power-sharing at the central government level. There would be a three-member presidency of the union, where decisions would be made by consensus, and the union's prime minister and foreign minister posts would be from different constituent republics.[161]

An agreement on territorial adjustments to reconstitute Bosnia as a tripartite union, however, proved much more elusive. The Serbs and the Croats were proposing to only provide just around 30% of Bosnia for the Muslim republic which would require the Bosnian Serbs handing over approximately 18% of the territory they controlled back to the Bosnian Muslims. But the extent of territorial gains for the Bosnian Muslims was less than what was proposed in the VOP, which led the Bosnian Muslims to insist on demanding more territory for the Muslim constituent republic.[162] Moreover, the Bosnian Muslims also demanded their territory to have access to sea and navigable rivers. During the negotiations on the HMS *Invincible*, the Bosnian Muslims' demands were partially met: the Bosnian Serbs agreed to hand back 0.4 more territory (the Muslim demand was 4%) and the Croatian President Tudjman agreed to guarantee access to sea for the Muslims through Croatia (Owen 1996, 233-234).[163] At the end of negotiations on the

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[160] Article 1 of the Section I of the Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina, http://sca.lib.liv.ac.uk/collections/owen/boda/sp12a.pdf (accessed 28/8/12).

[161] Articles 1 and 2 of the Section VII of the Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina, http://sca.lib.liv.ac.uk/collections/owen/boda/sp12a.pdf (accessed 28/8/12).

[162] For an account of some of the initial demands and negotiations on territory, see UN Security Council (1993b), "Report of the Co-chairmen of the Steering Committee on the activities of the International Conference on the Former Yugoslavia – (S/26260)", 6 Aug., paragraphs no. 30-45, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/436/82/IMG/N9343682.pdf (accessed 28/8/12).

[163] Also, see UN Security Council (1993c) "Report of the Co-chairmen of the Steering Committee on the activities of the International Conference on the Former Yugoslavia – (S/26486)", 23 Sep., paragraphs no. 12-13, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/515/56/PDF/N9351556.pdf (accessed 28/8/12); C.

Invincible Izetbegovic appeared ready to accept the plan. But after consultations with his military commanders Izetbegovic changed his mind and the Muslim dominated Bosnian Parliament subsequently demanded substantial changes in the plan.[164] According to Owen (1996, 237), the Bosnian Muslims chose to continue to the war in the hope that "sanctions would soften up the Serbs and, on the advice of their military commanders, that they could defeat the Croats in central Bosnia." The Bosnian Muslims' decision to reject the plan was also encouraged by the US's lukewarm support to the plan and the recent Muslim successes in the Muslim-Croat war (Burg and Shoup 1999, 280-281; Touval 2002, 125; Owen 1996, 236-237).

The lukewarm US support to the Invincible Plan was evident in President Clinton's and his envoy's comments on its rejection. President Clinton was quoted remarking that: "You know, I think they're [the Bosnian Muslims] entitled to some territory, but I don't know if they can get it"; and the US Envoy to the peace talks Charles Redman described the rejection as "democracy in action".[165] In short, the US, the only power with substantial influence on the Bosnian Muslims, was reluctant about the Invincible Plan. Although it cannot be suggested that had the US pressed for the plan it would be accepted by the Bosnian Muslims, but it can be argued that a clear US support would have substantially increased the chances of acceptance by the Muslims. The EU's stance regarding the Invincible Plan was also not totally supportive: the Germans argued that the Invincible Plan was in violation of the London Conference principles and the Dutch EC Commissioner for External Affairs, van den Broek, accused the ICFY chairmen of legitimising "aggression" and following a policy "capitulation" (Owen 1996, 228).

5.4.4. The EU Action Plan

The Invincible Plan was followed by an EU initiative. On 7 November, a week after the inauguration of the EU's Common Foreign and Security Policy, a German-French letter was sent to the Belgian EU Presidency proposing an EU initiative regarding the conflicts in Bosnia and Croatia's

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Sudetic (1993b)"Once Again, Bosnian Peace Talks Appear to Crumble", *The New York Times*, 21 Sep., http://www.nytimes.com/1993/09/21/world/once-again-bosnian-peace-talks-appear-to-crumble.html (accessed 28/8/12); and C. Sudetic (1993c), "New Progress Reported in Bosnia Talks", *The New York Times*, 22 Sep., http://www.nytimes.com/1993/09/22/world/new-progress-reported-in-bosnia-talks.html (accessed 28/8/12).
[164] J. F. Burns (1993a), "Bosnians Seem Likely to Demand Peace Plan Changes", *The New York Times*, 29 Sep., http://www.nytimes.com/1993/09/29/world/bosnians-seem-likely-to-demand-peace-plan-changes.html (accessed 28/8/12); J.F. Burns (1993b), "Bosnia Legislators Reject Peace Plan in a Lopsided Vote", *The New York Times*, 30 Sep., http://www.nytimes.com/1993/09/30/world/bosnia-legislators-reject-peace-plan-in-a-lopsided-vote.html (accessed 28/8/12); and J. F. Burns (1993c), "Sarajevo May Be Settling Into Stalemate", *The New York Times*, 1 Oct., http://www.nytimes.com/1993/10/01/world/sarajevo-may-be-settling-into-stalemate.html (accessed 28/8/12).
[165] J.F. Burns (1993b), op. cit.

Krajina region.[166] For Bosnia, the letter argued for pressuring the parties to continue their negotiations on the basis of the Invincible Plan and offering the parties clear incentives for doings so, and also making clear to the parties what measures against them would be in place if they were not cooperating. The Bosnian Muslims would be warned that international support to them would decline if they rejected a proposal which satisfied their territorial demands on the Invincible map (i.e. 3 -4 % more of Bosnian territory), and the Serbs would be asked to show flexibility towards the Muslims demands and, in return, offered suspension of the international actions and a modus-vivendi in the occupied areas of Croatia. The EU was to pursue a carrot-and-stick strategy.

The French-German initiative soon became the EU policy, and the parties (including Milosevic and Tudjman) even held negotiations in Brussels with participation of the EU foreign ministers in November 1993. Although the ICFY chairmen were also participants in the EU initiative, the process was now directly managed by the EU foreign ministers acting collectively. The EU policy initially seem to have worked as the Bosnian Serbs agreed that the Muslim republic would have 33.3 per cent of the land, but the Brussels negotiations failed as the Bosnian Serbs and the Muslims could not agree on exactly which territories were to be handed over to the Bosnian Muslims. And again the US support was lacking, the Americans argued that sanctions should not be abandoned until all the former Yugoslav conflicts were settled, thus indicating their support to the Muslims demands on the map (Burg and Shoup 1999, 282; Owen 1996, 258). After the failed EU collective mediation efforts in Brussels, the negotiations were again being mediated by the ICFY co-chairmen. According to Owen (1996, 268-269), these negotiations yielded some results but eventually failed when it became apparent that the Bosnian Muslim side "… neither had nor wanted the authority to reach a final settlement at this round of the negotiations".

5.4.5. The Contact Group Map
Another attempt at collective mediation during the Bosnian war was the Contact Group. The group was formed by the US, Russia, France, Germany and the UK, which were the most involved international actors in the conflict. The United States was considered to have diplomatic leverage over the Muslim controlled Bosnian government and Croatia, while Russia had influence on the Bosnian and mainland Serbs, and France and the UK were the two leading troops' contributors to the UNPROFOR, and Germany carried considerable weight with Croatia, which itself was the main

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[166] "Letter to Belgian EU Presidency" by Klaus Kinkel and Alain Juppe, dated 7 November 1993. A copy of the letter translated into English is made available by Lord Owen, accessible at:
http://sca.lib.liv.ac.uk/collections/owen/boda/euac1.pdf (accessed 28/8/12).

backer and kin-state to the Bosnian Croats (Owen 1996, 295-299). Between April 1994 and June 1995, the Contact Group assumed the role of the international community's collective mediation agency and the ICFY was relegated to a secondary and subservient role to the Contact Group mediation.

Since the group collectively represented five major powers which had some considerable direct or indirect influence on the Bosnian parties, it was anticipated that the Contact Group would be more influential than the ICFY. But the group often failed to formulate a common position on many issues and its emphasis on group unity often led to minimalist strategies (Leigh-Phippard 1998, 313-316). The Contact Group never managed to formulate any constitutional proposals to the Bosnian parties; its only substantive mediation initiative came in the form of a map proposal. The map proposed a 51% to 49% territorial division between a recently formed Muslim-Croat federation and the Bosnian Serbs. The Bosnian Muslims and Croats accepted the map while the Serbs rejected.[167] As the Contact Group could not agree on a common policy to either renegotiate the map or use military force to impose on the Serbs, the Contact Group process remained mostly stalled for more than a year (Owen 1996, 306; Bildt 1998, 18). The main reason for the group's failure in producing a collective mediation strategy can be explained by the fact that its members lacked enough common denominators amongst them, particularly its leading members the US and Russia grossly disagreed over how to pressure the Bosnian Serbs.[168] In short, the Contact Group proved to be as inefficient as the ICFY. The Contact Group's inaction and the stalemate in negotiations also paved the way for the Bosnian Serbs attacks on the two large Muslim Enclaves in eastern Bosnia in July 1995. The Fall of Srebrenica was a particularly poignant example of the human cost of the failing international response to the conflict.[169]

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[167] A. Riding (1994), "Bosnian Serbs Said to Reject Mediators' Partition Plan", *The New York Times*, 21 Jul., http://www.nytimes.com/1994/07/21/world/bosnian-serbs-said-to-reject-mediators-partition-plan.html (accessed 28/8/12).

[168] Leigh-Phippard (1998, 316-319) identifies four main policy divisions within the Contact Group which varied according to time and issue, which were between the US and the rest of the group; between the US and its European allies; between the US and Germany on one side against the UK on the other; and, most prominently, between the US and Russia.

[169] For an account of the Srebrenica massacre and the UN peacekeepers' role in this, see Human Rights Watch (1995) "The Fall of Srebrenica and the Failure of UN Peacekeeping: Bosnia and Herzegovina", Oct., 7(13), http://www.hrw.org/sites/default/files/reports/bosnia1095web.pdf (accessed 28/8/12).

However, although the Contact Group's map proposal was not accepted in the end, its efforts led Milosevic to sanction the Bosnian Serbs.[170] By halting supplies to the Bosnian Serbs,[171] closing the border with them and banning some Bosnian Serb political leaders from entering Yugoslavia, Milosevic sought his kin community's acceptance of the Contact Group plan. The Bosnian Serbs were, for the first time, being harshly criticised in their kin-state's media due to their intransigence (Burg and Shoup 1999, 306). The sanctions and the media furore did not alter the Bosnian Serbs' decision regarding the map. But Milosevic was growing more impatient with the Bosnian Serb leaders, especially with Karadzic, and the sanctions on Yugoslavia were having their effect on his policy over Bosnia.[172] This widening political rift between the Bosnian Serbs and their kin-state would be taken advantage of by the Americans in the process leading to the DPA.

5.5. The Washington Agreement: US Mediation with Kin-state Involvement

On 24 March 1994, the Bosnian Croats and the Bosnian Muslims signed the Washington Agreement establishing a Muslim-Croat federation which would be called the Federation of Bosnia and Herzegovina.[173] The federation would have a cantonal structure and it was envisaged that the federation would form a confederation with Croatia. Although implementation of the federation agreement soon proved problematic and many essential issues, such as the borders of the new federation, were only going to be settled with an agreement with the Bosnian Serbs, the federation agreement achieved its primary goal, which was ending the Muslim- Croat conflict.[174]

The formation of a Muslim-Croat military alliance was of particular importance to the Muslims. Because, as they had to bring in their arms shipments through Croatia and the Bosnian Croat dominated areas of Bosnia, the renewed alliance meant the Muslims would now be able to smuggle in more weapons through Croatia. For the agreement, the Bosnian Croats were coerced

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[170] S. Kinzer (1994a), "Belgrade Appears to Be Cutting off the Bosnia Serbs", *The New York Times,* 8 Aug., http://www.nytimes.com/1994/08/07/world/belgrade-appears-to-be-cutting-off-the-bosnia-serbs.html (accessed 28/8/12).
[171] Silber and Little (1995, 382) claim that the border between Yugoslavia and the Bosnian Serb areas remained porous for essential military supplies.
[172] See Silber and Little 1995, 373-383; and S. Kinzer (1994b), "Serb vs. Serb, Belgrade vs. Bosnia: Two Men Battle over Peace", *The New York Times*, 11 Aug., http://www.nytimes.com/1994/08/11/world/serb-vs-serb-belgrade-vs-bosnia-two-men-battle-over-peace.html (accessed 28/8/12).
[173] E. Sciolino (1994a), "Bosnia Muslims and Croats To Discuss Proposal in U.S.", *The New York Times*, 25 Feb., http://www.nytimes.com/1994/02/25/world/bosnia-muslims-and-croats-to-discuss-proposal-in-us.html (accessed 28/8/12); and S. Greenhouse (1994), "Muslims and Bosnian Croats Give Birth to a New Federation", *The New York Times,* 19 Mar., http://www.nytimes.com/1994/03/19/world/muslims-and-bosnian-croats-give-birth-to-a-new-federation.html (accessed 28/8/12).
[174] This section is based on the following accounts of the Croat-Muslim negotiations: Rudman (1996); Burg and Shoup (1999, 292-298); Silber and Little (1995, 354 -359); and Szasz (1995, 371-373).

by the Croatian government, which itself was pressured by the US, while the Bosnian Muslims were also under US pressure.[175] The Croat-Muslim agreement on federation was the first significant achievement of the US diplomacy in Bosnia. After two and a half years of EC (later EU) led mediation efforts through the ICFY, the US now seemed more involved in mediation efforts in Bosnia. The core element of US mediation for the federation was the US strategy of focusing on kin-state involvement in the conflict. Croatia and Federal Yugoslavia had been part of peacemaking processes before; however, this was the first time a kin-state (Croatia) became the official negotiator for its kin community.[176] This was not wholly an American initiative: the Croat Foreign Minister Zubak and the Bosnian Prime Minister Siladzic were already willing to engage each other and bypassing the Bosnian Croats (Rudman 1996, 530-31). The Americans, however, predicated their efforts on the fact that the Croats were willing to negotiate on behalf of their kin in Bosnia in order to extricate themselves from the consequence of the Bosnian war. Although the Washington Agreement was its first entry of the Bosnian conflict as a mediator, the US was not yet ready for taking over the whole peacemaking intervention. The deep US involvement, therefore, did not last long and instead, as discussed above, the US participated in the Contact Group and remained rather disengaged until August 1995.

5.6. Reformulating the US Policy on Bosnia

For the first three years of the conflict, US policy on Bosnia was often vacillating between two competing policies favoured by different groups of the Clinton administration members.[177] The default policy of the administration was "detachment" from the conflict on the grounds that Bosnia was a European problem which Europe should assume responsibility for its mediation. The detachment policy also included a containment component as the administration was trying to

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[175] The most effective pressure US exerted was upon the Croatian government by indicating the possibility of imposing international sanctions on Croatia if it continued to support the Bosnian Croats and kept some of 30,000 its own troops within Bosnia (Silber and Little 1995, 335-336; Rudman 1996, 539). Also, at least one journalist has reported that the Bosnian Muslims agreed to form a federation with the Croats only after the US threatened to withdraw its support to the Muslim controlled Bosnian government (Burg and Shoup 1999, 299).

[176] During the last four days of February 1994, at the State Department in Washington, US Ambassadors Redman and Galbraith conducted proximity talks between a Croatian delegation led by Foreign Minister Mate Granic and a Bosnian delegation led by Prime Minister Haris Silajdzic. Although the agreement would also be signed by a Bosnian Croat representative, the negotiations were conducted by the Croatian government delegation (Rudman 1996).

[177] This section mostly draws on the US Department of State's (1997) Dayton History Project Papers and the two monographs on US policy in Bosnia which are based on those papers authored by Ivo Daalder (2000) and Derek Chollet (2005). The Dayton History Project Papers are now unclassified and released in part, see "The Dayton History Project Papers (1997) - The Road to Dayton: U.S. Diplomacy and the Bosnia Peace Process, May-December 1995", accessible online at:
http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB171/#study (accessed 28/8/12).

limit Bosnia's effect on its wider foreign policy and relations with its European allies. Another policy which occasionally gained momentum, as the conflict deepened, was "lift and strike". The "lift and strike" policy essentially meant lifting the arms embargo and helping the Muslims acquire weapons and at the same time protecting the UN declared safe havens through airstrikes at the Bosnian Serb targets by the NATO forces. But the "lift and strike" policy often run into European opposition, as the Europeans, particularly the British and the French who had their troops as UN peacekeepers on the ground, argued that this would only deteriorate the conflict and put their troops at the risk of being attacked or kidnapped by the Serbs (Daalder 2000, 11-19).

Even as late as 1994, the Clinton administration officials were still divided over the course of US policy despite the fact that there were two successful American initiatives in mediating the conflict in early 1994. In February, after a Bosnian Serb mortar attack that killed 68 people, the US managed to convince its NATO allies to issue a strong ultimatum, threatening use of airpower, which led the Bosnian Serbs withdrew their heavy weapons from the vicinity of the city.[178] And in March, as discussed above, the US successfully mediated between the Croats and the Muslims. However, according to Daalder (2000, 85), it was only in early 1995 that Anthony Lake, Clinton's NSC chief, concluded that a "workable" US strategy for Bosnia was needed. By early August 1995, the US strategy was agreed within the Clinton administration and Lake then set off to Europe to visit the Contact Group countries and a few other crucial allies, such as Italy and Turkey.

The main plan was that there would be all-out negotiations to reach a comprehensive settlement in Bosnia which would be based on the Contact Group but also taking into account the recent territorial changes. The sanctions on Yugoslavia would be suspended once agreement reached, and completely lifted when the agreement had been implemented; there would be three-way recognition between Croatia, Bosnia, and Yugoslavia; and a solution for eastern Slavonia, a Croatian Serb controlled part of Croatia bordering Serbia. In short, the primary goal was to tackle all the former Yugoslav conflicts within a comprehensive settlement which would be attained through sustained pressure, particularly on the Serbs. There was also an alternative strategic action plan in the event that no settlement was reached at the end of the all-out negotiations. According to this alternative plan, if the negotiations were to fail, the UNPROFOR would be withdrawn and the arms embargo lifted; and military support would be provided to the Bosnians Muslims, while the no-fly zone would still be maintained. However, if the Bosnians were

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[178] E. Sciolino (1994b), "Conflict in the Balkans; U.S. Said to Plan Bosnia Ultimatum Urging Air Strikes", *The New York Times*, 9 Feb., http://www.nytimes.com/1994/02/09/world/conflict-in-the-balkans-us-said-to-plan-bosnia-ultimatum-urging-air-strikes.html (accessed 28/8/12); and Silber and Little (1995, 343-353).

deemed to be as uncooperative during the all-out-negotiations, the US would simply lift the arms embargo and leave.[179] The US strategy was widely welcomed in Europe, though not every aspect of the US strategy was liked (Daalder 2000, 114). The US strategy was essentially based on coercive measures: there would be severe consequences for the party or the parties which did not show cooperative behaviour during the negotiations.

5.7. The Road to Dayton: The Military Stalemate and the Implicit Alliance with Milosevic

On 28 August 1995, a second deadly Sarajevo marketplace mortar attack triggered the NATO *Operation Deliberate Force*. The NATO operation was not the first aerial attack targeting the Bosnian Serb forces, - there were some earlier attacks by NATO in 1994 and during the first half of 1995-, but it was definitely the most sustained, effective and crucial of the NATO air campaigns in Bosnia with important consequences for the negotiations.[180] On 11 September, when Holbrooke (1998, 144-5) was questioned by President Clinton about whether the time has come to end the campaign, he explained:

> No, Mr President. There may come a time when continued bombing would hurt the peace efforts, but we're not there yet. The negotiating team believes we should tough it out. Our leadership position is getting stronger. We should use it or we will lose it. It is hurting the Bosnian Serbs, and helping us. As for Milosevic, he is not making a big point of it.

Some other major strategic changes on the battlefield, which would help towards the effective implementation of the US endgame strategy, were also afoot. In August, the Croatian government forces took over most of the Croatian Serb controlled areas; this was a significant development especially in the light of the fact that Milosevic did not send the Yugoslav Army to the Krajina Serbs' rescue and left them on their own.[181] Meanwhile, since mid-1994, the Bosnian Muslims were receiving large numbers of arms shipments; these shipments were also known by the US government which chose to ignore them, and according to some reports, even secretly took part in the shipments.[182] The arms shipments helped improve the military capabilities of the

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[179] The US Department of State (1997), op. cit., pp. 43-44; Daalder (2000, 112-113); and Chollet (2005, 43-44).

[180] For an analysis of the operation, see R.C. Hendrickson (2005) "Crossing Rubicon", *NATO Review*, Autumn 2005 (3), http://www.nato.int/docu/review/2005/issue3/offprint_autumn_eng.pdf (accessed 28/8/12).

[181] J. Perlez (1995), "Conflict in the Balkans; The Serbian Refugees; Serbs Become Latest Victims in Changing Fortunes of War", *The New York Times*, 7 Aug., http://www.nytimes.com/1995/08/07/world/conflict-balkans-serbian-refugees-serbs-become-latest-victims-changing-fortunes.html (accessed 28/8/12).

[182] C.R. Whitney (1994), "NATO Keeps Bosnia Arms Blockade as U.S. Drops Role", *The New York Times*, 16 Nov., http://www.nytimes.com/1994/11/16/world/nato-keeps-bosnia-arms-blockade-as-us-drops-role.html (accessed 28/8/12); and D. Jehl (1995), "U.S. Looks Away as Iran Arms Bosnia", *The New York Times*, 15 Apr., http://www.nytimes.com/1995/04/15/world/us-looks-away-as-iran-arms-bosnia.html (accessed 28/8/12).

Bosnian Muslims, and the Bosnian Muslim, Bosnian Croat and the Croatian government forces cooperated in an offensive against the Bosnian Serbs in September and succeeded in regaining most of western Bosnia. By late September, even the main Bosnian Serb city Banja Luka was on the verge of falling to the Muslim-Croat forces. The map on the ground was now looking like what it was suggested in the Contact Group map, which envisaged 51% of the Bosnian territory for the Muslim-Croat federation and the remaining 49% under the Bosnian Serb entity (Holbrooke 1998, 167-8).

After the visit by Lake to the European capitals, Richard Holbrooke, who was the Assistant Secretary of State, was put in charge of Bosnia mediation efforts. Holbrooke and his Bosnia team's first trip to Sarajevo, in August, ended with a deadly road accident. Three members of the American diplomatic team died in the accident, including Robert Frasure who held talks with Milosevic in May.[183] Frasure's bilateral negotiations with Milosevic, which was part of a failed Contact Group initiative, were an early manifestation of the American policy of not directly dealing with the Bosnian Serbs. This policy would be maintained by Holbrooke and was not objected by Milosevic. It was an implicit alliance of the US and Milosevic against the intransigent kin group leadership. In Geneva, on 8 September, the first round of American shuttle diplomacy culminated in a principles agreement, Bosnia would remain as an independent country with its current international borders. The Contact Group map would be the basis for territorial adjustments; and the country would consist of two entities: "the Federation of Bosnia and Herzegovina as established by the Washington Agreements and the Republika Srpska (RS)".[184] Earlier on the day of signing, however, the Bosnian Muslims and the Bosnian Serbs raised last-minute problems with pre-agreed text, but both were eventually pressured into agreement. The US mediator Holbrooke (1998, 138-9) recounts that he told Sacirbey, the Bosnian Muslim Foreign Minister, in certain terms that the US would hold him responsible if he insisted on demanding to modify the text to include a reference saying his government would retain the name "Republic of Bosnia-Herzegovina". At the signing ceremony the Bosnian Serbs delegation's leader Koljevic protested the proceedings arguing that they should have direct representation in the negotiations table. This

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[183] L. Silber (1995), "Deal with Milosevic to Recognize Bosnia Stalls over Sanctions Issue", *The Los Angeles Times*, 24 May, http://articles.latimes.com/1995-05-24/news/mn-5499_1_robert-frasure (accessed 28/8/12).
[184] UN Security Council (1995), "Letter dated 8 September 1995 from the representatives of France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General – (1995/S/780)", 8 Sept., Article 2 of Annex 2, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N95/273/20/PDF/N9527320.pdf (accessed 28/8/12).

led Holbrooke to remind the Bosnian Serbs that in the negotiations framework their interests were now represented by a six-member joint delegation headed by Milosevic, who had the ultimate authority in cases of disagreement.[185] Holbrooke (1998, 139-40) went on to threaten the Bosnian Serbs that they could leave the negotiations but that would result in a situation that they have no involvement at all in the negotiations. The US diplomat's coercive tactics worked and the agreement was signed by the foreign ministers of the Bosnian government (which was de facto Muslim controlled), the Republic of Croatia, and the Federal Republic of Croatia. In other words, the Bosnian Serbs were subdued through an implicit collaboration between Milosevic and US diplomacy.

The second and much more significant diplomatic breakthrough came with the agreement in New York on 26 September. The "New York Principles" were also negotiated and signed by the three foreign ministers, and also there was another last-minute drama: the Bosnian Muslims were demanding a direct elections clause for presidential elections in the agreed text. This led the Americans to issue another ultimatum to Sarajevo that they either accept the agreement, or would publicly be denounced for their stubbornness leading to the failure (Holbrooke 1998, 180-83). And the result was no different: faced with the choice of losing their biggest and most important ally, the Bosnian Muslims dropped their last minute demand. With the New York Principles, the main parameters of political settlement were elaborated: there would be a power-sharing executive and guaranteed ethnic representation in the national parliament.[186] The agreement also described how "vital interests" of each group would be protected at executive and legislative bodies, mostly through some ethnic vetoes which were, though disguised and indirect, were effectively embedded in the decision-making mechanisms.[187] The Geneva and New York Agreements, however, were:

> … only initial steps. Alone they could not assure a lasting peace. But they did bring the parties closer together, and the US hoped that each side would view them as a reason to engage in further negotiations, possibly at an international conference. Holbrooke

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[185] This was thanks to the so-called "Patriarch Paper", which was named as such since it was done in presence of the Serb-Orthodox Patriarch. The representation of the Bosnian Serbs by Milosevic, according to Holbrooke (1998, 106), was a result of the fact that the U.S. refused to negotiate directly with the Bosnian Serbs.

[186] "Conflict in the Balkans; The Agreement; A Framework for Bosnia: Text of an Accord by Three Governments", *The New York Times*, 27 Sep. 1995. http://www.nytimes.com/1995/09/27/world/conflict-balkans-agreement-framework-for-bosnia-text-accord-three-governments.html (accessed 28/8/12).

[187] These principles would be maintained at the Dayton Agreement.

planned to return the region in two days, hoping to begin to lay the groundwork for the final stage of the negotiations.[188]

On the battleground, by 2 October, the progress of the Muslim-Croat alliance was halted and the Bosnian Serbs were on a counter offensive recovering the lands they lost in the previous month.[189] The Holbrooke team was aware of this development and considered it as the best time to push for a ceasefire along with setting a date and venue for all-out-negotiations (Holbrooke 1998, 185-200). On 5 October, the Americans achieved an agreement on both of their objectives: a ceasefire would be coming into effect in the next five days and this would be followed by tripartite negotiations, which were set to take place in November in the United States.

5.8. Negotiations at Dayton: A Settlement through Coercive Diplomacy

The tripartite negotiations took place at Wright- Patterson Air Force Base in November 1995 in Dayton, Ohio. Officially, the ICFY's new Co-Chairman Carl Bildt was one of the two Co-Chairmen of the Dayton Peace Conference along with American representative Richard Holbrooke and Russian representative Igor Ivanov, and there were also representatives of the Contact Group countries at Dayton. However, Bildt, Ivanov and the other Contact Group representatives' had no clear role during the negotiation as the American controlled and managed the negotiations.[190] But this was not necessarily due to the facts that the Americans were the hosts and main force behind the recent initiative. It was also because the EU representatives were unable to coordinate a common negotiation position and Bildt was being undermined as the EU's collective representative, and Russian involvement in the negotiations was also limited (Bildt 1998, 124-125; Holbrooke 1998, 241-242; 311).[191] As the chief British representative at Dayton, Pauline Neville-Jones (1996, 48) put it, the Europeans "… were informed but not consulted, and their primary role was to assist so far as needed, witness and ratify the outcome. But they were not to interfere." The negotiations were expected to last two weeks, but in the event they lasted three weeks, and the agreement could only be reached when the Americans were actually getting prepared to announce that the talks failed.

The parties agreed to three principles in advance of the talks regarding the procedure at Dayton, and in effect these principles put the Americans firmly in control of the process. Those

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[188] The US Department of State (1997), op. cit., p.132.
[189] The US Department of State (1997), op. cit., p.143.
[190] The US Department of State (1997), op. cit., p.187.
[191] The account of the Dayton negotiations in this section is mostly based on the written accounts of the process by some of its participants: Carl Bildt (1998, 120-161); Holbrooke (1998, 231-312); and the US Department of State's (1997) Dayton History Project, pp.180-251.

principles were: the three presidents would have the full authority to sign an agreement, without any further consultation with their parliaments; they would stay in the process as long as needed without threatening to walk out; and they would not be talking to the press during the media or outsider while there (Holbrooke 1998, 199-200). During their stay in the Air Base, the parties mostly held proximity talks through American mediators, but towards the end of the process there were more direct negotiations between the parties. Initially, the American mediators focused on two relatively more attainable tasks: an agreement on Eastern Slavonia (an area of Croatia still controlled the by Croatian Serbs) and an agreement on the Muslim-Croat federation, which was yet an entity which existed more on paper than in reality. The first issue concerned the Croatian government most; in fact, establishing Croatian control over Eastern Slavonia was the sole priority of the Croatian President Franjo Tudjman during the negotiations (Holbrooke 1998, 238). Tudjman was the undisputed overlord of the Bosnian Croats as the leader of their kin-state and played a major, though indirect, role in Bosnian Muslim- Bosnian Croat negotiations at Dayton over the federation as well.[192] On 10 November the first success of the process was declared: a new federation agreement, between the Bosnian Muslims and the Bosnian Croats, was reached. And a day later, on 11 November, the Eastern Slavonia issue was settled when Milosevic and Tudjman agreed on a one-year, once renewable, transitional period under the UN administration before Eastern Slavonia reverting back to Croatian sovereignty (Ibid, 262-7).

The next week at Dayton, however, was not a particularly productive one; many secondary issues were being settled but the parties continued to fiercely argue over the map, which was by far the most contentious issue, without entering into negotiations in earnest on the issue. As noted above, some most essential political provisions for power-sharing (such as a three member presidency and national vetoes) were already agreed at the Geneva and New York Agreements, and that seems probably why drafting a power-sharing constitution for post-Dayton Bosnia did not become a major issue during the Dayton negotiations.[193] However, there was one

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[192] The Croatian President Tudjman's control over the Bosnian Serbs was efficient and undisputed. During the federation negotiation in March 1994, Tudjman was reported to have replaced Mate Boban (a Bosnian-Croat militant hardliner) as the leader of the Bosnian Croats with a much more moderate figure, Kresimir Zubak, who was attending the Dayton negotiations as the president of the Muslim-Croat federation. Source: S. Kinzer (1994c), "Croatian Leader Backs Pact by Bosnia's Muslims and Croats", *The New York Times*, 5 Mar., http://www.nytimes.com/1994/03/05/world/croatian-leader-backs-pact-by-bosnia-s-muslims-and-croats.html (accessed 28/8/12).

[193] According to Holbrooke (1998, 289), the constitution, with the exception of central bank, was agreed by 18 November; and this reference is one a few references Holbrooke makes to the constitution, which are all in passing while discussing or introducing other matters. Thus, it appears that the power-sharing

issue indirectly affecting the nature of power-sharing system envisaged: the regulation of refugees' right to vote. The Bosnian Muslims argued for the refugees' right of vote to be used back in their pre-war constituency, which would weaken the political dominance of the Bosnian Serbs in some parts of the Bosnian Serb entity (Ibid, 289-290). This issue remained unsettled until the very end of the Dayton conference. It was eventually resolved by a mutual compromise: the refugees would be able to vote back in their pre-war constituency or could seek to vote in another part of the country (Ibid, 309).

The main issue that remained as contentious throughout the conference was "the map". Although the percentages were agreed by the parties before Dayton, drawing the inter-entity boundary line between the two Bosnian entities was a very complex issue, often leading to lengthy, cyclic and unproductive discussions on importance of a certain location to one or another party. During third weekend of the conference, Holbrooke sought to influence the parties by making it explicit that the Americans were considering closing down the conference if the parties did not show more determination and be flexible about their positions.[194] Milosevic then began gradually agreeing to the most crucial Muslims demands, which included leaving Sarajevo under the Muslim-Croat federation and establishing a land corridor between the federation and Goražde, a Muslim enclave in eastern Bosnia. This was most probably due to Milosevic's determination to make a deal at Dayton, which was definitely further galvanised by Holbrooke's reminder to Milosevic that the only way Milosevic could achieve lifting of the sanctions on his country, which required US assent at the U.N. Security Council, was having an agreement at Dayton (Ibid, 280). Meanwhile, the Bosnian Serbs, in Holbrooke's terminology, were "nonpersons" at the negotiations, often their delegation was simply ignored by Milosevic who conducted the negotiations on their behalf (Ibid, 256).

The Bosnian Muslims, on the other hand, were harder to handle for the Americans during the negotiations, not least because there was infighting within their delegation.[195] They were also the party with the hardest choices to make. They were the largest ethnic group but were expected to formally concede many areas of Bosnia which had pre-war Bosnian Muslim majorities, which

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constitution for Bosnia as agreed in Dayton was not thoroughly negotiated but rather agreed to by the parties as it was presented to them by the U.S. mediation team.

[194] Holbrooke (1998, 289-294); and also see E. Sciolino (1995a), "U.S. Tells Leaders of Balkan States to Wind up Talks", *The New York Times*, 20 Nov., http://www.nytimes.com/1995/11/20/world/us-tells-leaders-of-balkan-states-to-wind-up-talks.html (accessed 28/8/12).

[195] Holbrooke (1998, 267; 285; 300) notes some serious instances of disagreement within the Muslim delegation, between the President Izetbegovic and Prime Minister Siladzic, mostly due to power struggle.

were now ethnically cleansed by the Bosnian Serbs. At the same time, they were going to share power with the Bosnian Croats at the Muslim-Croat federation as well as at the central state level with both the Bosnian Croats and the Bosnian Serbs. As they already agreed to power-sharing institutions at Geneva and New York, at Dayton they essentially focused their efforts on regaining as much as territory possible and hoping that extending the negotiations would lead to more pressure on the Serbs. But the Americans were not willing to extend the negotiations beyond third week.[196] On the evening of 20 November, Secretary Christopher delivered the American ultimatum to the Bosnian Muslims. The Bosnian Muslims had two choices: they were either going to accept the deal that seemed to have emerged last night or the conference would close down in the morning. The Bosnian Muslims responded that they would agree if Brcko (a strategic town linking two otherwise separate territories of the Republika Srpska) was also returned to them. In the morning the Americans, considering this last minute demand as quite unlikely to have been accepted by the Serbs, were getting prepared for their failure announcement when Milosevic proposed arbitration for Brcko as a final offer (Ibid, 305-8). And Izetbegovic at last agreed to the deal by remarking: "It is not a just peace. But my people need peace" (Ibid, 309). In short, the American pressure made the Bosnian Muslims to clarify their minds and state their final demand, which led Milosevic to make a final offer in response.

The American success at Dayton was essentially due to the coercive strategy pursued, which succeeded in turning the Dayton conference into an endgame. First, the Americans got the parties agreement to a set of principles regarding the procedure at tripartite negotiations, which essentially limited the parties' manoeuvrability. Second, the Americans repeatedly made it clear to the parties, before and during the Dayton negotiations, that there were consequences for each side if they failed to cooperate during the negotiations. Those consequences were also obvious to the parties. The Bosnian Muslims were already a recipient of US military aid, allegedly through some indirect channels, and their relationship with the US was one of vital importance. Therefore, although they pushed this relationship to its limit during the final days of the negotiations, they knew that that if the negotiations failed, their chances of achieving a better settlement, without the US backing through NATO airstrikes and military aid, would be considerably limited. The Bosnian Serbs were, meanwhile, were in trouble at two fronts at the same time: their relationship with their kin-state, and especially with its leader Milosevic, was severely strained, and they were

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[196] E. Sciolino (1995b), "U.S. Keeps Balkan Talks Alive despite Impasse on Peace Maps", *The New York Times*, 21 Nov., http://www.nytimes.com/1995/11/21/world/us-keeps-balkan-talks-alive-despite-impasse-on-peace-maps.html (accessed 28/8/12).

now also losing ground in the war due to the NATO strikes and the strengthening Croat-Muslim military alliance. In the process leading to Dayton, the Bosnian Serbs also lost their direct say in negotiations, which enabled Milosevic with more flexibly in their absence. And Milosevic himself was aware of the fact that lifting the sanctions on Yugoslavia, which was crippling the country's economy, was now only possible through a settlement in Bosnia, which the Americans often reminded to him. Finally, the Bosnian Croats were effectively controlled and manipulated by their kin-state's leader who wanted a deal in Bosnia in order not to put at risk his diplomatic victory in Eastern Slavonia, which was his top priority in Dayton negotiations.

5.9. Dayton Peace Agreement: A Thoroughly Consociational System

The DPA (officially the General Framework Agreement for Peace in Bosnia and Herzegovina), which was initialled in Dayton, was formally signed by the parties in Paris on 14 December, 1995.[197] The DPA provided that Bosnia and Herzegovina would consist of two loosely connected political entities: the Federation of Bosnia Herzegovina and the Republika Srpska (RS). The DPA elaborated a thoroughly consociational system for Bosnia and Herzegovina, and established third party supervision and enforcement mechanisms for the agreement's implementation and maintenance.

According to the DPA, a multitude of inter-ethnic power-sharing institutions exist at both constituent entity and central level political system of the country. The two constituent entities (i.e. the Federation and the RS) are granted with all residual powers not expressly assigned to the common state institutions.[198] However, in the case of the federation, which is predominately Croat and Muslim Bosniak, most entity level decision-making and powers are decentralised to a number of cantons (some predominantly Muslim, some Croat or mixed). The cantons, for example, are equipped with jurisdiction over many core government functions, such as policing, education, public housing, culture, information and broadcasting, land use, and regulation of business. In addition to the cantons, there are also municipal and federal level institutions in the federation.[199] The federation's constitution also requires that The House of Peoples of the Federation Parliament should have the same number of representatives from each constituent people.[200] Thus, the

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[197] There were also a number annexes to the General Framework Agreement, which included the Constitution for Bosnia and Herzegovina as well as the documents on the inter-entity boundary, civilian implementation of the Agreement, and military aspects of the peace settlement. All these documents are accessible via: http://www.ohr.int/dpa/default.asp?content_id=380 (accessed 28/8/12).

[198] Article III, 3(a) of the Constitution of Bosnia and Herzegovina.

[199] Section III, Article 4 of the Constitution of the Federation of Bosnia and Herzegovina.

[200] Section IV, Article 6 (1) of the Constitution of the Federation of Bosnia and Herzegovina.

political equality of the Bosnian Muslim, the Bosnian Croat and the Bosnian Serb populations of the federation are firmly enshrined in the constitution. The emphasis on the decentralized character of the federation is evident in the clause that delegates to the House of Peoples are to be elected by the Cantonal Assemblies. In other words, no direct elections are to be held for the House of Peoples, it can be argued that the House of Peoples is subordinate to cantonal administrations. The second organ of the legislature of the federation is the House of Representatives which is sharing the legislative authority with the House of Peoples. Decisions of the federation legislature require the approval of the each house so they have equal legislative authority. The constitution speaks rather less strictly regarding the national composition of the House of Representatives. It only stipulates that a minimum of four representatives of the total of ninety-eight delegates should hail from each of the three constituent peoples.[201] However, the constitution of the federation guarantees the "vital national interest" of the constituent peoples in the decision-making of the legislature. Vital national interests are, notably, the rights of constituent peoples such as their adequate representation in legislative, executive and judicial authorities, constitutional amendments, territorial organization, and organization of public authorities. The vital interest mechanism also gives ultimate authority to the Constitutional Court in deciding whether a law is of vital interest issue to any of constituent peoples. If the court decides to deem it non-vital interest issue, the law can be adopted by simple majority. The vital interest cases can be brought to the court either by one chairman or vice-chairman of the House of Peoples. The vital interests' mechanism in effect creates a disguised veto tool for the Croats and the Muslims in the federation.[202] Rather interestingly, the wording does not include the term veto but the mechanism practically constitutes a veto that is far more time consuming than a usual veto. The Republika Srpska, on the other hand, unlike its Muslim-Croat counterpart, is not cantonised. It is fundamentally a centralized state, only a few of the articles of its constitution speaks of the role of local authorities, the municipalities. The constitution of the RS only stipulates that vice presidents should be from the other constituent peoples.[203] After the "Constituent Peoples" decision of the Constitutional Court of Bosnia and Herzegovina, which stipulated that

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[201] Section IV, Article 1 of the Constitution of the Federation of Bosnia and Herzegovina.
[202] Section IV, Article 17a, 17b, 18a, 18b of the Constitution of the Federation of Bosnia and Herzegovina.
[203] Article 80 of the Constitution of Republika Srpska.

ethnic group based power-sharing should be guaranteed all over the country, the RS has adopted some power-sharing mechanisms but that still remains limited compared to the federation.[204]

At the national level, the constitution of Bosnia and Herzegovina, Annex 4 of the DPA, provides the three constituent peoples with veto powers and reserved seats at most of the Bosnian state level political institutions; the Presidency, the Constitutional Court, the House of Peoples (i.e. the upper house of the Parliamentary Assembly) and most national level commissions. Three of the four consociational principles, mutual veto, grand coalition and proportionality are thus evident at almost all levels of the political system. And the fourth principle, segmental autonomy, is provided through cantonal arrangements. At jurisdictional level, the core policy areas such as taxation and education are left to the two political entities, the Federation of Bosnia and Herzegovina and Republika Srpska, and most importantly, until 2003, even defence was one of those areas that are under the policy domain of the entities.[205] The Bosnian state institutions are responsible for foreign policy, foreign trade policy, customs policy, monetary policy, finances of the institutions and for the international obligations of Bosnia and Herzegovina, immigration, refugee, and asylum policy and regulation, international and inter entity criminal law enforcement, regulation of inter entity transportation, and air traffic control.[206]

The protection of vital interests of the three constituent peoples is also ensured through a three member presidency of the Bosnian state. The constitution provides that the presidency is composed of one Bosniak (i.e. Bosnian Muslim), one Croat elected by the people of the federation and one Serb elected by the people of the Republika Srpska. The presidency can take decisions by majority rule but it is obliged to seek consensus for all decisions. However, a dissenting member of the presidency could declare a decision against the vital interest of it entity, which triggers an ultimate vote on the decision at the National Assembly of Republika Srpska or the House of Peoples of the Federation.[207] The council of ministers of the Bosnian state is also another microcosm of the power sharing arrangements between the three constituent peoples. The presidency nominates the chair of the council of ministers and the chair nominates both ministers and deputy ministers. The constitution stipulates that no more than two-thirds of ministers can be

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[204] See International Crisis Group (2002) "Implementing Equality: The "Constituent Peoples" Decision in Bosnia and Herzegovina", *Balkans Report* no 128, 16 Apr., http://www.crisisgroup.org/~/media/Files/europe/Bosnia%2045.pdf (accessed 28/8/12).

[205] BBC News (2003), "Bosnian defence unified", 27 Sep., http://news.bbc.co.uk/1/hi/world/europe/3144570.stm (accessed 28/8/12).

[206] Article III, 1 of the Constitution of Bosnia and Herzegovina.

[207] Article V, 2 of the Constitution of Bosnia and Herzegovina.

from the territory of the Federation and the deputy ministers cannot be from the same constituent people as their ministers.[208]

Another crucial institution of the post-Dayton Bosnian power-sharing regime is the constitutional court. The court is composed of nine judges, of whom four selected by the federation's House of Representatives, and two of the others by the National Assembly of Republika Srpska. The other three judges are appointed by the President of the European Court of Human Rights (ECHR) in consultation with the Bosnian presidency.[209] The court decides by majority principle rather than consensus, which makes it the only Bosnian state level institution doing so. In sum, the DPA provided for power-sharing at all levels of government and created a thoroughly consociational system.

5.10. Implementing the DPA: Success or Failure?

The DPA did not envisage any role for the kin-states in post-Dayton Bosnia. The military implementation and enforcement of the DPA was first entrusted to a NATO led coalition of forces, and was taken over by an EU led force in 2004. The civilian enforcement of the DPA, however, still remains administered through the Office of High Representative (OHR). The High Representative's powers were detailed in Annex 10 of the DPA, though the Annex did not state what would constitute the benchmarks for implementation. This obscurity was clarified by the formation of the Peace Implementation Council (PIC)[210] in the first peace implementation conference held in December, 1995. The PIC provides political guidance to the High Representative and sets benchmarks towards full implementation of the DPA, which would end the mission of the High Representative. The PIC's 1997 Bonn session has enabled the High Representative (HR) with authority to dismiss elected and unelected Bosnian officials if they are obstructing the peace process.

Analysts of post-Dayton Bosnia point out that despite short term successes nationalist grip on power is largely unshaken and there are severe legitimacy and ownership problems resulting from the fact the settlement was agreed by the local parties under immense international pressure (Chandler 1999; Bose 2002; Belloni 2007). Richmond and Franks (2009) argues that international actors have sought to implement a conservative version of the liberal peace

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[208] Article V, 4 of the Constitution of Bosnia and Herzegovina.

[209] Article VI, 1 of the Constitution of Bosnia and Herzegovina.

[210] The PIC is mostly compromised of the Western European countries, the USA and Russia; while Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference (OIC), which is represented by Turkey, constitutes its steering board.

paradigm in their top-down efforts of post-conflict statebuilding. A major problem in post-Dayton Bosnia seems to stem from the unfinished nature of the power sharing arrangements: the DPA provided a constitutional power-sharing framework for Bosnia but did not clarify whether Bosnia would be a firmly consociational system or one evolving towards a more integrative system in the future. The system specified by the DPA was consociational; however, the three ethnic groups' perspectives on the DPA substantively differ from each other. On one hand, the Muslims (now often referred to as Bosniaks) tend to see the current arrangements as a preliminary step towards a more centralized and integrationist system. On the other hand, the Serbs and Croats seek a much more decentralized Bosnian state that would possibly enable them to seek partition in the future.[211] Since the Bosnian political actors did not share any common vision regarding the nature of power-sharing, the international actors used to play a decisive role, albeit an ambivalent one.

> In the Bosnian context international agencies have been pushing an integrative agenda into a deeply consociational system. This is precisely why, despite timid sponsorship of timid integrationist electoral devices, they have had limited success in sustaining multi-ethnic politics. Without alternating the consociational structure of BiH institutions, any positive effects of electoral engineering can occur only under the most unusual and unpredicted circumstances (Belloni 2004, 339-340).

The role of OHR in recent years, however, has been described as "light touch"[212], and the Bosnian politics have currently been deadlocked over the issue of constitutional reform.[213] Although a significant amount of progress has been made since the end of the war,[214] it still remains to be seen whether Bosnia would ultimately become a stable polity which requires no external involvement.

5.11. Conclusion

During the Bosnian war, the three ethnic groups had fundamentally conflicting political goals. The Bosnian Muslims preferred a unitary Bosnia which they could dominate, while the Bosnian Croats and the Bosnian Serbs sought to have their own states or join their kin-states. The only realistic alternative was power-sharing. However, the parties' lack of trust towards each other, now also aggravated by the war, prevented them from reaching at this alternative. This chapter has sought

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[211] S. Woehrel (2012) "Bosnia: Current Issues and U.S. Policy", *Congressional Research Service*, 29 Feb., http://www.fas.org/sgp/crs/row/R40479.pdf (accessed 28/8/12).
[212] J. Borger (2012), "Bosnian war 20 years on: peace holds but conflict continues to haunt", *The Guardian*, 4 Apr., http://www.guardian.co.uk/world/2012/apr/04/bosnian-war-20-years-on (accessed 28/8/12).
[213] International Crisis Group (2012) "Bosnia's Gordian Knot: Constitutional Reform", *Europe Briefing* no. 68, 12 Jul., http://www.crisisgroup.org/~/media/Files/europe/balkans/bosnia-herzegovina/b068-bosnias-gordian-knot-constitutional-reform.pdf (accessed 28/8/12).
[214] J. Borger (2012), op. cit.

to explain why the EC (and later EU) led collective mediation processes failed but the subsequent American led process succeeded in reaching a comprehensive settlement to the Bosnian conflict. Each collective attempt at mediation in Bosnia failed due to a different set of reasons, but there was one particular reason contributed to all these failed processes, which was the lack of collective will or resources, on part of the Europeans, to pressure the Bosnian parties. The United States' lack of a clear policy towards the Bosnian conflict also further complicated the European led efforts.

Eventually, in August 1995, the United States formulated its strategy and took the lead in the mediation of the conflict. In parallel with the developments on the battleground, which were helped by the NATO, the American mediators managed to get the parties agree on a set of main parameters for a power-sharing framework. These parameters were, in fact, many times before agreed as such by the same parties in the earlier mediation processes. One of the fundamentally different aspects of the US strategy that enabled the Americans to achieve an agreement at Dayton was the use of a wide range of coercive tactics to ripen the conflict, which included NATO air strikes, manipulation of the arms embargo and continuation of the crippling sanctions on Federal Yugoslavia. The preceding collective mediation initiatives lacked the unity and agility required to maintain such incentive and disincentive structure to influence the parties in Bosnia. Another crucial aspect of the US strategy was its implicit collaboration with the Croat and Federal Yugoslav leaders against their intransigent kin community leaderships. Thus the kin-states' involvement in the peacemaking process in Bosnia ultimately shifted from their initial quasi-mediation role to enforcement. Formally the kin-states' leaders were treated as the representatives of their kin communities in Bosnia, whilst, in practice, they took the role of enforcers who would demand compliance with the terms of the agreement. The findings of this chapter underline that kin-states' role in a conflict could be substantially altered by third parties' policy and manipulation, e.g. sanctions. Moreover, third party peacemakers and kin-states could even form implicit alliances within the context of a peacemaking intervention.

The efforts for stabilisation of the politics of Bosnia are still an on-going process, in which the international community plays a major role. The fact that the international actors involved in Bosnia are often ambivalent in their policies regarding the nature of the power-sharing institutions further complicates the precarious situation. Nevertheless, this should not delude us to believe that the DPA was not an important achievement. The DPA succeeded in its primary goal, which was ending the war, and also laid the foundations for a power-sharing regime.

CHAPTER 6

Northern Ireland: Anglo-Irish Mediation

6.1. Introduction

The Northern Ireland conflict, which was long considered among the world's most intractable conflicts, is currently regarded as a success story of Anglo-Irish cooperation. Although it cannot be said that the conflict between the Northern Ireland's nationalist and unionist communities has been resolved, observers of this deeply divided society would overwhelmingly agree that the conflict has now moved into a mostly non-violent and stable political stage as a result of the peace process that begun in the early 1990s. The substantive negotiations that began in June 1996 between the Northern Irish parties led to the achievement of the Good Friday Agreement (GFA) on 10 April 1998, and the GFA was approved in the referenda in Northern Ireland and the Irish Republic on 23 May 1998.

This chapter seeks to analyse the peacemaking interventions of the British and Irish governments in Northern Ireland in paving the way for the Northern Irish all-party talks in 1996 as well as their roles in the successful culmination of that process in 1998. The chapter initially provides a brief historical background of the conflict in order to posit the main dimensions of the conflict. The historical account particularly looks at the violent transformation of the conflict in the late 1960s and the first attempt at power sharing in 1973-1974. There is also a brief review of the literature on the GFA process. This is followed by analyses of three Anglo-Irish initiatives which collectively set out the parameters for the GFA: the 1985 Anglo-Irish Agreement; the 1993 Downing Street Declaration; and the 1995 the Framework Documents. Along with these initiatives, the origins of peace process and the emergence and evolution of the all-party negotiations process are discussed. Subsequently, the chapter focuses on the last phase of the negotiations leading to the GFA. Finally, the GFA and its implementation are assessed. The chapter concludes that peacemaking was effective when the two kin-states agreed upon and implemented a common mediation strategy. Such cooperation between kin-states is unprecedented in the mediation of power-sharing, making the GFA an attractive model which is very difficult to reproduce for other deeply divided societies.

A theoretical clarification should be made here. The status of Ireland as a kin-state to the Northern Irish nationalist community is clear, whereas the same cannot be said about the

relationship between Britain and the unionist community. As Northern Ireland is part of the United Kingdom, Britain, by definition, cannot be a kin-state to any Northern Irish community. But the British state and the unionist community's relationship in many ways resemble to one between a kin-state and its kin community. The unionists, as the term itself suggests, strongly identify themselves with Britain. However, Northern Ireland's status within the UK has always been disputed, and even a British withdrawal from Northern Ireland was occasionally contemplated by the British governments.[215] Guelke and Wright (1990, 52) claims that "[t]his is because Northern Ireland is not perceived as an integral part of the national territory, nor is the British identity of its Unionist majority accepted at face value by most people on the UK mainland. In short, the way the notion of British withdrawal is generally interpreted implies that Northern Ireland is expendable to Britain." Thus, Britain's status in Northern Ireland could rather be described as one of a "reluctant" sovereign. And the British-Unionist relationship's main similarity to a kin-state-kin-community interaction is that the latter identifies itself with the former and the former (though does not share exactly the same affinity) maintains a concern for the latter. As will be pointed out below, although Britain is a reluctant sovereign, in effect, it usually acts like a kin-state which aims to disengage itself from the conflict but not at all costs.

6.2. A Brief History of the Troubles

This section discusses main aspects of the conflict and the parties' views regarding the conflict and its settlement. The Northern Ireland conflict is no different than many other intractable conflicts in the sense that the parties to the conflict heavily disagree over the nature of the conflict and its possible resolution. The conflict's historical roots can easily be traced back to the 19th century political debate in Ireland over the question of whether Ireland should seek home rule (i.e. autonomy) or maintain the union with Britain, or even back to the 16th century when many English and Scottish settlers arrived on the island. However, it is widely accepted that the conflict's modern period began in the late 1960s with the eruption of widespread and sustained inter-communal political violence following the build-up of social unrest for many decades since the

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[215] At least a few British governments are reported to have contemplated withdrawal (Guelke and Wright 1990; FitzGerald 2006). According to some recently released papers by the National Archives, the Thatcher government considered the withdrawal as an option during the 1981 IRA hunger strike in the Maze prison. Source: O. Bowcott (2011), "Thatcher cabinet 'wobbled' over IRA hunger strikers", *The Guardian*, 30 Dec., http://www.guardian.co.uk/uk/2011/dec/30/thatcher-cabinet-hunger-strike-national-archives (accessed 9/9/12).

formation of Northern Ireland as a political entity in 1921. This modern period of the conflict is often referred to as "the Troubles".[216]

Before proceeding to an analysis of the political developments since the beginnings of the Troubles to the emergence of the peace process, it is essential to discuss two questions: How did Northern Ireland, as a political entity, come into being? And what issues did divide its people? In answer to the first question, it can be said that the partition of the island of Ireland into two political entities came as a result of the Irish Independence War (also known as the Anglo-Irish War). Whilst the Irish War of Independence was going on, the Parliament of the United Kingdom passed the Government of Ireland Act 1920 and partitioned Ireland into two home rule regions, Northern Ireland and Southern Ireland. Due to intensity of the on-going war in the south the Act never took effect in southern Ireland, however, in the north a separate Northern Ireland administration with its parliament was formed by May 1921. The Irish Independence War ended with the signing of the Anglo-Irish Treaty in December 1921 and provided an opt-out clause for Northern Ireland. As expected, the Northern Ireland Parliament invoked this clause at the earliest date possible and broke up with the newly formed Irish Free State and maintained its union with Great Britain.

6.2.1. The Government of Northern Ireland and the Catholics

The obvious reason for Northern Ireland's opt-out from Irish unity was the fact that the demographics of Northern Ireland and its Protestant majority's political affiliation were significantly different than the rest of Ireland, which was overwhelmingly Catholic. Northern Ireland was constituted by six of the nine counties of the Ulster province of Ireland, which existed under the British rule, and among its six counties four were overwhelmingly Protestant, whose forefathers came from England and Scotland and settled in Ireland from 16th century onwards, and only two had Catholic majorities, who mostly had native Irish descent. In short, Northern Ireland's overall demographic composition was a majority Protestant community and a minority Catholic community.[217] The Protestant community would overwhelmingly identify with Britain and prefer

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[216] The general discussion of the main historical developments in evolution of the conflict and its actors in this section are based on the following studies: Bew (2007); Dixon (2001); Dixon and O'Kane (2011); McKittrick and McVea (2001); Tonge (2006); and the CAIN website (Conflict Archive on Internet – Conflict and Politics in Northern Ireland), which is accessible at: http://cain.ulst.ac.uk/ (accessed 9/9/12).

[217] The most recent statistics about religious composition of Northern Ireland, based on the 2001 UK census, indicate that Protestant and other Christian make up 53.13% of the Northern Irish population, while Catholics constitute 43.76 % of the population, and the rest includes adherents to other religions, philosophies, those who refused such information and those who have no religious beliefs. These statistics can be accessed via the NISRA (Northern Ireland Statistics and Research Agency) website:

the continuation of the union with Britain, while the Catholic community would regard themselves Irish and were largely in favour of Northern Ireland becoming part of the Irish state (Tonge 2006, 12-18). Politically, supporters of the former view are known as the unionists, as they want to maintain the union with Britain, and the latter's supporters are called the nationalists or, more precisely, Irish nationalists. It should be noted that not all Protestants are "unionists" and not all Catholics are "nationalists" and there is now a substantially large number of people who refuse to identify themselves with either of these two ethno-political communities.[218] The terminology of the conflict is actually more complicated: paramilitary groups undertaking violence in the name of these two ideologies (i.e. unionism and nationalism) are referred to as "loyalists" on the unionist flank and in the case of nationalism known as "republicans". Historically, most republican paramilitaries were under the banner of the Provisional IRA (Irish Republican Army); though there were some other much smaller groups as well, such as the INLA (the Irish National Liberation Army) and later in the 1990s the Continuity IRA and the Real IRA which emerged as splinter groups from the Provisional IRA. Loyalists traditionally belonged to a few major organisations: mainly, the Ulster Volunteer Force (UVF) and Ulster Defence Association (UDA)/the Ulster Freedom Fighters (UFF)[219] (Dixon and O'Kane 2011, 3-17).

In the first few years following the establishment of the Northern Ireland government in 1921, and later in 1950s, the IRA (the one preceding the Provisional IRA) opposed to the partition of the island and attacked the British Army and the Royal Ulster Constabulary (RUC), the then predominantly Protestant police force of Northern Ireland, but these IRA attacks were not sustained for long. Meanwhile, the Ulster Unionist Party (UUP), overwhelmingly supported by the Protestant community, firmly entrenched its grip on power from the late 1920s onwards and monopolised the government of Northern Ireland. The UUP would run Northern Ireland between 1921-72 and the party's dominance of the Northern Irish government would often mean discrimination against the Catholics in many respects, particularly in allocation of social housing, voting rights (as it was tied to property ownership), and public employment.[220] During this period the Catholic community were mostly introvert, though there were a few violent IRA campaigns,

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http://www.nisra.gov.uk//Census/2001%20Census%20Results/Key%20Statistics/KeyStatisticsforSuperOutputAreas.html (accessed 9/9/12).

[218] According to NILT (the Northern Ireland Life and Times Survey, 2010), 45% of the respondents identified themselves as neither Unionist nor Nationalist. In the same study, it was reported that 34% said they were Unionists and 20% said they were Nationalists, while 1% responded with "Don't know". The survey data can be accessed at: http://www.ark.ac.uk/nilt/2010/Political_Attitudes/UNINATID.html (accessed 9/9/12).

[219] The UDA used the name UFF when it wished to claim its attacks.

[220] Whyte (1983) argues that the UUP government of Northern Ireland was not directly responsible for widespread discrimination, but it rather allowed the discrimination by its local governments.

especially along the border, in 1930s and 1950s but most of the Catholics did not participate and stayed away from politics. It can be said that an overwhelming majority of the Catholics did not see the Northern Irish state as legitimate from the outset, and as they were often discriminated against by the Northern Irish state, they largely withdrew from the political scene (Tonge 2006, 18-22). Although Northern Ireland was mostly stable until the late 1960s, there were occasional outbreaks of political violence and communal divisions were festering.

6.2.2. The Violent Transformation of the Conflict

By the late 1960s, Northern Ireland was a deeply divided society with plenty of potential for political turmoil. This potential would soon turn into violence with a series of violent incidents. The initial incidents were: the attacks on the Catholics by the Ulster Volunteer Force (UVF) in 1966; the violent clashes between the Catholic protesters and the RUC forces during the October 1968 marches organised by Northern Ireland Civil Rights Association (NICRA), which was campaigning for fair access for Catholics in political, social, cultural and economic fields; and finally the Battle of Bogside, which took place in Derry/Londonderry on 12-14 August 1969 between the local nationalist community and the RUC forces. As a combined result of these violent incidents, the Northern Irish state was regarded increasingly illegitimate and repressive by most Catholics, and the IRA fighters were raising their credibility as defenders of the Catholic communities. A cycle of violence which was manipulated by radicals on both sides thus emerged in 1969 and quickly led to " … a process of intensification and polarisation sharpened identities, closed communal boundaries and made every sector of the society an arena of power struggle"(Ruane and Todd 2007, 449).

As the Belfast government's inability to impose an order became increasingly clear, especially with the Battle of Bogside, a crucial turning point came in the conflict in August 1969. The British government, upon Belfast's request, deployed the British army in Northern Ireland to restore order on 14 August 1969, which inevitably meant that the London government would become more directly involved in Northern Ireland's affairs. The nationalists initially regarded the army's deployment as a positive development as they hoped it would protect them against the violence perpetrated by loyalist paramilitaries which, they believed, was condoned and even helped by the RUC (Dixon 2001, 105-107). But, for some in the nationalist community, the deployment of the British army was yet another display of the fact that the British were the real occupying force in Northern Ireland. And within the ruling Ulster Unionist Party (UUP) political forces divided between those who were arguing for some moderate reforms for improving the

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situation of Catholics and those who wanted a tougher stance from the government and preservation of the status quo; the latter group also included the powerful ethno-religious organisation Orange Order, which was institutionally linked to the UUP (Dixon and O'Kane 2011, 27-30). As divisions between the two communities were strengthening and becoming increasingly violent, these internal debates would gain more importance and relevance. The UUP government initially tried to strike a balance by declaring its intent on reforming the Northern Irish state and also by taking tougher security measures.

At the same time, the IRA members of the Catholic community were divided over how to react in the face of increasing repression by the security forces. Within this context, Provisional IRA (which would later become known as the IRA) was founded by those who blamed the original Dublin based IRA (also known as the official IRA) of being unprepared for protection of the Catholic neighbourhoods (Moloney 2002, 74-78). The Provisional IRA argued for employment of exclusively violent means against the British and Northern Irish security forces in order to bring about a removal of Northern Ireland from the union with Britain and criticised the Official IRA of becoming more politically oriented and socialist.[221] By early 1970s, the Provisional IRA, which became the main faction and often simply referred to as the IRA, was attacking the British troops and known loyalists. In the meantime, it was becoming clear that the Northern Ireland's Unionist government was not able to deliver radical reforms and its security measures (including internment without trial) were not effective. The British government was pondering whether to end home rule in Northern Ireland and bring the province under London's direct rule.[222] In March 1972, the British government proceeded with this option and suspended the Northern Ireland government that existed since 1922. The year 1972 also saw the largest number of lives lost to the conflict which included civilians, loyalist and republican fighters and members of the British and Northern Irish security forces. The perpetrators of the violence were universal as well: the paramilitaries and the security forces were all blamed for losses of lives.[223]

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[221] For a complete list of the reasons for the split provided by the Provisional IRA's founders, see Moloney (2002, 79).

[222] For an analysis of the British policy 1969-1971, see Patterson (2008).

[223] Amongst all the occurrences of violence during the conflict, the Bloody Sunday incident, during which British troops killed 13 unarmed Catholic civil rights demonstrators, was particularly striking. First a tribunal and in 1998 a public inquiry was initiated to investigate the incident. The public inquiry's report was finally completed and published in 2010. In the wake of the report's publication, Prime Minister David Cameron, on behalf of the British government, apologised for the incident, see A. Stratton (2010) "David Cameron condemns Bloody Sunday killings and makes apology", *The Guardian*, 16 Jun., http://www.guardian.co.uk/commentisfree/2010/jun/15/david-cameron-bloody-sunday-apology (accessed 9/9/12).

6.2.3. The First Attempt at Power-sharing with Kin-state Involvement

With the introduction of the direct rule, the British government intensified its search for a political solution. The first talks between the British and IRA were secretly held in Northern Ireland and London in 1972 and failed. The Northern Ireland Office then produced a green paper titled "The Future of Northern Ireland: A Paper for Discussion", in which the British government argued for a power-sharing regime to be adopted in Northern Ireland.[224] On 8 March 1973, a referendum was held to ask people of Northern Ireland whether they were in favour of remaining part of the UK or joining the Republic of Ireland to form a united Ireland outside the UK. As the nationalist community boycotted the referendum, the result was not surprising: 98% of those who participated were in favour of maintaining the union with Britain.

Subsequent to the referendum, the British government published a white paper, Northern Ireland Constitutional Proposals, which included some concrete proposals on how power could be shared in a proposed assembly and executive branches of a future Northern Ireland government, mostly through delegation of many powers to committees which both communities would be represented.[225] The white paper also suggested the establishment of an arrangement for consultation and cooperation between Northern Ireland and the Republic of Ireland. This issue would soon become known as "the Irish dimension". The Irish dimension was, in other words, the kin-state's involvement. The British parliament then turned the bill incorporating the provisions of the white paper into law and elections to the Northern Ireland Assembly held. The composition of power-sharing executive was eventually agreed between the parties. The agreement was that there would be a multiparty coalition government of the Ulster Unionist Party (UUP), which was the main unionist party, Social Democratic and Labour Party (SDLP), which was the main nationalist party, and Alliance of Northern Ireland Party (APNI), then a moderately unionist smaller party. The main political forces in Northern Ireland were thus going to participate in the executive. However, the same could not be said about the more radical and militarised factions, such as the DUP and the loyalist and republican paramilitaries. And more worryingly, the UUP was once again divided within, though the party's leader Brian Faulkner initially succeeded in getting his party's approval for the power-sharing executive (McKrittick and McVea 2001, 98-117).

There was one more issue which the parties should negotiate: the form of relationship and cooperation between Northern Ireland and the rest of Ireland. The UUP was against establishing

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[224] The report can be accessed at: http://cain.ulst.ac.uk/hmso/nio1972.htm (accessed 9/9/12).
[225] The report is available at: http://cain.ulst.ac.uk/hmso/cmd5259.htm (accessed 9/9/12).

any political links between the north and the south. But it was a key SDLP demand that such a link was necessary. In order to deal with the issue, the British government decided to convene a conference that would be attended by the UUP, the SDLP, the APNI leaderships as well as the British and Irish governments. In December 1973, the conference convened in Sunningdale, Berkshire and negotiations between the parties and the two governments resulted in an agreement.[226] The agreement included statements from the British and Irish governments regarding the future of Northern Ireland which confirmed the status quo and made it clear that there would be a change only if a majority of the people of Northern Ireland would like so.[227] This was a very limited victory for the unionists as it fell short of declaring any intention on part of the Irish government to amend the Articles 2 and 3 of the Irish constitution, which laid claims for sovereignty over the whole island of Ireland, including Northern Ireland, for the Republic of Ireland. The Sunningdale agreement stipulated that there would be a Council of Ireland. The Council of Ireland itself would consist of two bodies: a Council of Ministers with executive and harmonising functions and would be composed of seven of the members of the Northern Ireland Executive and an equal number of ministers from the government of the Irish Republic participating and acting by unanimity, and a Consultative Assembly with advisory and review functions, which would comprise of 30 members of the Dáil Éireann (the lower house of the Irish parliament) and 30 members of the Northern Ireland Assembly.[228] The provision for Council of Ireland was largely satisfying the SDLP's insistence that there should be a form of co-sovereignty in Northern Ireland between the UK and Ireland. It was not, however, specified what areas would be under the Council of Ireland's jurisdiction.[229] The council would act only by unanimity which, in effect, provided the unionists with a veto; nevertheless, most of the unionists regarded the Council of Ireland a step towards the nationalist goal of reunifying Ireland. So why did the UUP leadership sign up for the Council of Ireland then? It is argued that the UUP leader Faulkner was pressured by the British Prime Minister Heath that the Irish dimension was the price to be paid for maintenance of the union (Kerr 2005, 46). It is also claimed that Faulkner underestimated the symbolism of the Council of Ireland (Dixon 2001, 146). The particular importance of the

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[226] "The Sunningdale Agreement (December 1973): Tripartite agreement on the Council of Ireland - the communique issued following the Sunningdale Conference", http://cain.ulst.ac.uk/events/sunningdale/agreement.htm (accessed 9/9/12).

[227] Ibid, paragraph no.5.

[228] Ibid, paragraph no.7.

[229] There was a broad list of possible areas marked for cooperation. The list included exploitation, conservation and development of natural resources and the environment public health, agriculture, co-operative ventures in trade and industry, electricity generation, tourism, roads and transport, public health, sports, culture and the arts (Ibid ,paragraph no. 8).

Sunningdale Agreement for the Irish government was that for the first time since the partition it officially became a party to the Northern Ireland conflict and acquired a role in the affairs of Northern Ireland through the proposed Council of Ireland. This was also a first in terms of kin-state involvement for peacemaking in Northern Ireland. The two states' cooperation during the conference, however, was limited with their efforts to deliver the Northern Irish parties which were respectively closest to them.

A few weeks after the signing of the agreement, the Ulster Unionist Council (the UUP's main policy body) voted to reject the Council of Ireland and Faulkner resigned as the UUP leader. Then, the anti-Sunningdale unionists won 51.1% of the valid votes and 11 of the 12 Northern Ireland seats at the Westminster elections in February 1974 by building their electoral campaign on rejection of the agreement, particularly the Council of Ireland under the banner of their election slogan "Dublin is just a Sunningdale away".[230] The elections also resulted in the Conservative Heath's government's replacement with a Labour government headed by Harold Wilson. There were some other political developments undermining Sunningdale as well. One of these was a case against Sunningdale at the Irish Supreme court, during which the Irish government argued that Sunningdale was merely a policy declaration. Consequently, the Irish government implicated the Irish constitution's territorial claim to Northern Ireland was intact (Bew 2007, 513). The Irish government also did not deliver on its proposed cooperation regarding extradition of those that committed crimes in the north. Moreover, some leading SDLP members and the Irish Prime Minister, Liam Cosgrave, in their public statements indicated that Sunningdale was a step towards a united Ireland (Dixon 2001, 146-147). These developments further strained the Faulkner unionists, who did not have anything other than some ambivalent statements from the Irish government regarding Northern Ireland's constitutional status as a unionist gain. In other words, the Irish government tried to uphold the hope of Irish unification, as exemplified by its court defence, and the Wilson government, instead of seeking cooperation of the Irish government in allaying the fears of unionists and tackling the unionist strikers, quickly moved on to exploring other policy options. The final stage unfolded in May when the Ulster Workers' Council strike paralysed political and economic life in Northern Ireland. Responding to the strikes, British Prime Minister Wilson gave a televised speech in which he referred to the strikers and their supporters as "spongers". The effect of the speech was detrimental for Sunningdale as it had a galvanising influence on the unionist community and increased their support to the strikers (Dixon

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[230] "The Sunningdale Agreement - Chronology of Main Events", http://cain.ulst.ac.uk/events/sunningdale/chron.htm (accessed 9/9/12).

2001, 153; Kerr 2005, 68). The Wilson government was not hopeful about Sunningdale's chances and therefore already considering other options, namely withdrawal or partition, among which the Prime Minister himself was in favour of withdrawal (Bew 2007, 516-518). The unionist members of the power-sharing Executive sought renegotiation of the Council of Ireland, but that failed due to opposition from the nationalists, and they collectively resigned and brought the end of the Northern Ireland's first attempt at power-sharing.

It is worth questioning whether the unionist resistance to Sunningdale was primarily due to a public or elite based reaction, as this question has implications for the feasibility of building a power-sharing regime in Northern Ireland through an elite consensus. Dixon (2001, 149-150) argues that opinion polls taken at the time indicates there was an overall majority, both among Protestants and Catholics, in favour of power-sharing; however, he also points out that a majority of Protestants were against the proposed Council of Ireland. Dixon (1997a; 1997b; 2001 151-152) contends that the organisers of the strike were non-party loyalists and politicians gave their full backing once it became clear that public support for the strike was growing, and hence the opposition to the Sunningdale Agreement was originally from the public. Kerr (2005, 58) underscores that although there was a majority of Protestants accepting power-sharing, the unionist elite's lack of will was the main obstacle to the political settlement with nationalists, not the unionist striker's resistance. Kerr (2005, 71) also claims that "[i]n terms of the political climate, the Agreement did not fail due to implementation difficulties or the strength of anti-Agreement coalition. Its collapse was the result of internal and external elite instability, which enabled the unionist intransigence, and republican and loyalist violence, to undermine the peace process". On the other hand, Clancy (2010, 38) points out that the divisions within the segments were greater in the process leading to the GFA and the Sunningdale's collapse "... can largely be attributed to the British government's failure to counterbalance the SDLP and Irish government during a time of deep constitutional instability". It is clear that Sunningdale did not sufficiently address the unionists' anxiety stemming from the Council of Ireland as its possible use for furthering a united Ireland generated an anxiety among the unionists and the Irish government's constitutional ambivalence furthered strengthened this anxiety. Sunningdale was a power-sharing deal with an exclusive nature as it lacked participation of anti-Agreement unionists, loyalists and republicans in its making process and did not envisage their re-entry either. The exclusion of the anti-power-sharing unionists, loyalist and republicans from Sunningdale negotiations was understandable; these three were all uncooperative at the time and would possibly not attend, if invited, or, if attended, would try to undermine negotiations. But Sunningdale also failed in providing any route

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for a future entry of these factions into power-sharing executive and hence enabled these three factions to fully commit themselves in undermining Sunningdale. In sum, Sunningdale was beset by mainly three problems. First, it was imbalanced as it did not address the major unionist concern. Second, its power-sharing executive was not inclusive in its composition and also quickly lost its majority support from the unionist community and hence became unrepresentative. Third, the Anglo-Irish support for power-sharing was, at best, ambivalent as both British and Irish governments faltered in their support for the agreement. The British government's pressure over the UUP leadership was the prime catalyst of the agreement reached at Sunningdale and continuation of that involvement was essential for survival of the power-sharing regime. However, the new British government was not willing to prop up Sunningdale by using force to stop strikers taking control of the streets and halting the economy, while the Irish government was not helpful in clarifying the ambiguity regarding Northern Ireland's constitutional status and did not deliver on extradition. The Anglo-Irish cooperation over Northern Ireland was not fully developed yet.

6.3. Explaining the Good Friday Agreement

This section briefly reviews the existing literature on the GFA. There is an extensive literature on the Northern Ireland conflict. The peace process, the official negotiations and the GFA institutions have all been studied by legions of scholars. Therefore, the review is by no means exhaustive, given the vastness of the literature, but it identifies and discusses the main strands of the literature explaining the achievement of the GFA.

A military stalemate between the IRA and the British army is often stressed as one of the main factors leading to the GFA. It has been argued that the republicans' inability to achieve their goal at the military level led them to call a ceasefire and seek a negotiated settlement (Neumann 2003; English 2003; Alonso 2006). Another strand of the literature puts the emphasis on ideological change and points out that by the early 1990s most of the Northern Irish political parties, including Sinn Féin, were in the process of adopting new political discourses and embracing concepts like pluralism, recognition and equality (Coakley ed. 2002; Bourke 2003; Ruane 2004). The activities of civil society and other social organisations aiming to help the public see beyond the divide is also underlined as an important factor compelling politicians to negotiate a settlement (Hargie and Dickson eds. 2003; Guelke 2003; Todd 2006). Another major strand of the literature sees Anglo-Irish intergovernmental cooperation, in particular a common strategy of conflict management pursued by the two governments, as critical to the success of the peace process (Ruanne and Todd 1999; Wolff 2001). Kerr (2005, 110) sums up this argument succinctly:

The consolidation of Anglo-Irish intergovernmental interests and structures, fortified by a synchronisation of efforts from London and Dublin in regulating the conflict, led directly to the materialisation of a unity of purpose that, by the mid-1990s, had become the driving force behind the peace process.

Tannam (2001) notes that British and Irish policymakers' cooperation involved a learning process as there has been evidence of policy adaptation, critical reassessment and evaluation over the years. The role of the international mediators involved in the all-party talks is also assessed (Curran and Sebenius 2003). But although there are often references to the two governments' deep involvement in the GFA negotiations process and their engagements with the local parties, the role of the two governments has not been regarded as peacemaking. The fact that two governments are also directly or indirectly parties to the conflict seems to have led analysts to this omission. The following analysis concurs that the driving force behind the process was Anglo-Irish intergovernmental cooperation. However, it also suggests that the two governments were in effect engaged in mediation of the conflict, and it seeks to assess mediation of the two governments by focusing on their kin-state(s) level interaction as well as their interactions with the local actors and the international mediators.

6.4. The Rebirth of Anglo-Irish Cooperation and the Origins of the Peace Process

The next phase of Anglo-Irish cooperation towards a political settlement in Northern Ireland began with the establishment of the Anglo-Irish Intergovernmental Council in 1981. However, this was only a forum where two governments could meet and it took four years to further develop this into a mechanism of conflict management and cooperation.[231] The framework of cooperation and its mechanisms were later set out in an international treaty. The international treaty, the Anglo-Irish Agreement (AIA), was signed between the British Prime Minister Margaret Thatcher and the Irish Taoiseach Garrett FitzGerald on 15 November 1985. The AIA was an important step in terms of proving both governments' determination to work together for a power-sharing solution in Northern Ireland, regardless of local opposition.

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[231] In the late 1970s, the British pursued a security-focused policy and also toyed with the idea of full scale integration of Northern Ireland into the UK (Hennessey 2000, 26). In the early 1980s, a rolling devolution model, which predicated on the idea of a Northern Irish Assembly which would gradually get more powers, depending on the level of cross-community cooperation, was introduced, but failed as it was opposed by most of the Northern Irish political parties. Source: "Northern Ireland Assembly (November 1982 to June 1986) - Summary of Main Events", http://cain.ulst.ac.uk/events/assembly1982/summary.htm (accessed 9/9/12).

The immediate reasoning for the agreement was pragmatic, as the two governments agreed that something had to be done in the face of increasing IRA popularity. By the mid-1980s, the IRA's political wing Sinn Féin (SF) was participating in elections, both in north and south, and in the north it had been closing the gap between the leading nationalist party SDLP.[232] The Irish Taoiseach Fitzgerald was totally aware of the situation, as he later explained: "I had come to the conclusion that I must now give priority to heading off the growth of support for the IRA in Northern Ireland by seeking a new understanding with the British Government, even at the expense of my cherished, but for the time being at least clearly unachievable, objective of seeking a solution through negotiations with the Unionists" (FitzGerald 1991, 410). The British concern, on the other hand, was mainly security driven, as the Prime Minister Thatcher noted: "I started from the need for greater security, which was imperative. If this meant making limited political concession to the South, much as I disliked this kind of bargaining, I had to contemplate it" (Thatcher 1993, 385).[233]

The Anglo-Irish Agreement (AIA) tried to tackle the constitutional aspects of the conflict by reaffirming that any change in the constitutional status of Northern Ireland would only happen with the consent of a majority of the people of Northern Ireland. The AIA noted that there was not such a majority at the time; however, if there would be such a majority in favour of a united Ireland, the two governments declared that they would undertake necessary legislation, in their respective parliaments, to bring that into effect.[234] As such the principle of consent for a possible Irish unification was enshrined as an international legal obligation for the two governments. The AIA was also a particularly significant development in the sense that the Irish government achieved a permanent role, though advisory, in administration of Northern Ireland through its participation at the Intergovernmental Conference in which it would represent the interests of the nationalist community, and this would happen regardless of the local opposition.[235] The AIA's stipulation that the intergovernmental conference would assume its responsibilities in the case of impossibility of devolution with widespread acceptance - i.e. power-sharing government- was

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[232] Sinn Féin and the IRA have always denied that there are any organic clinks between them and maintained that they are completely independent organisations; however, those who studied both organisations argue that Sinn Féin is the IRA's de facto political wing (Moloney 2002, 79; Dixon 2001, 38-39; Tonge 2006, 103-104).

[233] Bew (2007, 533) argues that Thatcher's support to the agreement was also due to pressure by US President Reagan.

[234] The Anglo-Irish Agreement (1985), Article 1, http://cain.ulst.ac.uk/events/aia/aiadoc.htm (accessed 9/9/12).

[235] Ibid, Article 17c.

intended to induce unionists into a power-sharing deal. But the main unionist parties, the UUP and the DUP, and Sinn Féin, the republican party, were quick to denounce the agreement (O'Leary and McGarry 1996, 222). The SDLP leader Hume, who was involved in the making of the Anglo-Irish Agreement through his close relationship with the Irish government, expected that in the aftermath of the AIA the unionists would negotiate a power-sharing agreement with them by the end of 1986. Meanwhile, the British government hoped that Sinn Féin's electoral support would collapse and the security situation would improve with increasing cooperation of the Irish authorities. All of these expectations failed to materialise: the unionists were angry at the SDLP's role in the agreement and protested heavily, while the SF's votes declined only slightly in 1987 general election, from 11.8% to 11.4%, and the security gains from the agreement from the agreement soon proved to be overestimated, as the IRA received massive shipments of weaponry from Libya (Bew 2007, 534-535).

Although the AIA failed to bring about an immediate breakthrough or providing a push for starting power-sharing negotiation between the Northern Irish parties, it can be said that the AIA set out the framework for the eventual settlement. The GFA, after all, would be a confirmation of the consent principle and the role of the Irish Republic in the affairs of Northern Ireland. However, the agreement's short term results were limited, as all the unionist parties opposed to it and demanded its abolition for entering into any negotiations. The unionists tried to tackle the AIA the way they dealt with the Sunningdale, through strikes and political protests, and stepped up their campaign by resigning as MPs at Westminster (Owen 1994). But the unionist campaign against the AIA failed to bring down the agreement, as the British and Irish governments were already expectant of their actions and the Anglo-Irish cooperation as set out by the AIA did not depend on unionist cooperation to function and instead it was designed to endure lack of such cooperation. However, by refusing to participate in any negotiations for power-sharing while the AIA remained in force, the unionists blocked the AIA's ultimate goal of pushing unionists to enter into negotiations with nationalists for power-sharing. Among nationalists the initial widespread support for the AIA waned, as the Anglo-Irish intergovernmental conference did not deliver rapid reforms in Northern Ireland, and much nationalist support for the AIA started originating from the fact that it was opposed by unionists (O'Leary and McGarry 1996, 250-260). The AIA thus succeeded in showing the capability of the two governments to sustain their cooperation against unionist opposition and it marked: "… the abandonment of attempts to achieve consociation through voluntary means. It was, in part, a new experiment in coercive consociationalism" (O'Leary 1989, 580). The AIA's immediate effect, though, was creation of a stalemate, as the

unionist parties refused to enter in any negotiations while the treaty is in force and the nationalists ruled out such possibility. The sustenance of Anglo-Irish cooperation, despite bitter unionist opposition, would eventually lead a moderation in unionist opposition to negotiations. The political stalemate that followed the AIA would be overcome through 1988-1991 "talks about talks", which were held between the local parties and the British Northern Ireland Secretary, and the parties would agree to hold full-fledged negotiations.

The full-fledged negotiations would start in April 1991, when the unionist opposition to the AIA was circumvented when there was a six week period with no Anglo-Irish Intergovernmental Conference sessions planned. The Brooke-Mayhew talks were the first negotiations with participation of almost all of the major political actors in the conflict. The talks involved the British and Irish governments and four of Northern Ireland's main political parties - the Ulster Unionist Party (UUP), the Democratic Unionist Party (DUP), the Social Democratic and Labour Party (SDLP), and the Alliance Party of Northern Ireland (APNI). The sole major non-participant was the SF, which was not invited, as IRA attacks were going on. The Brooke-Mayhew talks lasted until November 1992 and ended without any substantive results mainly due to disagreements between the unionist and nationalist representatives regarding North-South relationships (O'Leary and McGarry 1996, 227-8). Main legacy of these talks was that the parties agreed on a three strand framework for negotiations of substantial issues. This three strand framework, which would remain as basis in future negotiations, divided negotiations into three: strand one negotiations for relationships between the parties within Northern Ireland; strand two negotiations for relations between North and South; and strand three negotiations for relations between London and Dublin. Also, it became clear during these talks that the unionists were conceding in principle both power-sharing and an Irish dimension, which meant increasing flexibility of the unionist position (Bew 2007, 539). Although the negotiations ultimately failed in producing any agreement on substance, a format for future negotiations and some convergences between the parties emerged.

There were some other crucial developments in the second half of the 1980s and the early 1990s that also paved the way for the peace process. By the late 1980s, the republican leadership, and particularly IRA's political wing led by Sinn Féin's Gerry Adams and his faction, realised that the prospects for the IRA's strategy which rested on carefully planning and mounting a massive attack against the British security forces in Northern Ireland that would force a British withdrawal were getting low; the British were getting better at foiling the IRA attacks and preparations for the

massive attack.[236] In other words, a military stalemate between the IRA and the British was largely in place by 1989, which would be confirmed by the Northern Ireland Secretary Brooke in a newspaper interview (Moloney 2002, 247). Another major development during this period was the establishment of a secret communication channel between The SF leader Adams and the British authorities through Father Alec Reid (Ibid, 247-260). According to Moloney (2002, 253-254) the basic three principles (all-party negotiations, an IRA ceasefire, and adherence to the peaceful consent) of the peace process that culminated in the Good Friday Agreement was already put forward to Adams by the British in their correspondence dating as back as 1986-7. Also, there were parallel contacts between Adams and the SDLP leader Hume aiming to forge a common nationalist front that would convince the republicans to halt their military campaign (Ibid, 277-282). It can be said that the Adams faction was getting prepared for a deeper involvement in politics, instead of further pursuing the IRA's military strategy.

On 28 November 1993, the *Observer* newspaper disclosed the secret contacts with Sinn Féin (as an intermediary for IRA) and the British officials (Bew 2007, 541). And in the same year contacts between the SF leader Adams and SDLP leader Hume led to issuance of a series public of statements which were short on content but indicative of the ideological rapprochement between the SDLP and the SF.[237] During the 1980s, the SF's radicalism and increasing popularity was often pushing the SDLP, for electoral reasons, to lean towards articulating Anglo-Irish co-sovereignty as a solution instead of internal power-sharing, but as the SF toned downed its radicalism and a Sinn Féin-SDLP dialogue developed, the SDLP was more able to stick to consociational power-sharing as its position (Morisi 2006). By the early 1990s, there was also a secret communication channel established between the SF and the Irish authorities (Kerr 2005, 79). All these communication channels and efforts were aiming to convince the IRA that the British were neutral with respect to the question of Irish unification and IRA should abandon its armed campaign and seek its goal through constitutional politics. There were also efforts aiming at getting the loyalists on board as well. The loyalist politicisation process was essentially different than the one undertaken with the republicans. The loyalist paramilitaries were not a threat to the mainstream unionism because

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[236] A notable British blow to the IRA's strategy was the interception of a huge arms shipment (sponsored by Libya) to the IRA, while on its way to Ireland in November 1987 by the French Navy, which was tipped by the British intelligence that infiltrated into the IRA. The interception and subsequent operations that exposed IRA's plans would kill off IRA's capabilities for a massive offensive and push it into a military stalemate with the British (Moloney 2002, 33).

[237] For an analysis of the Adams-Hume talks, and particularly its effect on the Republican thinking, see Hennessey (2000, 75-79). The "Hume-Adams Statements" can be accessed at: http://www.sinnfein.ie/humes-adams-statements (accessed 9/9/12).

their youthful leadership had little interest in politics and also they were successfully stepping up their military campaign. Nevertheless, communication channels between them and the British and Irish governments were also established (Kerr 2005, 80). In short, the two states succeeded in establishing contacts with all of the main factions and parties, which would prove essential in managing the negotiations ahead.

On 15 December 1993, the British Prime Minister John Major and the Irish Taoiseach Albert Reynolds issued a joint declaration titled "Joint Declaration on Peace", also known as the Downing Street Declaration (DSD). The DSD was the product of a period of negotiations between the British and Irish governments and the two governments were forming their negotiations positions taking into account communications they received through the channels mentioned above. There was also a dialogue between the UUP leadership and the British Prime Minister, which succeeded in keeping the UUP unionists on board (Kerr 2005, 81). There were two major innovations in the DSD. First, the document tried to strike a balance between the main demands of the unionists and the nationalists: "The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish"[238]. The unionists were reassured that an Irish unification would only come about if there's a majority supporting it in Northern Ireland, while the nationalists were assured that the British government would be neutral with respect to Irish reunification. The DSD also clarified that all parties with an established commitment to exclusively peaceful methods would be able to join the peace process.[239]

The DSD was the first document in the peace process that all major factions, except the DUP, would eventually accept or acquiesce. The UUP and the main loyalist paramilitary groups, the UVF and the UDA, would acquiesce into the declaration by neither formally accepting nor rejecting it. The UUP leader Molyneaux would argue that the DSD was not a sell-out of the union. The nationalist leadership of the SDLP would welcome the declaration, and the SF would demand clarifications from the British government (Dixon 2001, 240-241). The British government, through a communication channel maintained by the Irish Taoiseach Reynolds, offered some explanations regarding the DSD to the republicans, and the republican movement entered into a period of intra-

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[238] "Joint Declaration on Peace: The Downing Street Declaration, Wednesday 15 December 1993", paragraph no.4, http://cain.ulst.ac.uk/events/peace/docs/dsd151293.htm (accessed 9/9/12).
[239] Ibid, paragraph no.10.

republican debate over an IRA cease-fire. The Adams faction won the intra-republican debate and the IRA's declaration of ceasefire came on 31 August 1994 (Moloney 2002, 392-427). The IRA ceasefire was the first in twenty years and was followed by a loyalist declaration of ceasefire on 13 October 1994.[240] In retrospect, it can be said that these ceasefire declarations marked the beginning of the end of the Troubles. Meanwhile, with the election of Bill Clinton as the US president the US government was also interested in playing a role in Northern Ireland (O'Dowd 2007). The first major indication of this was the US visa granted to Adams, despite British objections, which helped Adams strengthen his political standing within the republican camp and also symbolised his wider acceptance at international level.[241]

6.5. Deepening Anglo-Irish Cooperation: The Framework Documents, the Decommissioning Issue and the All-party Negotiations

The peace process's origins, as argued above, can be traced back to the late 1980s, however, it only became clear with the IRA's ceasefire declaration that the process was entering a critical stage which could either end with a peace settlement or a failure which would definitely wreck prospects for peace in the near future. The British government initially reacted with hesitation, as it questioned the permanence of the IRA ceasefire, but it later came to accept the ceasefire.[242] The British and Irish governments then moved on to negotiate a common document setting out parameters of a settlement.

On 22 February 1995, the British and Irish governments issued "The Framework Documents". The Framework Documents, according to the two governments, presented "... a shared understanding between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991".[243] The

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[240] "The Loyalist Ceasefire: Combined Loyalist Military Command statement", *The Independent*, 14 Oct. 1994, http://www.independent.co.uk/news/uk/the-loyalist-ceasefire-combined-loyalist-military-command-statement-1442781.html (accessed 9/9/12).

[241] P. Cockburn and A. Murdoch (1994), "Adams is allowed 48-hour US visa: Clinton agrees visit despite dispute", *The Independent*, 31 Jan., http://www.independent.co.uk/news/uk/adams-is-allowed-48hour-us-visa-clinton-agrees-visit-despite-dispute-1410627.html (accessed 9/9/12).

[242] D. Macintyre (1994), "IRA Ceasefire: Major demands 'clear end to violence'", *The Independent,* 1 Sep., http://www.independent.co.uk/news/ira-ceasefire-major-demands-clear-end-to-violence-1445921.html (accessed 9/9/12); and S. Castle (1994), "Major 'to accept IRA ceasefire'", *The Independent*, 16 Oct., http://www.independent.co.uk/news/major-to-accept-ira-ceasefire-1443348.html (accessed 9/9/12).

[243] "A New Framework for Agreement: A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties", paragraph no.7, http://cain.ulst.ac.uk/events/peace/docs/fd22295.htm (accessed 9/9/12).

documents included an outline of all the issues at stake in all three strands and possible solutions to them. The strand one (concerning domestic arrangements within Northern Ireland) were prepared by the British government, whereas the controversial North-South arrangements, i.e. strand two, were the result of the negotiations between the two governments (Bew 2007, 545). The strand one proposals were short and generic; the political parties in Northern Ireland were expected to negotiate and substantiate them. But there was an explicit and strong emphasis on cross-community consensus as requirement for establishment and operation of the political structures of Northern Ireland.[244] In short, power-sharing between the two communities was entrenched as a principle for negotiations. The strand two proposals were much more detailed: these included a long list of areas for possible cooperation between two parts of the island and suggested the North-South bodies would have consultative, harmonising and executive functions.[245] Overall, the documents sought to convince the nationalists and republicans that a settlement would be a further step towards Irish unity, while once again assuring the unionists that Irish unity would only come about if there is a Northern Irish majority in favour of it.

The republicans received the Framework Documents with content but grew impatient when the British government insisted on decommissioning before getting all-party talks started.[246] Most of the unionists immediately raised substantial concerns about the documents, particularly opposing the suggestions for all-Ireland bodies. However, unionists later toned down their opposition and argued for making decommissioning of paramilitary arms a precondition for beginning all-party negotiations.[247] Meanwhile, Prime Minister Major's increasing lack of control over the parliamentary Tory party made him reliant upon Unionist MPs support for maintaining a majority.[248] By the end of 1995, the peace process was stalled and decommissioning of paramilitary arms became the main issue that should be tackled to further the process. The United

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[244] Ibid, paragraph no. 22.
[245] Ibid, paragraph no. 29-32.
[246] G. Moriarty (1995), "Ceasefire not irreversible, Adams warns 'slow' British", *The Irish Times*, 24 Jun.; T. Rhodes and N. Watt (1995), "Mayhew sets conditions for IRA disarmament", *The Times*, 8 Mar.; F. Millar (1995), "British remain firm on decommissioning stance", *The Irish Times,* 15 Nov.; J. Carroll (1995), "Differences over how to deal with IRA arms have dogged peace process", *The Irish Times*, 8 Dec.
[247] S. Bates (1995), "Parliament: Major wins applause from all sides in Commons amid DUP Suspect hidden border trap", *The Guardian*, 23 Feb.; S. Breen (1995), "Molyneaux claims document rethink", *The Irish Times*, 15 May; N. Cohen (1995), "Ulster Unionists reject call for talks", *The Independent*, 16 Jul.; P. Webster (1995), "Major tells Trimble he will insist the IRA hands over weapons", *The Times*, 20 Sept.
[248] M. Holland (1995), "Tory crisis could well infect peace process", *The Irish Times*, 29 Jun.; D. Shaw (1995), "Major under new threat; 'Bloodless coup plan to persuade PM to go' ", *London Evening Standard*, 18 Jan.; C. Brown (1996), "Unionists offer lifeline to Major", *The Independent*, 1 Jan., http://www.independent.co.uk/news/unionists-offer-lifeline-to-major-1321915.html (accessed 9/9/12).

States official entry into the peace process came at this critical juncture, the Clinton administration was very interested in playing a major role in the peace process and the decommissioning stalemate provided them with an opportunity. President Clinton pushed for establishment of an international commission to tackle the decommissioning issue.[249] The commission would be headed by the former US Senator George Mitchell and also include a Canadian and a Finn, respectively chosen by the British and Irish governments.[250] President Clinton further underlined his interest and willingness to influence the process by visiting Northern Ireland in December 1995.[251]

After a series of meetings with the parties, governments, and leaders of many segments of the Northern Irish society, the international commission delivered its report on decommissioning in January 1996 and argued for parallel decommissioning, i.e. decommissioning during talks.[252] The report's recommendation was a compromise between the prior decommissioning, demanded by the unionists and the British government, and the republican and nationalist calls for starting the talks without any preconditions. It was suggested that an international commission should be established to oversee decommissioning process. The international commission's report also proposed a set of principles that the parties should affirm to participate in negotiations:

> a. To democratic and exclusively peaceful means of resolving political issues; b. To the total disarmament of all paramilitary organisations; c. To agree that such disarmament must be verifiable to the satisfaction of an independent commission; d. To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations; e. To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and, f. To urge that 'punishment' killings and beatings stop and to take effective steps to prevent such actions.[253]

The "Mitchell Principles" were essentially aimed at addressing unionists concerns in the absence of prior decommissioning. Although the British government was not happy with the

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[249] Clinton's efforts were coordinated by his National Security Adviser Tony Lake and, as the Irish had always strived for internationalisation of the conflict and the US's involvement, the efforts were focused on getting the British consent to the American plan. Source: C. O'Clery (1995), "Lake visit to finalise new arms proposal", *The Irish Times*, 16 Oct., and Mitchell (1999, 25-26).

[250] The British chose John de Chastelain, who was about to retire as the chief of Canadian Defence Forces General, and the Irish picked former Finnish Prime Minister Harri Holkeri.

[251] G. Kennedy (1995), "Clinton pledges US will be a partner for peace", *The Irish Times*, 2 Dec.

[252] "Report of the International Body on Arms Decommissioning (22 January 1996)", paragraph no. 20, http://www.nio.gov.uk/iicd_report_22jan96.pdf (accessed 9/9/12).

[253] Ibid, paragraph no. 20.

report's dismissal of prior decommissioning, the Prime Minister Major's public reaction to the report aimed to deflect attention from decommissioning issue and instead focused on one of the report's minor suggestions, regarding holding elections in Northern Ireland specifically for designation of parties that would take part in all –party negotiations (Mitchell 1999, 40-41). The unionists had been demanding such elections, so the British government decision was a partial compromise to them as well. In sum, everything seemed to be on track for starting all-party negotiations following an election in Northern Ireland.

The IRA, however, could not hold on its fire any longer and an IRA bomb went off in London on 9 February 1996, which marked the end of an 18 month ceasefire.[254] A few weeks after the IRA bombing, the British and Irish government held a meeting in London and declared 10 June as the date for starting all-party negotiations. It is also agreed that the SF would be excluded from these negotiations, unless the IRA reinstated its ceasefire.[255] The election for Northern Ireland Forum took place in May and, thanks to the electoral regime adopted for the occasion, the result was very inclusive: ten parties got into the Forum, including the small loyalist parties.[256] The Forum was an ad hoc assembly for wider debate between the Northern Irish political parties. The parties were required to appoint a few of their members, among those elected to the Forum, as delegates to actual negotiations. In addition to such delegations from ten Northern Irish parties that got into the Forum, the British and Irish governments would also take part in the negotiations.[257] And the negotiations would be mediated by Mitchell and his two colleagues from the decommissioning body.[258] The all-party negotiations began in June. But as the IRA had not declared a ceasefire, the SF delegation was refused entry. The procedure and agenda of negotiations were agreed by October, four months after the start (Mitchell 1999, 85). But no further progress could be made as

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[254] J. Mullin et al. (1996), "IRA smash ceasefire", *The Guardian*, 10 Feb., http://www.guardian.co.uk/uk/1996/feb/10/northernireland.davidpallister (accessed 9/9/12).

[255] See the "Communique", issued following the meeting between the Taoiseach, Mr John Bruton, TD, and the British Prime Minister, Mr John Major, MP, on Wednesday, 28 February, 1996", which can be accessed at: http://cain.ulst.ac.uk/events/peace/docs/com280296.htm (accessed 9/9/12).

[256] The results were pleasing for all parties, except the UUP, SDLP and Alliance, and the main parties UUP, SDLP, DUP, Sinn Féin, Alliance respectively won 30,21,24,17,7 seats. While the remaining 11 seats were claimed by five minor parties - the two loyalist parties Ulster Democratic Party (UUP) and Progressive Unionist Party, the Northern Ireland Women's Coalition (NIWC), the United Kingdom Unionist Party (UKUP) and the Labour. See "The 1996 Forum Elections and the Peace Process" at: http://www.ark.ac.uk/elections/ff96.htm (accessed 9/9/12).

[257] The Forum quickly became a venue for the parties to publically clash with each other. But the public attention to it gradually decreased and it became insignificant for the process, especially after the SDLP quitted the Forum (Mitchell 1999, 69).

[258] A. Leathley et al. (1996), "Major and Bruton agree on format of all-party talks", *The Times*, 6 Jun.

the British general election in May 2007 approached; many delegates to the negotiations were candidates at the election.

6.6. Finalising the Negotiations Framework

The British general election brought the Labour party to power and Tony Blair became the Prime Minister. The Blair government had a huge majority at Westminster, particularly compared to the outgoing Major government which often had majority problems limiting its flexibility in Northern Ireland affairs. The Blair government was keen on getting Sinn Féin's entry into the negotiations.[259] However, this needed to be done without upsetting, or at least not losing, the unionists, especially given that the Labour party was widely regarded as less committed to the union of Northern Ireland with Great Britain. The Blair plan was twofold: only two weeks after he became Prime Minister, Blair gave a pro-Union speech in Northern Ireland in May, while a move towards inclusion of the SF into negotiations was also afoot behind the scenes.[260] After some contacts with the SF representatives and the government officials, it emerged that an IRA ceasefire could be achieved if the SF leadership were convinced that they would be quickly allowed to enter into all-party negotiations and a deadline for the conclusion of talks were set (Powell 2008, 13-14). Consequently, Blair called on the SF to bring about a ceasefire in order to enter the process and announced a deadline for the talks. In his speech to the Commons declaring this policy, Blair noted: "The settlement train is leaving, with or without Sinn Fein. If it wants to join it is absolutely clear what it has to do. … I can announce for the first time a clear timetable. The substantive talks should start in early September at the latest. In my view, they should conclude by next May at the latest, when the legislative basis for the talks expires. That is an ambitious target, but I have no doubt that it is achievable if all concerned put their minds to it."[261]

The Blair plan worked and the IRA renewed its ceasefire in July, which paved the way for the SF's inclusion into the process when the negotiations were due to restart in September. As the

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[259] Prime Minister Blair's Chief of Staff, also his chief negotiator in the Northern Ireland peace process, Jonathan Powell (2008, 8) noted what the reasoning behind this change was: "In opposition we had supported absolutely what John Major was doing on Northern Ireland and in government we planned to build on the structures he had created. But we had also observed the mistakes he made, in particular failing to get Sinn Fein into all-party talks quickly after the 1994 IRA ceasefire, and in raising decommissioning as a precondition for their entry into the talks."

[260] The speech was delivered at the Royal Ulster Agricultural Society Agricultural Show at Balmoral, Belfast, on 16 May 1997. Its text can be accessed at: http://cain.ulst.ac.uk/events/peace/docs/tb16597.htm (accessed 9/9/12).

[261] The text of the Commons speech can be accessed at: http://hansard.millbanksystems.com/commons/1997/jun/25/northern-ireland (accessed 9/9/12).

SF entered the process, the DUP and the UKUP quit the process protesting that. The DUP and the UKUP would never return to the negotiations. But there was still a majority of the unionists participating in the negotiations. And, although the DUP was the second largest party of the unionist community, its leader Reverend Ian Paisley was a well-known hardliner with an inflammatory rhetoric, who often proved to be an adept obstructionist in any negotiations with the nationalist community. Mitchell (1999, 110) would claim that the two parties withdrawal was rather a positive development, as it freed the relatively moderate UUP delegation from daily attacks coming from the two parties and provided the UUP with more flexibility.[262]

The substantive negotiations began in October, but the progress was very limited by the end of the year (Mitchell 1999, 126). And during the Christmas break the tensions between parties grew as Billy Wright (a well-known loyalist) was killed in the prison by the INLA, a republican group.[263] Another republican group, the Continuity IRA, was behind a bombing in September, in other words, violence was on the rise and the negotiations were stalled. The British and Irish governments, however, were determined not to let the peace process collapse and negotiated a common document entitled "Propositions on Heads of Agreement" and issued it on 12 January 1998. The document outlined the main features of an agreement and declared that there would be balanced changes in the Irish constitution and the British constitutional legislation to accommodate an agreement; Northern Ireland would have an assembly elected by proportional representation; and a North-South ministerial council and a British-Irish intergovernmental council (replacing the Anglo-Irish Council founded by the AIA) would also be established.[264] In short, the

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[262] Mitchell's observation was later confirmed by the UUP leader David Trimble (2007, 3): " … without the DUP and the UKUP, we could still make an agreement and the UUP was now absolutely necessary for any agreement, so our position was simplified and strengthened with reference to negotiations with the governments and nationalists."

[263] The killing of Billy Wright led to an immediate cycle of violence and the loyalist prisoners' at the infamous Maze Prison decided to withhold their support to the peace process. But the Northern Ireland Secretary, Mo Mowlam, paid a politically very risky visit (a first by a British Cabinet Minister) to the prison and managed to convince the prisoners' to support the process. Source: J. Mullin (1998), "Mowlam visits the Maze", *The Guardian*, 10 Jan., http://www.guardian.co.uk/politics/1998/jan/10/devolution.uk?INTCMP=SRCH (accessed 9/9/12).

[264] The "Propositions on Heads of Agreement" would eventually be adopted by all the main parties. Sinn Féin initially opposed it but later declared it would negotiate up from its parameter, the significance of the SF's acceptance was that it was the first time the party publically accept that the negotiations would not bring about a united Ireland (Powell 2008, 28). The document can be accessed at: http://cain.ulst.ac.uk/events/peace/docs/hoa12198.htm (accessed 9/9/12).

British and Irish governments once again underlined the parameters of a possible settlement and provided an impetus for the negotiations.[265]

6.7. Reaching an Agreement under Anglo-Irish Quasi-Mediation

During February and March 1998, some progress achieved at the negotiations despite some setbacks in the process.[266] But the parties were still far away from reaching a deal and there were substantial differences over most of the key issues, the powers of the Northern Irish Assembly; the North-South bodies (how they would be created and what powers they would have); decommissioning; and prisoner releases (Mitchell 1999, 145). On 25 March the independent chairmen of the negotiations (i.e. the official mediators) issued a statement setting 9 April as the deadline for the conclusion of negotiations.[267] The plan was that the parties would meet continuously from 30 March to 9 March and be given a first draft of the comprehensive agreement a week before the final deadline, and after two days of consultations with the parties a second draft would be given the parties for final negotiations that would culminate in an agreement by midnight on 9 April (Mitchell 1999, 145). However, the Irish and British governments could not agree on the strand two (i.e. north-south bodies) and this caused a delay in the production of the first draft. The most interesting aspect of this delay was that it made clear who the actual peacemakers were, as Mitchell (1999, 153) stated: "The parties were negotiating at Stormont. The prime ministers were negotiating in London, but they were in contact with some of the parties at Stormont: the British with the UUP, the Irish with the SDLP and Sinn Fein. For a few days, the other parties –and the independent chairmen- were not directly in the London loop." Mitchell further confirms this Anglo-Irish dynamic of the negotiations when he explains how he and his fellow chairmen submitted to the two prime ministers demand to give the Northern Irish parties, as part of their first comprehensive draft, the strand two Anglo-Irish agreed text without any changes as if it was written by the official mediators.[268]

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[265] The UUP leader David Trimble (2007, 5) argued that, "… this paper [i.e. Propositions on Heads of Agreement] exerted a decisive influence on the talks. It ended the squabble over the agenda and set the scene for the subsequent agreement."

[266] First the UDP and then the SF were briefly expelled from the process, as it emerged the UFF and the IRA were behind some killings and thus breached the Mitchell Principles (Mitchell 1999, 135-142).

[267] Mitchell (1999, 146) argued that the deadline was not imposed but rather agreed by the participants; "…the reality was that I did not imposed anything on the participants. I did not have to. They accepted the deadline because they were eager as I was to get to get an agreement."

[268] Mitchell (1999, 161) described the independent chairmen's assessment of the situation in response the two governments' demand: " … we never lost sight of the fact that this whole process was organised and sustained by the governments, who were working hard to achieve agreement under extremely difficult,

The first draft envisaged that North-South bodies would be independent of the Northern Irish Assembly with executive powers, as demanded by the republicans. But this was totally unacceptable for the unionists and loyalists. The UUP and DUP immediately raised grave concerns and demanded renegotiation of the strand two text. Alarmed by the prospect of the negotiations falling apart, Blair went to Belfast and began holding talks with the unionists.[269] Blair would stay with the parties from April 7 to April 10, in the building negotiations were taking place, and hold constant bilateral and multilateral meetings with the parties, particularly the UUP, SDLP, the SF and the Irish delegations.[270] And his Irish counterpart was also present and involved during the same duration, the only exception was the time he briefly left the negotiations to attend his mother's funeral in Dublin. A continuous pressure on the parties to settle out their differences was provided with the prime ministers' efforts, which could be regarded as kin-state(s) led quasi-mediation.[271] The negotiations thus went beyond the 9 April deadline and a set of changes on the strand two text would be agreed in the early hours of the 10 April. The changes included a decrease in the number of North-South bodies and their potential list of competencies and linked these bodies existence to the operation of the Northern Ireland Assembly. Meanwhile, a deal on the strand one (i.e. the arrangements within Northern Ireland) was relatively quickly negotiated and agreed between the UUP and the SDLP delegations.[272] The first draft of the independent chairmen included a set of options for the stand one. The unionists were in favour of a committee system rather than a ministerial executive council and the SDLP was arguing for a power-sharing executive with ministerial portfolios. In the end, the UUP delegation conceded most of the nationalist demands and a power-sharing executive, whose members would be chosen from a Northern Ireland Assembly on basis of proportionality, was agreed. As the UUP delegation was

even dangerous circumstances; whatever our discomfort, we were not at political risk, as they were. ... That left acceding to their demands, which in the end we did."

[269] See Mitchell 1999(165-167); Powell (2008, 90-91); and BBC News (1998), "Blair tries to allay unionist concern" 7 Apr., http://news.bbc.co.uk/1/hi/events/northern_ireland/latest_news/75664.stm (accessed 9/9/12).

[270] There are many accounts of these negotiations which took place between the main parties and the prime ministers. My narrative in this section is based on a comparative analysis of the published personal accounts of the actors involved and the news reports which I gathered through the Nexis UK News database. Most sources studied are often in agreement with each other, and where they are not, those disagreements will be pointed out in the discussion.

[271] M. Fletcher (1998), "Non-stop talks as deadline approaches", *The Times*, 9 Apr.; H. McDonald and P. Wintour (1998), "The Long Good Friday", *The Observer*, 12 Apr., http://www.guardian.co.uk/uk/1998/apr/12/northernireland1, (accessed 9/9/12).

[272] There were two reasons why only the SDLP and the UUP delegations met to negotiate the strand one deal. First of all, the UUP throughout the negotiations refused to hold any direct negotiations, or contacts for that matter, with the SF; while the SF, on the other hand, would not like to seem engaged in negotiations for a Northern Ireland body.

pressing hard for changes in the strand two issues, Powell (2008, 95) reports that the unionists were told by Blair that in return for renegotiation of the strand two text they would need to move on other matters, especially the strand one issues concerning the power-sharing executive.[273] The SF leader Adams (2003, 346) also argues that Prime Minister Blair put pressure on the unionists to settle their disagreements with the SDLP over power-sharing within Northern Ireland so that he could push for renegotiation of the strand two with the Irish. However, the UUP leader David Trimble has not noted any such pressure in his account of these negotiations, instead Trimble (2007, 10) argued that there were already convergences between the parties on the strand one issues and he thought that, "… the unionist electorate would be more concerned about the constitutional and cross border issues, and would be more ready to compromise on power sharing." Meanwhile, the strand three (i.e. the all relationships between the United Kingdom and the Republic of Ireland) track of the negotiations, which took place between the two governments, produced an agreement to establish a British-Irish Council (BIC) that would replace the AIA institutions. The BIC was set to cover all of the relationships between the two islands and therefore was more acceptable to the unionists. Also, there were agreements on the other mains issues as well, including the content and wording of the amendments to the Irish and the British constitutional legislations and affirmation of the consent principle for any change in the status of Northern Ireland in the future.

After all these historically thorny issues seemed settled, two other issues emerged as the sticking points. These were the issues of early prisoner releases and establishment of a clear linkage between decommissioning and holding office in the power-sharing executive. The SF delegation was pressing hard for prisoner's releases within a year and, to some extent, succeeded in the early hours of 10 April.[274] In later hours of the morning of 10 April, the final draft was handed to the parties by the Mitchell team. When the parties went through the text during the next few hours, it emerged that all parties participating at the talks, except the UUP, were ready to accept the final draft. The UUP, on the other hand, decided to push for one final change and asked

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[273] Blair's own account of the negotiations is often superficial, and it does not discuss the meeting narrated by Powell at all, though it simply notes that "Once that happened [referring to the Irish acceptance of renegotiation of the strand two], on Strand One (the governing of Northern Ireland) the Unionists conceded to work off the SDLP proposals" (Blair 2010, 170).
[274] The prisoners' early releases were particularly demanded by Sinn Féin and the loyalist parties. The Agreement itself did not provide any specific dates; however, Adams (2003, 349) argued that during the negotiations Blair in private promised him to work for a release within a year, provided that Adams supported the amendments to the Irish constitution. Powell (2008, 101) and Blair (2010, 173) confirmed that such private promise was provided to Adams. The prisoners were released after two years in the end.

Blair to make paramilitary decommissioning a precondition, for those related to the paramilitaries, for holding office in the Northern Ireland Executive. The UUP delegation succeeded in getting a unilateral compromise from Blair in the form of a letter in which the prime minister promised changes for preventing such persons from holding office in case the provisions in the Agreement failed to stop such persons holding office (Mitchell 1999, 179-180; Trimble 2007, 12-14). Upon receiving this assurance, the UUP decided to accept the agreement and Mitchell convened the last session of the plenary to ask parties whether they were accepting the Agreement. In this last plenary session all but the SF, which said it had to consult its party conference, agreed to the Agreement, and the SF leader Adams also spoke of the agreement positively (Mitchell 1999, 181).

The Good Friday Agreement (GFA) was largely the culmination of the cooperation of the British and Irish governments over the years. The agreement's main features (notably, the consent principle and the power-sharing between the communities) had long been promoted by the two governments, even to the extent that the two governments, beginning with the Anglo-Irish Agreement, moved on to share power over the Northern Ireland affairs, despite one of the two communities' vehement opposition. The intergovernmental cooperation, provided by the AIA, over the Northern Irish affairs was considered positively by the nationalists, which regarded the AIA as an acknowledgement on part of the British state that the Irish republic had a legitimate role to play in Northern Ireland and a step towards that would force the unionists to agree a power-sharing deal with them. The SDLP, the main nationalist party, was long championing power-sharing between the communities and the policy of seeking Irish unification only through political means, the SDLP thus needed to move least, compared to the other parties participating in the negotiations, from its historical positions, and the GFA was largely a pleasing outcome for them. Meanwhile, the republican movement, since the late 1980s, was gradually coming to terms with the fact that that the Irish unification would not come about through its military campaign. The British military's success in containing the IRA violence was critical to Sinn Féin/IRA's policy change, as this enabled an intra-republican discussion that paved the way for the ceasefires and recognition among the republican leadership that political struggle was the only viable option. When they joined the negotiations the republican leadership was also aware of the fact that, given the framework provided by the governments and the other parties' positions, the Irish unification was not a possible outcome of the on-going negotiations process either. Prime gains from the GFA for the republicans were that the Agreement included strong and clear assurances that the British would agree to remain neutral if a majority one day decide in favour of the Irish unification and the republican movement would have the opportunity to grow further. The SF was long associated

with the IRA violence and criminality, which limited the party's prospects for further growth, and was now provided with an opportunity to turn into a respectable and mainstream political player.[275] On top of these benefits, though the republicans were not to explicitly admit this, they were getting the chance to participate in administration of Northern Ireland, and hence exercise power (a treasured goal for any political movement).

The negotiations process and the compromises needed to reach a deal were much harder for the UUP leadership. Ever since the introduction of the direct rule, the unionists were mostly engaged in protest politics in one or another form, and the community's politics were essentially fractured. There were those, such as Mr Paisley and his party, who were deeply committed in bringing down any process that may lead to an outcome they would not like, and there were some, especially at the UUP leadership, who were getting increasingly cognisant of the fact that, without a settlement and establishment of a Northern Ireland administration in which unionists would participate in, the unionist politics were set to lose more ground in the future, especially given the declining interest in politics among Protestant communities and the increasing number of young Protestants leaving Northern Ireland.[276] Therefore, the UUP leadership had to shift their original political positions considerably, first they agreed to continue negotiations when the SF joined the process, then they agreed to most of the SDLP demands on power-sharing and finally they accepted a deal in the absence of a clear commitment for decommissioning from the republicans. As pointed above, their acceptance of the power-sharing deal came about since they wanted to weaken the North-South bodies envisaged in the first Mitchell draft, which they achieved in the end. This quid pro quo would not have been, most probably, achieved if Prime Minister Blair were not to put this as a condition to the UUP leadership for a renegotiation of the North-South bodies. In other words, some of the most crucial steps taken by the UUP delegation which ultimately enabled reaching a deal were thanks to quasi-mediation of the British government, which this time, unlike Sunningdale, with cooperation of the Irish government, tried to strike a balance between the unionist and nationalist concerns.

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[275] The republicans were increasingly treated as important political figures at international level, especially by the US authorities; this definitely played a crucial role in their final decision. During the last night of the negotiations, Mr Adams spoke to the US presidents three times during which the president, according to Mr Adams' account, assured him of US support in the future for pressuring the British for implementation of the Agreement in full (Adams 2003, 347-351).

[276] These concerns about the future of the unionist politics and emigration of young Protestants were on the mind of the UUP leader Trimble while he made his decision to accept the final draft (Godson 2005, 354-361).

6.8. The Good Friday Agreement: Power-sharing with Anglo-Irish Dimension

The Good Friday Agreement (GFA) was comprised of a set of documents which sought to address the main concerns of the all parties to the conflict.[277] The GFA contained the proposed changes to the British and Irish constitutional legislations, detailed agreements on establishment and workings of power-sharing institutions, which would regulate and manage the conflict between the unionist and nationalist communities of Northern Ireland, and detailed provisions for establishment of the bodies of cooperation between Northern Ireland and the south Ireland and between the United Kingdom and the Irish Republic. Also, the GFA included general provisions for establishment of some mechanisms, as well as time frames in some cases, for the resolution of remaining issues. Those remaining issues notably included the issue of decommissioning (which the Agreement provided a two-year timeframe), establishment of an independent commission on policing reform, review of criminal justice system, strengthening of human rights law and equal opportunity provisions in Northern Ireland, and a commitment by the two governments to release the paramilitary prisoners within two years. On the constitutional matters, the Agreement provided for a set of balanced constitutional changes, through which Ireland would amend its constitution's Article 2 and the Article 3 in a way that they would no longer implicate any territorial claim to Northern Ireland, and Britain, in return, would repeal the Northern Ireland Act of 1920. All the participants also agreed to respect the self-determination right of the people of the island of Ireland to bring about a united Ireland, provided that this would be exercised "on the basis of consent, freely and concurrently given, North and South."[278] In short, the consent principle was at last agreed by all.

The remaining main aspects of the Agreement were sectioned into three strands. The strand one section was providing for establishment of a 108-member Assembly, whose members would be elected by proportional representation using the STV (Single Transferable Vote) from the existing Westminster constituencies. At the Assembly, all key decisions would be taken by: "i) either parallel consent (i.e. a majority of those members present and voting , including majority of the unionist and nationalist designations present and voting; or a weighed majority (60%) members present and voting, including at least 40% of each of the nationalist and unionist

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[277] The full text of the GFA can be accessed at: http://www.nio.gov.uk/agreement.pdf (accessed 9/9/12).
[278] Article 1(ii) of the "Constitutional Issues" section of the GFA.

designations present and voting."[279] The Northern Ireland Executive (i.e. cabinet) would be elected from the members of the Assembly and there would be ten ministers. The ministers were to be chosen by the d'Hondt electoral system, so the ministers would be allocated to parties on the basis of their electoral strengths. All members of the Assembly would individually designate their identity as nationalist, unionist, or other, as this would be needed for operationalization of the cross community consent principle in making of key decisions. And if a minimum 30 out of 108 of the Assembly members petitioned, any matter could be denoted as a key decision, while the selection of First and Deputy First Ministers (who would chair the Executive) and the chair of the Assembly were explicitly marked as key decisions in the Agreement.[280] The above described executive and the legislative branches of the Northern Ireland's political system can be regarded as fully in agreement with the grand coalition and mutual veto principles of consociational power-sharing. The other two principles of consociational power-sharing, proportionality and segmental autonomy, were also largely reflected in the agreement. Proportionality was embedded in the STV electoral system and the method employed for allocation of the executive portfolios. There was no proportionality measures envisioned in the GFA for public sector employment or fund allocations but these matters were already mostly resolved under the British direct rule through a set of legal reforms. Segmental autonomy was largely provided through the already existent local government structure, again a result of the reforms implemented under the British direct rule. Although these local administrations could be under one of the two community's rule, where one had a clear majority, there were measures to protect the rights and participation of members the other minority community. The GFA also included extensive provisions for protection of each member of the Northern Irish community in their participation in the political process.[281]

A major part of the Agreement was the strand two section, which set out the details for the North-South Ministerial Council. This section begins with noting that the bodies would be established under the legislation to be introduced in the Irish and British parliaments under a new British-Irish Agreement, this was a significant gain for the nationalist who did not want to have such bodies' establishment linked to any legislation to be introduced at the Northern Ireland Assembly. However, the unionist concern that such bodies would operate independently while the Assembly may remain blocked was addressed as well. The Article 13 of the Strand Two section specifies that North-South bodies and the Northern Assembly are mutually interdependent, and

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[279] Article 5(d) of the "Strand One" section of the GFA.
[280] Articles 5 and 6 of the "Strand One" section of the GFA.
[281] The "Rights, Safeguards and Equality of Opportunity" section of the GFA.

hence one cannot function without the other. The list of areas for possible cooperation was reduced, compared to the first Mitchell draft, and no all-Ireland parliamentary body was envisaged as it was done at Sunningdale. It can be argued that the strand two institutions were carefully balanced in order to satisfy both sides' main concerns.

Finally, the strand three section of the Agreement envisaged a new British-Irish Council (BIC) that would be established under a new British-Irish Agreement. The strand three also stipulated the terms of a new British-Irish intergovernmental conference which would replace the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference, which were established under the Anglo Irish Agreement 1985. The BIC would have representatives from the British and Irish governments as well as representatives of the devolved institutions in Northern Ireland, Scotland, Wales, the Isle of Man, and the Channel Islands. It would operate on consensual basis and seek cooperation on matters of mutual interest under the competence of the concerned administrations.[282] As such the North-South bodies would be paralleled by a council that would include representatives from all the administrations on the British Isles. These measures were particularly designed to convince the unionists that North-South bodies were not a total abnormality and there would be similar institutions at the level of Anglo-Irish relations as well as in the totality relationships between all the peoples of the British Isles. Given that there were similar structures at the EU level as well, it was assumed that the unionist opposition to the North-South bodies could be softened this way.

In sum, the GFA provided a set of power-sharing institutions for the Northern Irish parties as well as mechanisms for cooperation between the north and south of Ireland and between the devolved governments of United Kingdom and Ireland. The political system envisaged at the GFA largely followed the consociational power-sharing model. Its main divergences from the consociational model were the STV, which is in part an integrative electoral system, and the lack of segmental autonomy, which was largely compensated through the measures at the local government level.

6.9. Implementing the GFA: Peace at Last?

Full implementation of the GFA proved challenging, instability in Northern Ireland's politics was the rule rather than exception until 2010. The main sticking points were decommissioning and police reforms. As the Northern Irish parties continued to clash over these matters, the British

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[282] Article 5 of the "Strand Three" section of the GFA.

government suspended the devolved government of Northern Ireland. There were four suspensions in total; first one was introduced in February 2000 and last one, which lasted almost five years, in October 2002.

In the post-GFA era the DUP and Sinn Féin have become the largest unionist and nationalist parties, respectively, in the Northern Ireland Assembly. The DUP refused to share power with Sinn Féin citing the latter's lack of support to the newly established Northern Ireland Police Service. But the British and Irish governments continued to cooperate and lead talks with Northern Ireland's political parties in order to deal with the impasse. In October 2006, Blair and his Irish counterpart Ahern issued a roadmap for dealing with the deadlock. Accordingly, the all-party negotiations, with participation of the governments, held between November 2006 and March 2007 and resulted in the St. Andrews Agreement. The DUP agreed to share power with the SF, and the SF agreed to support the police service and join the policing board. There were some minor amendments to the operation of the power-sharing institutions and some further provisions on human rights as well.[283] The St. Andrews Agreement also noted that the devolution of criminal justice and policing was expected to be completed by May 2008, pending an agreement between the Northern Irish parties. In May 2007, Northern Ireland's devolved political institutions were restored, but between 2008 and 2010 the DUP and Sinn Féin continued to disagree over the issue of transferring policing and justice powers from London to Belfast (Dixon and O'Kane 2011, 94-108). The DUP and Sinn Féin reached an agreement in February 2010, and police and justice powers were devolved to Belfast in April 2010.[284] The two parties are currently leading a stable power-sharing executive in Northern Ireland, which, some have argued, is "… so stable as to verge on the boring."[285]

The recent stability of the Northern Irish politics can be evidenced by the fact that the number of the incidents of inter-communal violence and the conflict related death toll have been at their historic lows in the recent years.[286] Although there are still occasional incidents of inter-communal violence in the streets of Northern Ireland, it can be argued that Northern Ireland has made substantial progress towards a peaceful coexistence of the two communities. On the other

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[283] "Agreement at St Andrews", http://www.nio.gov.uk/st_andrews_agreement.pdf (accessed 9/9/12).
[284] BBC News (2010), "Northern Ireland parties agree power-sharing deal", 5 Feb., http://news.bbc.co.uk/1/hi/northern_ireland/8499629.stm (accessed 9/9/12).
[285] "All shook up: How Sinn Fein became a party of the establishment", *The Economist*, 30 Jun. 2012, http://www.economist.com/node/21557792 (accessed 9/9/12).
[286] For an assessment of the progress of the peace process drawing on the recent statistics, see P. Nolan (2012) "Northern Ireland Peace Monitoring Report: Number One", Feb., http://cain.ulst.ac.uk/events/peace/docs/nipmr_2012-02.pdf (accessed 9/9/12).

hand, the broader question of whether Northern Ireland's is becoming a more integrated society remains (Nagle and Clancy 2010; Mitchell 2011). Northern Irish communities still tend to live separately and the demand for ethnically mix schooling is low.[287] Moreover, the ethnic parties continue to maintain their grip on political power. In short, the GFA has been successful in bringing about a power-sharing regime but whether that regime could succeed in healing the deep communal divide is yet uncertain.

6.10. Conclusion

The GFA was not necessarily the outcome of the all-party negotiations process. As noted above, the agreement remained elusive even into the last week of the negotiations. But with the quasi-mediation efforts of the two prime ministers the parties were pushed to entering into intensive negotiations over the core issues. The culmination of momentum meant the UUP delegation, as representative of the larger community, could no longer delay their decision to accept sharing power with the nationalists along with establishment of some North-South bodies for cross border cooperation. It can be argued that the UUP delegation could have said "No", but the consequences of a "No" were obvious to them. These were further isolation of the unionist community (both at the UK and international level) and possibility of further Anglo-Irish institutions imposed on them, and no government which they could join in as the main partner. Meanwhile, the nationalists and the republicans were well aware of the fact that Irish unity was not a possible outcome of the negotiations and the consent principle was already an established principle, which was vigorously emphasised by both governments in the all preceding framework documents. So, they too could have said "No", but they knew well that the consent principle would not go away, neither there was even a slim chance for Irish unity by other means (i.e. violence, protest politics etc.), and they would also lose the opportunity to share power with the unionists almost on equal terms. In short, the incentives were firmly built in the process and the consequences of wrecking the process were abundantly clear to the participants.

It can be argued that the Anglo-Irish cooperation was the main dynamic of the peace process. But there were also two very crucial developments that contributed to the successful culmination of the GFA negotiations process: politicisation of the IRA through Sinn Féin and an

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[287] L. Fergus (2011), "Integrated schools missing targets on balance of pupils", *The Belfast Telegraph*, 24 Sept., http://www.belfasttelegraph.co.uk/news/education/integrated-schools-missing-targets-on-balance-of-pupils-16054604.html (accessed 9/9/12).

increasing recognition among the unionist elites, especially within the UUP leadership, that power-sharing with the nationalist community was the only feasible solution. But it should be underlined that these two developments only came about since the two governments' quasi-mediation efforts along with their earlier coercive policies (such as the imposition of the AIA) impacted the parties' views regarding a possible solution to the conflict. The Northern Irish experience may not be wholly instructive for many other cases because Northern Ireland is not an independent country and its political elites are amenable to particular third party pressures. However, there are some inferences to be drawn from Northern Ireland with respect to peacemaking for power-sharing in deeply divided societies. As noted above, there was an independent trio officially mediating the all-party talks, but their role was often secondary to the two governments. The British and Irish governments may not be considered engaged in mediation from a strict point of view (as both are also parties to the conflict), but the way the two often acted could be regarded as kin-state(s) led quasi-mediation. And the centrality of Anglo-Irish cooperation to the successful culmination of the GFA process shows that kin-state(s) led quasi-mediation can be very effective. More inferences will be offered as this case study's findings are combined and compared with the others in the next chapter.

CHAPTER 7

Peacemaking for Power-sharing: The Role of Kin-states

7.1. Introduction

This chapter will draw theoretical conclusions on the basis of the findings of the three case studies with regard to peacemaking for power-sharing in deeply divided societies. In the first half of this chapter I will combine and analyse the findings of the case studies at five levels: the local actors level; the local actors-third party peacemaker level; the local actors-kin-state(s) level; the third party peacemaker–kin-state(s) level; and the kin-states level. This analytical approach provides a framework for identifying the main conditions necessary for a power-sharing settlement as well as the roles which could be played by third party peacemakers and kin-states in bringing about such settlement.

As noted in Chapter 2, Lijphart's original conceptualisation of power-sharing is based on the Western European cases and his analysis is elaborate in its description of the institutions of power-sharing employed in those cases. Although negotiations at the level of segmental elites are often mentioned as lying at the heart of building power-sharing institutions by Lijphart, the negotiations' process and its dynamics are not discussed in his studies. With respect to negotiating power-sharing, Tsebelis' (1990) study is the only theoretical analysis of the negotiation process. Tsebelis (1990) points out that in the context of the development of Belgian power-sharing institutions two nested political games could be identified: one inter-elite game and one with the elites and their respective segments of the society. According to Tsebelis, these two games are interrelated and the electorate exercises some form of control over its elite and limits the inter-elite negotiation space. Tsebelis, however, does not look at how the making of power-sharing could be modelled in a context where there are third party mediators and kin-states involved in the process. As pointed out in Chapter 3, the local actors-third party peacemaker level interaction has been extensively discussed in the peacemaking literature, while the local actors-kin-state(s), the third party peacemaker-kin-state(s) and the kin-states levels have remained largely understudied. By drawing on Tsebelis' nested games approach, I will seek to address this gap in the literature with an illustration of how negotiating power-sharing could be modelled in the cases of third party mediator and kin-state involvement in the latter part of this chapter.

The analysis in this chapter will often assume that the local constituents' involvement in the negotiation process is only through their political leaderships and intergroup cooperation is

minimal. The findings of the case studies broadly underpin this assumption, however, each ethnic group's engagement with negotiation process is not alike and there is some variation across the cases. Most notably, the Turkish Cypriot public seems to have sought direct involvement in the process, and, as a result, replaced their leadership (though not completely) and did contribute towards some progress in the negotiation process. In terms of intergroup relationships, only in the Northern Irish case there was some form of inter-communal political cooperation, particularly through some non-ethnic political parties (such as the Alliance and the Northern Ireland Women's Coalition); but the influence of such political actors remained very limited and the dominance of ethnic parties in the Northern Irish politics remained unshaken throughout the period studied. This does not mean that the local constituents, civil society or non-sectarian political parties had no influence in the processes studied, but the point here is that the interaction between ethno-political leaderships was the level at which the power-sharing settlements were negotiated. Moreover, the inter-elite bargaining was often done with almost no immediate input from other political actors and wider public because the negotiations were held privately and only the results were made public. This is a particularly interesting aspect of negotiating power-sharing in deeply divided societies for the reason that such secretive methodology is very reminiscent of international negotiation, whereas in democratic societies with no deep divisions crafting domestic political institutions is usually done in public, either through a parliamentary process, or under extraordinary circumstances (such as a constitutional overhaul) by a constitutional assembly with some input from wider public.

As noted above, I will combine and analyse the findings of my case studies, through the use of a five-level analytical framework. Since all the five levels are often ridden with some form of conflict, I will call them "levels of contestation". A simple illustration of the five levels of contestation, in which each pair of arrows indicates one level of contestation, can be seen below. Broadly speaking, there needs to be some form of cooperation at each level for successful culmination of negotiations for power-sharing. Although the local actors level could easily be assumed as the most significant level of contestation, the other levels are also crucial and their degrees of significance will vary depending on the context of the conflict. In fact, the local actors–kin-state(s) level was often the most important level of contestation in determining the outcomes of the negotiation processes studied.
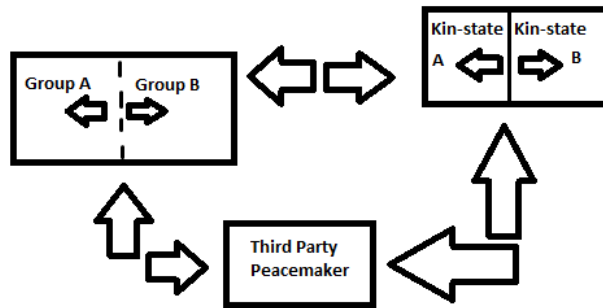
Figure 1 – Levels of Contestation for Power-sharing

7.2. Level One – Contestation for Power-sharing at the Local Actors Level: Conditions for Transforming Inter-Elite Rivalry into Cooperation

The local actors level is the heart of the conflict since it is the level where the disputants are deeply embedded in waging the conflict. Therefore, it is the level at which power-sharing should be agreed and where certain conditions should exist in order to make a power-sharing settlement possible. As discussed in Chapter 2, there are a number of conditions identified as conducive for power-sharing, which have generated a fierce debate in the literature (See Section 2.5.10.). Most of those favourable conditions were not present in the Cyprus and Northern Ireland cases, and in Bosnia six out of the eleven conditions were present (See the table below). However, it is also arguable that the full blown civil war in Bosnia was largely offsetting the positive value of some of the existent favourable conditions there. For instance, although there was the tradition of elite accommodation in Bosnia during most of the multinational Yugoslav federation's existence, this tradition was substantially undermined during the Bosnian war as the multi-ethnic Yugoslav elite of Bosnia became bitterly divided along ethnic lines. Likewise, the socioeconomic conditions in Bosnia were almost totally distorted during the war for all the three ethnic groups. In other words, most of the favourable conditions were not present in the three deeply divided societies studied, mostly because of the very recent memories of civil war or inter-communal political violence in the past. There were only two favourable conditions which existed across all the three cases;

those were small population size and small number of segments, both semi-permanent conditions determined by the structure of the conflict.

	Favourable Conditions for Power-sharing[288]	Cyprus	Bosnia	N. Ireland
1	Geographical concentration of segments or federalism	✗	✗	✗
2	*No majority segment plus segments of equal size (i.e. balance of power)*	✗	✗	✗
3	External Threats (as a unifying factor)	✗	✗	✗
4	Small Population Size	✓	✓	✓
5	Overarching Loyalties	✗	✗	✗
6	Small number of segments	✓	✓	✓
7	Tradition of Elite Accommodation	✗	✓	✗
8	Socioeconomic equality	✗	✓	✗
9	The inexistence of a solid majority that prefers majority rule to consociationalism	✗	✓	✗
10	*Intra-group political stability[289]*	✗	✗	✗
11	*The Existence of a Mutually Hurting Stalemate*	✗	✓	✓

Table 2 – Favourable Conditions for Power-sharing in Cyprus, Bosnia and Northern Ireland

However, through a comparative analysis of the Cypriot, Bosnian, and Northern Irish cases, I suggest that there are three conditions essential for power-sharing in deeply divided societies which should exist at the level of local contestation. First, there should be intra-group political stability in each ethnic group; particularly, the ethnic political elite should be rather consistent with regard to its position on power-sharing with the other ethnic group/s. In each of the three cases studied at least one of the communities seems to be lacking internal political stability at earlier stages of the process and a settlement did become possible only after a relatively cohesive political leadership emerged. In the case of Cyprus, the Turkish Cypriots went

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[288] The first nine conditions are drawn from Lijphart (1996); for a detailed discussion on them, see Section 2.5. The ones written in *italics* are those which are identified as most essential ones.
[289] Intra-group political stability is deemed non-existent where at least one of the groups is ridden with political instability.

through a rebalancing act and a pro-settlement coalition (though still somewhat restrained by its minor pro-status-quo partner) emerged and positively contributed to the negotiation process; the Greek Cypriots, meanwhile, replaced their pro-settlement leader with a hardliner who refused to enter into substantive negotiations. In the case of Bosnia, the Bosnian Muslim leadership was mostly stable, but the Bosnian Serb and Croat leaderships were usually fraught with internal divisions, and only their respective kin-state's forceful interferences in the politics of these two communities brought about the relative stability which made the Dayton settlement possible. The Northern Irish process was essentially different, because all the main political factions were participants in the formal negotiation process; however, in fact, the UUP, the SDLP and Sinn Féin were the key players, and the Catholic community's internal political instability due to the nationalist-republican rivalry was a severe obstacle until the SDLP and Sinn Féin managed to forge some form of political alliance in the early 1990s, which happened largely thanks to the Irish and British intergovernmental cooperation over the conflict's management. As internal political stability provides a communal group's leadership with more flexibility regarding its negotiation positions, it should be regarded as a necessary condition for achieving a power-sharing settlement. This internal cohesion, however, cannot be maintained throughout negotiations, even at the very least common denominator basis (for instance, the second largest Unionist party UDP left the Northern Irish process protesting Sinn Féin's entry into the all-party negotiations); but if there is still a substantial political majority backing the process within the community (as was the case in Northern Ireland), the process could still move on and succeed.

The second essential condition for power-sharing settlement is the existence of a power balance or a tendency towards parity between rival ethnic communities. As discussed in Chapter 2, a balance of power is pointed out by Lijphart as a favourable condition. I will argue that a tendency towards parity between the communities should also be seen as a favourable condition. The Northern Irish case is a particularly relevant example on this point. As the Northern Irish nationalist community's political, economic conditions and even demographic status relatively improved over the years, the unionist community did become gradually more conciliatory towards them. The political and economic conditions for the nationalist community mainly improved due to the British intervention (particularly under the direct rule); at the same time the unionist community's political dominance was eradicated, again as the direct rule replaced the unionist dominated government of Northern Ireland. In the Bosnian case, on the other hand, there was essentially a balance of power between the groups. Although the Bosnian Muslims were the largest group (though not a majority), the Bosnian Serbs and the Bosnian Croats had the backing of

their respective kin-states. The case of Cyprus, however, is a prime example of power imbalances, which are obviously likely to hinder a power-sharing settlement. The Turkish Cypriots were demographically a minority with around 18-20 % of the population, while the Greek Cypriots were a much larger group with around almost 80% of the population. The Greek Cypriots were also the more prosperous of the two and had the sole internationally recognised government on the island since 1963. The only substantial factor favouring the Turkish Cypriots in this quite imbalanced conflict was the support they were getting from their kin state Turkey, which is a powerful regional actor in the Eastern Mediterranean. In sum, the tendency towards power parity seems to have substantially improved the chances for power-sharing in Northern Ireland, whereas in Cyprus the power imbalance appears to have worked against a power-sharing settlement.

The third essential condition for power-sharing is the existence of a mutually hurting stalemate (MHS). As discussed in Chapter 3, Zartman (2001) argues that the timing of peace initiatives is crucial and an MHS constitutes a ripe moment for third party intervention. The case studies indicate that an MHS is also essential for power-sharing settlements. In the cases of Bosnia and Northern Ireland, a mutually hurting stalemate was largely in place as the substantial negotiations begun, but in Cyprus, though the stalemate was in place for decades, it does not seem to be operating as a mutually hurting one. By 1995 all the groups in Bosnia were weary of the war and the conditions on the battlefield could be described as a stalemate. In Northern Ireland, the stalemate had been long in the making, and by the mid-1990s it was firmly in place: the unionist community was weary of the conflict and its political leadership was also concerned as the Anglo-Irish initiatives were bypassing and denying them any meaningful exercise of political power at the local level. Again, the Cyprus conflict appears different in this respect as well. For the Turkish Cypriots, it can be argued that their long running political isolation and its accompanying economic difficulties meant that they were regarding the stalemate as hurting them. But for the Greek Cypriots this was hardly the case, although many Greek Cypriots, alike their Turkish Cypriot compatriots, were suffering from the fact that a substantial amount of their private properties were now inaccessible as they ended up in the wrong side of the de facto divide; this was probably their only major concern resulting from the stalemate and this concern's effect was also diminishing as there has been almost three decades past since the de facto partition. Moreover, with the impending EU membership, the Greek Cypriots were anticipating that the stalemate would be improving in their favour. In short, the Cypriot stalemate was not mutually hurting, or at least it was not perceived as such by the Greek Cypriots.

It should be underlined that these three conditions as well as the small population size and small number of segments do not necessarily lead to a power-sharing settlement. Instead, I would argue that the existence of these conditions is very likely to improve the chances of such settlement, and that third party interveners and other international actors should take into account the status quo regarding these favourable conditions in order to structure their interventions in a way which does not, in the least, harm the chances of power-sharing settlement. Although most of these conditions are inherently embedded in the local context, some could be improved through third party and/or kin-state intervention, as I will seek to point out below.

7.3. Level Two - Contestation for Power-sharing at the Local Actors- Third Party Peacemaker Level: Power mediation for Power-sharing?

The second level of contestation is the local actors-third party peacemaker level, where a third party mediator seeks to mediate a power-sharing settlement between the local groups. At this level, promotion of power-sharing by third peacemakers is likely to run into conflict with the local parties who would prefer a majoritarian system or other political goals over power-sharing such as secession or annexation by another country. The peacemaker, thus, may end up in a contestation for power-sharing with one or more of the disputants and is likely seek to ally itself with one party in order pressure the other one. In such contexts the peacemaker would need to manipulate the disputants and the mediation context if the mediation process is to succeed. As the parties tend to have other issues at stake, such as territory and security, the mediator could formulate and propose different sets of possible compromises (i.e. settlement proposals), thus providing a basis for negotiation. However, if mediated negotiations on such proposals also seem to be failing, the mediator could try to exert its influence on the parties by either simply threatening to end the process and/or through other pressuring tactics. For instance, a common combination of such strategies is declaring a deadline for ending the mediation and indicating what consequences a collapse of the process would entail for the parties, which could include public naming and blaming, and imposition of some diplomatic or economic sanctions. In other words, a mediator in power-sharing negotiations is usually not an intermediary which simply conveys one party's message to the other side (which could be described as facilitator), but it is often a formulator-manipulator. The overall negotiation framework can be described as a three way interaction having the mediator at its core: one interaction between each disputant and the mediator in addition to the disputant-disputant interaction. The bilateral negotiation processes between the mediator and each disputant may then even supersede the local-local interaction and become the main level of power-sharing negotiation, particularly where the local-local level is ridden with

political violence and mutual distrust, which often causes the disputants direct interactions to become quarrelsome and unproductive.

The Bosnian case exemplifies how power-sharing negotiation in the context of a deeply divided society may turn into parallel negotiation processes between the individual disputants and the mediator. When it became clear that collective mediation was unlikely to succeed as the war continued, the US took over the mediation and negotiated separately with the main power-brokers in the region, even by-passing some of the primary disputants. In the case of Cyprus, the mediation was undertaken by the UN, which had very limited manipulative capacity, and the mediation process was largely maintained because continuation of the process was necessitated by certain wider developments of strategic importance. For most of the period studied, the Cypriot leaders usually met face-to-face under UN mediation but, in terms of the actual dynamics of the wider process, this was a smokescreen as both sides were more involved in maintenance of their relationships with certain other actors. This was simply due to the fact that the Cypriots saw the UN led negotiation as a sub-game of their respective wider political games. The wider games were the EU integration processes of Cyprus and Turkey: while the Turkish Cypriots, initially, continued to participate in the UN mediated process because of Turkey's pressure, the Greek Cypriots were engaged in the process in order to advance their EU accession and also to maintain their international status. In other words, what brought the Cypriots to the table was not a genuine interest in negotiated settlement but their wider strategic calculations. The Cypriot case thus largely confirms the argument in the peacemaking literature (which was discussed in Chapter 3) that what brings the disputants to the table is consequential for the result of a peacemaking process. The Northern Irish process was totally different in this respect because it was mostly mediated at Anglo-Irish level. Although a third party mediation team lately joined the process, it only assumed a facilitative role in the substantive negotiations, which included chairing the all-party negotiations even-handedly and presenting the Anglo-Irish prepared papers as its own in order to provide more legitimacy to such documents for public opinion purposes. I will discuss the kin-states' involvement in the Northern Irish case in the next section, which is on the local actors–kin-state(s) level. However, as for third party mediator in a context where there is strong kin-state involvement, a sustained cooperation between those kin-states and the mediator (as it was the case in Northern Ireland) could contribute to the process as the latter may add some form of international legitimacy to the process.

Although collective mediation is often deemed incoherent and ineffective, as the Bosnian case particularly illustrates, it remains a fact of contemporary diplomacy. This is dictated by the wider context: the conflicts that are known by their intractability are hardly ever likely to attract state actors or other varieties of influential mediators unless there are issues at stake that are concerning such actors. For these reasons, a plausible alternative to collective mediation, which could largely rectify its weaknesses, is a more focused collective mediation, one composed of actors who share similar perspectives on the conflict situation at hand. The case of Cyprus underscores that the UN's mediation is also suffering from problems similar to that of collective mediation. The UN's mediation, after all, is a particular form of collective mediation as it rests on the organisation's universal character. The UN's problems in mediation mostly stem from its intergovernmental nature which provides only limited independent capacity and resources. But where there is a strong and uniform international consensus backing its mediation, the UN could play an effective role in negotiating power-sharing. The successful US mediation in Bosnia empirically supports my proposition in Chapter 3 that power mediation appears as a more apt style in mediation of power-sharing settlements. However, power mediation cannot be a sustainable and fruitful mode of intervention in the post-settlement phase. Power mediation is effective in bringing about agreements, but for the stability of the settlement in the longer term the relationship between the disputants need to become more cooperative and this cooperation cannot be achieved by power mediation. First of all, no power mediator would be willing to take up such role persistently and, more crucially, power mediation is not an effective strategy in the longer term as it tends to create severe legitimacy and ownership problems for the local political system. Therefore, a facilitative mediator who seeks to improve the relationship between the disputants should take over in the post-settlement phase. In sum, depending on the stage of the peacemaking intervention, each style of mediation can play a significant role in resolution of the conflict.

7.4. Level Three - Contestation for Power-sharing at the Local Actors-Kin-state(s) Level: The Role of Kin-states in Peacemaking

The two levels discussed above can be observed in any peacemaking intervention, but the local actors – kin-state(s) level is unique to certain conflicts where there is kin-state involvement. At this level, where the local actors and kin-state(s) interact, their interaction may become a contestation for power-sharing. In other words, kin-state involvement in deeply divided societies can either help or impede bringing about a power-sharing settlement at the local actors' level. Kin states can assume a set of roles in peacemaking interventions for power-sharing, which I conceptualise as

promoter; *quasi-mediator*; *power-broker*; *and enforcer*. These roles are conceptually distinct roles but they are often combined by kin-states in their engagement with local actors.

In the Cypriot case, for the period studied, Turkey could be identified as an active kin-state. Although Greece is also a kin-state, which historically played very substantial roles in the development of the conflict, its role during the 1999-2004 was mostly limited with promoting its kin community's interests, particularly within the EU. Kin-state engagement in ethnic conflicts often involves provision of some resources to their kin community, often in the internationalisation of the conflict.[290] In the three case studied in this thesis, however, the kin-states' involvement appears to have been much deeper and broader than usual. Turkey's, Federal Yugoslavia's and Croatia's kin-state roles were very intrusive, as indicated by their substantial political and military involvements. This was mainly due to the fact that they were the sole international backers of their respective kin communities. Britain's involvement in Northern Ireland has been intrusive as well, but this was also because Britain was a "reluctant" sovereign in Northern Ireland as well as a kin-state to the unionist community (See Section 6.1.). As pointed out in Chapter 4, the Turkish involvement in the peacemaking process was not motivated by a genuine interest in settlement of the Cyprus conflict but rather by the EU integration process of Turkey. Therefore, with respect to the Turkish Cypriot leadership, the Turkish government often acted like a power-broker who sought to deliver its part of an international bargain which it struck with other international actors. In short, Turkey's involvement was more concerned with its own broader interests than particular power-sharing arrangements negotiated. The Turkish–Turkish Cypriot contestation was a dynamic process during which the Turkish government initially tried to become a quasi-mediator as it sought to convince Turkish Cypriot leader Denktash to alter his negotiation stance and policy. But when that failed, Prime Minister Erdogan stepped up the pressure on the Turkish Cypriot leader and sought to become a power-broker by allying itself with the Turkish Cypriot opposition. Likewise, Milosevic's early engagement with the Bosnian Serb leadership could be described as quasi-mediation. However, the intransigence of the Bosnian Serbs and the increasing international pressure on Yugoslavia would subsequently turn Milosevic into an enforcer, particularly helped by the fact that the new American mediator sought to solely engage with Milosevic at the expense of the Bosnian Serbs. A similar pattern could be traced in the case of Croatia and the Bosnian Croats.

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[290] This point is drawn from the discussion on kin-states in Section 3.4.

On the basis of my assessments of the kin-states' roles in the cases studied, I suggest a typology of kin-state roles in peacemaking. The roles are discussed in the table below in ascending order of importance, from milder to more intrusive degrees of involvement, along with some examples and assessments. A *promoter*[291] kin-state is the most common form of kin-state involvement; it basically involves backing of kin community by kin-state at international level. As argued in Chapter 3, kin-states are well-placed to become quasi-mediators, and the cases studies have confirmed this proposition. A *quasi-mediator*[292] kin-state is one which engages closely with a kin community's leadership and uses its influence towards a settlement. *Power-broker*[293] kin-states and *enforcer*[294] kin-states, however, are much more intrusive actors in the affairs of their kin. The main distinction between a power-broker kin-state and the enforcer one is that while the former dominates the relationship, the latter simply replaces the local leadership and enforces its own will. Milosevic and Tudjman played purely enforcement roles at the Dayton negotiations: they both negotiated on behalf of their respective kin communities and enforced their kin communities' consent to the settlement. On the other hand, in the Northern Irish process the British and Irish governments, as the kin-states of the two local communities, worked together over the years to produce a set of documents which underpinned the all-party talks that culminated in the Good Friday Agreement. Both could thus be regarded initially as power-brokers, particularly during the negotiations of Sunningdale in 1973 and the Anglo-Irish Agreement in 1985, but both later, especially with the start of the all-party talks, sought to become quasi-mediators. Across all the three cases, the kin-states' roles in the early stages of the conflicts was promotion as they tended to support their ethnic kin's unilateral goals. But as the kin-states' policies shifted to support power-sharing (with the sole of exception of Greece), the kin-state-local actors level became more contentious. The contestation at the local actors–kin-state(s) level is usually stabilised by kin-state's assertion of its dominance over its kin as the local actors are inherently the much weaker side (due to their size or reliance on their kin-state for support). But local actors could also exercise certain leverages against their kin-state's leadership; for instance, they can seek to form public opinion in the kin-state if they have wider support for their cause. A relevant

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[291] The term "promoter" is used to underscore the supportive aspect of kin-states' role.

[292] For a definition of quasi-mediation, see Section 3.4.

[293] The term power-broker is often used in electoral studies in reference to actors who can influence people to vote for a particular candidate in exchange of political or financial favours (See, for example, Caro 2004). Here, I adapt the term to emphasise kin-states' capacity in acting as influential actors in determining the policy of their kin community.

[294] There is no specific pattern in the use of the term "enforcer" in political science. My use of the term is in order to underline that kin-states may become enforcers of a certain policy over their kin community either because of their wider international interests, engagements or obligations.

example is the Turkish Cypriot leader Denktash's failed attempts at forming a public opinion in Turkey against the Annan Plan (See Section 4.6.). As for the post-settlement phase, the Northern Ireland case shows that the contestation at the local actors-kin-state(s) level could turn into a cooperative relationship over the years, particularly as the peace process progresses.

As noted in Table 3 below, the kin-state's role could lead to certain complications for implementation and institutionalisation of a power-sharing settlement. Where the kin-state assumes an enforcer role, in the local kin community's view the settlement is very likely to be regarded as an imposition. Although local actors' and third party peacemaker's individual goals could be rather easily identified, a kin-state's strategy in a given conflict is usually harder to determine. For local actors, there are usually a small set of political goals amongst which they would seek to attain one, depending on the political context; these are a power-sharing deal, a majoritarian rule, establishing dominance over the other group and secession. On the other hand, a third party peacemaker is usually inclined to seek a power-sharing deal in a deeply divided a society. Meanwhile, a kin-state has a much larger set of policy options, including non-interference, annexation, supporting establishment of a power-sharing regime or majoritarian democracy, favouring and supporting one group's dominance over the other(s). The kin-state's policy is, therefore, usually the most dynamic component of a peacemaking intervention for power-sharing; and it is often determined on the basis of the developments regarding the kin-state's wider international interests. In the case of Yugoslavia the international sanctions imposed on the country seems to have played a crucial role in determining the eventual policy shift of Milosevic, while in the cases of Cyprus and Northern Ireland the kin-states' wider interests (the EU integration process of Turkey and the strengthening of Anglo-Irish relations) were the major factors.

Type of Kin-state's Involvement	Its Context	Characteristics of the interaction	Assessments	Cases
Promoter	Most kin-state involvement would fall into this category. It does not require very close ties or direct engagement in the conflict.	It involves promotion of kin community's interests. Kin-state uses its international network and resources to help its kin at international level.	It is largely a supportive role. It usually takes the form of financial and logistical support, especially in internationalisation of the conflict.	Greece in the Cyprus conflict in the 1950s and also later at the EU level. Ireland in the Northern Ireland conflict in the 1970s and 1980s.
Quasi-mediator	Kin-states would employ their close ties with their kin to improve the chances of a mediation process, particularly where there are issues at stake harming their wider interests.	It is similar to a mediator's role; it seeks to bridge the gap between its kin and other disputant(s), e.g. formulation of some proposals. Its role is not perceived impartial; however, this may bring certain advantages in terms of engaging with some local actors.	As it is a relatively less intrusive mode of engagement, it does not create severe dependency or legitimacy issues regarding the emerging settlement.	Britain and Ireland in the Northern Irish all-party talks (1996- 1998). Turkey in the Cyprus conflict (1999-2002). Federal Yugoslavia during the Vance Owen Plan negotiations (1993).
Power-broker	Its context is limited with certain conflicts where kin-state involvement in the conflict is very substantial. Also, there are certain ties and engagements which make kin community dependent upon kin-state.	As power-brokers, kin-states are the dominant party in the relationship. Their actions are often unilateral; however, there is some negotiation with the local actors over kin-state's actions regarding the conflict and its settlement.	It is an intrusive form of kin-state intervention. It tends to create post-settlement issues, regarding the ownership and legitimacy of the power-sharing settlement.	Britain during the 1973 Sunningdale conference. Britain in the 1985 Anglo-Irish Agreement. Greece and Turkey in the 1958-1960 Cyprus negotiations. Turkey during the Annan Plan negotiations (2003-2004).
Enforcer	It is only the case in certain conflicts in which the kin community is totally dependent on the kin-state; for example, in war settings where kin community wages a war with the kin-state's support.	The interaction often turns into contestation, mainly because kin community leadership resists becoming a mere extension of the kin-state policy. However, given the imbalances in the relationship, this often becomes inevitable.	It is a very intrusive form of kin-state involvement. It is contribution to settlement process is essentially very problematic, as it almost totally lacks any political input from the local actors.	Federal Yugoslavia and Croatia in the Bosnian conflict (1994-1995).

Table 3 – Typology of Kin-state Involvement in Peacemaking

7.5. Level Four - Contestation for Power-sharing at the Third Party Peacemaker–Kin-state(s) Level: Hybridity in Peacemaking?

The fourth level of contestation for power-sharing, which is again only pertinent to cases where there is kin-state involvement, is between third party peacemaker and kin-state(s). When there are kin-states involved in a conflict, it is usually the case that their engagement with a third party peacemaker will constitute another level of contestation. Third party peacemaker-kin-state(s) interaction could take a form of contestation, as kin-states' policies tend to vary and often clash with third party peacemaker's efforts. This is particularly the case when kin states are strongly backing their kin during at early stages of conflict. Given that most kin-states are powerful regional actors, political leverage or other diplomatic tools available to a third party peacemaker for influencing a kin-state's policy are often considerably limited. But such influence over a kin-state for changing its policy can be exerted by linking the kin-state's wider interest to the developments in the conflict. That was done in the case of Bosnia through international sanctions, which made the rump Yugoslavia's wider interests contingent on the resolution of the conflict, while in the case of Cyprus the UN sought to exploit an already existent link between Turkey's EU accession and settlement of the Cyprus conflict. Without some form of cooperation with kin-states, power-sharing settlements are not likely to be successfully mediated by a third party peacemaker, because kin-states are often main international backers of local disputants, which provide them with resources and means to sustain their conflicts. In short, any third party peacemaker needs to engage with kin-states in order to acquire or sustain their cooperation for a power-sharing settlement.

Cooperative relationships were eventually developed between most kin-states and third party peacemakers in the cases studied. The kin-states and the third party peacemaker cooperated particularly well in Northern Ireland, mainly because the third party peacemaker's entry into the process and its specific role was agreed as such by the kin-states; hence there was no room for contestation between the two and the mediator. The third party peacemakers sought to form cooperative relationships with the kin-states in Bosnia and Cyprus by breaking the kin-group-kin-state alliances. In the Bosnian case, the use of military force by NATO and the imposition of economic sanctions broke apart the alliance between the Bosnian Serb leadership and Milosevic, underlining that a kin-group-kin-state alliance would not be likely to endure a forceful third party intervention. And in the case of Cyprus, the incentivising power of the liberal peace (in the form of EU integration) led the new Turkish government to shift its support to the Turkish

Cypriot opposition, and also helped the UN Secretary-General to form a cooperative relationship with the Turkish government for resuming the stalled mediation process.

The cooperative relationships forged between the kin-states and the third party peacemakers in Bosnia and Cyprus are consequential for theoretical discussions on hybridity in peacemaking. As noted in Chapter 3, Mac Ginty (2008) claims that local peacemaking traditions and mechanisms are often superseded by the dominant Western approaches in the liberal peace interventions. However, as I pointed out in the same chapter, kin-states may assume a hybrid role in the context of liberal peace interventions, which could lead to hybridisation of the liberal peace blueprints. Third party peacemaking with kin-state involvement can thus be regarded as a hybrid form of international peacemaking, as it expands the usual disputants-mediator triangular framework. Although kin-states were often indirect parties to the conflicts studied, their direct participation (particularly at final phases of the process) and active involvement seem to have been part of the collective strategy of the third party peacemakers and the kin-states. In the case of Bosnian Serbs and Yugoslavia, the American peacemaking team was even complicit in the kin-state's take-over of the kin community's decision-making, while in the case of Cyprus both Greece and Turkey were full-fledged participants in the endgame negotiations mediated by the UN. In the Northern Ireland case, particularly when the Good Friday negotiations were deadlocked, it was the direct participation of the British and Irish prime ministers which provided the impetus for progress. In other words, as a result of the peacemaker and kin-state(s) cooperation, the kin-states were critical players in the endgames. The third party peacemaker–kin-state(s)' level cooperation is a hybrid modus operandi in international peacemaking which combines third party mediation with kin-state(s)–local actors level intermediary mediation. However, in terms of hybridisation of the liberal peace blueprints with kin-state involvement, the case studies indicate that there was no consideration of non-Western political frameworks which could possibly better meet local needs.

7.6. Level Five – Contestation for Power-Sharing at the Kin-states Level: Regional Conflict or Cooperation?

For this level to exist there should be at least two kin-states involved in the conflict. Kin-states involved in the same conflict are likely to be sharing borders with each other and have bilateral disputes other than the one between their kin communities. It is also often the case that resolution of bilateral disputes between kin-states becomes closely intertwined with the local conflict. In the case of Bosnia, bilateral disputes between Croatia and the rump Yugoslavia were closely related with the Bosnian process; it was on the agenda of the Dayton conference to settle

other kin-states level issues, particularly the situation of the Croatian Serbs. The case of Northern Ireland was particularly striking in terms of what kin-states level cooperation could achieve: the Irish and British states increasingly cooperated over the years and eventually succeeded in establishing a framework for the Good Friday settlement. In the case of Cyprus, however, there was almost no cooperation between Greece and Turkey in order to settle the Cyprus conflict, and also there were many Greek-Turkish bilateral long running disputes. In other words, the contestation at the kin-states level was mostly intact in Cyprus for the period studied, while in the other two cases the contestations were already turning into cooperative relationships at varying degrees.

As long as there is an intense regional level contestation between kin-states, it is unlikely that there would be a power-sharing settlement at their kin-groups level. The contestation between kin-states for power-sharing is mostly shaped by kin-states' relationship with their respective kin as well as external and internal dynamics influencing a particular kin-state's policymaking. Kin-states who are related to a dominant majority are not likely to be in favour of power-sharing at the kin-groups level, and kin states who are related to minorities are often inclined towards power-sharing. However, if kin-states value their relationship with each other more than their relationships with their respective kin communities, or where there are severe threats to their national interests due to the running conflict, they are likely to support a third party peacemaker's mediation for a power-sharing settlement. The British and Irish states increasingly engaged with each other over Northern Ireland, particularly after both joining the EU, and they also sought to improve their bilateral ties despite the conflict. The violent disintegration of Yugoslavia led to an intricate set of antagonistic relationships among the kin-states and local groups in Bosnia. However, when the leaderships of Croatia and the rump Yugoslavia substantially changed their policies, mostly thanks to international pressure and sanctions, some form of kin-states level cooperation between them emerged, especially during the Dayton negotiations. In the case of Cyprus, a kin-states level cooperation between Greece and Turkey did not come about mainly due to two reasons: the existence of many other on-going disputes between the two countries and Greece's preference for low level of engagement in its kin community's affairs.[295] Whether kin-states could recognise the potential of their regional cooperation is a significant issue here. A third party peacemaker therefore should aim to help kin-states improve their ties and

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[295] Greece's preference for low level of engagement in the Greek Cypriot community's affairs is due to historical reasons. As noted in Chapter 4, the Greek backed coup d'état in Cyprus in 1974 triggered the Turkish intervention and the island's de facto partition, which seems to have led Greece to limit its involvement in the conflict with promotion of its kin's interests at international level.

move towards a cooperative relationship. In brief, the contestation at kin-states level needs to evolve towards a cooperative relationship for a power-sharing settlement.

7.7. Post-settlement Intervention: Power-sharing under Hybrid Sovereignty

This section aims to combine the assessments of the case studies regarding the power-sharing institutions envisaged and their implementation. The case studies have showed that the settlements followed the consociational approach to power-sharing. The choice of consociational political frameworks over other alternatives, such as the integrative approach, in the three cases provides empirical support for my concluding proposition in Chapter 2. That is to say, in deeply divided societies consociational power-sharing would be the only mutually acceptable political settlement in the short term. The three settlements also seem to have common institutional characteristics with respect to third party intervention.

One institutional commonality shared across the three cases is that third party intervention mechanisms were embedded in their proposed power-sharing systems. In Bosnia the institutional means for international intervention were particularly expansive, ranging from the influence of international judges at the Bosnian Constitutional Court to the Office of High Representative, which had coercive political powers. Continuation of the British and Irish governments' cooperation over Northern Ireland was institutionalised at two levels: the British-Irish Council and the North-South Council. Moreover, the two governments continued to closely engage with the Northern Irish elites, especially during the negotiations of the St Andrews Agreement in 2006, as implementation of the power-sharing settlement ran into problems. In the case of Cyprus, the settlement provided for continuation of the guarantor statuses for Greece, Turkey and the UK, and there would be international judges holding the balance at the proposed Supreme Court. There was, however, no permanent or temporary international body envisaged for bringing together the kin-states and the local actors. Likewise, in Bosnia the kin-states' engagement and cooperation were not sought for post-Dayton process; although there were extensive roles provided for other international actors. Bodies similar to the British-Irish institutions for Northern Ireland would not be totally applicable to Bosnia and Cyprus, since the two are independent countries. But given that the kin-states' involvement in the negotiations were no less significant in Cyprus and Bosnia than was in Northern Ireland, establishment of some transnational bodies for the kin-states and the local actors' cooperation and engagement could be a conducive factor for successful implementation of the settlements.

The specific roles envisaged for third parties in the power-sharing systems discussed also raise some conceptual issues. As noted in Chapter 2, the consociationalist and centripetalist (integrative) power-sharing theorists have long conceptualised power-sharing as a national or sub-national level endogenous political framework, while the complex power-sharing school have taken into account international involvement in design and implementation of power-sharing settlements and also highlighted consociational-integrative mix design of power-sharing systems in some cases. The three power-sharing settlements examined in this thesis could be best assessed through a consociational power-sharing lens in terms of their internal institutional design as they envisaged strictly ethnic and deeply entrenched mechanisms of power-sharing.[296] However, the existence of widespread third party involvement in the making and implementation of power-sharing in Bosnia and Northern Ireland also confirms the complex power-sharing approach's emphasis on the role of international actors. Moreover, the third party intervention mechanisms embedded within the settlements, as well as the post-settlement roles played by some international actors in Bosnia and by the kin-states in Northern Ireland, suggest that power-sharing in these deeply divided societies relies on the continuing mediation and interference of the kin-states or other third party actors. Therefore, a more apt conceptual definition is needed to emphasise this significant external component of the power-sharing in these two cases. As the international actors and the kin-states involved in these cases engage in negotiations with the locals over the implementation of power-sharing, especially when there is a deadlock between the locals. This negotiation between the locals and third parties often results in hybrid outcomes as both sides cannot impose their own will and need to comprise. The interaction thus indicates that there is a form of "hybrid sovereignty" in Bosnia and Northern Ireland. The term "hybrid sovereignty" is borrowed from Bacik (2008). According to Bacik, "hybrid sovereignty" denotes the existence of traditional patterns and forms of authority within the formal modern statehood in the context of the Arab Middle East. My use of the term, however, is to emphasise that there is a local-international (or local-kin-state) hybrid form of modern nation-state sovereignty in existence in Bosnia and Northern Ireland. The term "hybrid sovereignty" can be related to the term "shared sovereignty", which is outlined by Krasner (2004); however, Krasner's argument rests on the assumption that sovereignty could be shared and this process could be regulated, whereas, in fact, the status quo, at least in Bosnia, is that sovereignty is not shared but often negotiated over, on an ad hoc basis, resulting in its hybridisation.

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[296] This observation is based on the case study discussions on the settlements.

Although power-sharing under hybrid sovereignty seem to have made some progress towards institutionalisation of peace in Bosnia and Northern Ireland, it remains to be seen whether such arrangements are conducive for sustenance of power-sharing in the longer term. Even under international intervention in the form of hybrid sovereignty, consociational power-sharing institutions could often become deadlocked because the divisions continue to run deep, or since local actors may not compromise when they are safe in the knowledge that third parties would prevent a total collapse. Therefore, third parties should seek to minimise their involvement and should not dictate but urge local actors to replace consociational power-sharing institutions with integrative ones. A gradual shift appears to have begun in Bosnia, where some substantial changes were incorporated into the consociational system over the years and the original strictly ethnic identity based power-sharing became somewhat integrative. The Annan Plan for Cyprus was rejected, so it is not possible to assess whether similar developments could have happened in Cyprus. In Northern Ireland, though, the relatively integrative consociational system has been relatively stable in the recent years.

7.8. A Nested Games Approach to Negotiating Power-sharing: Between Deadlock and the Prisoners' Dilemma

In this section a game theoretical account of power-sharing negotiations under kin-state and third party peacemaker involvement in a deeply divided society is proposed. As this game theoretical analysis will be based on Tsebelis' (1990) nested game approach, a discussion of Tsebelis' analysis is essential. Arguing that an actor's choices may appear suboptimal to an observer not because the actor is irrational but since the observer's perspective is incomplete, Tsebelis (1990) has suggested a nested game approach to explain apparently suboptimal actions of political actors. According to Tsebelis, while the observer focuses on only one game, the actor is, in fact, involved in a network of games, which he calls *nested games*. In other words, what seem suboptimal from the perspective of one game is actually optimal if the whole network of games is studied (Tsebelis 1990, 5-11). One of Tsebelis' applications of the nested games approach is on constitutional bargaining among segmental elites in a consociational democracy.[297] Tsebelis (1990, 164-172) posits that segmental elites and their respective constituents in a consociational democracy would somewhat differ in terms of the ordering of their preferences regarding constitutional bargaining. And if the elites are wholly faithful to their constituents' preferences expressed at the electoral arena, inter-segmental interaction would be shaped in accordance with the electorate's view. In

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[297] Tsebelis' discussion of this application is mostly theoretical, with only a very brief analysis of an incident of constitutional bargaining in Belgium.

that case, Tsebelis claims that there would be either a Prisoners' Dilemma or a Deadlock game. Whereas if the elites' own preference sets were to prevail, the situation would be a game of Chicken (Ibid, 164):

> For elites, as for the followers, the most preferred outcome is to be intransigent when the opponent compromises. The second best outcome is mutual compromise. Finally, yielding to an intransigent opponent and avoiding conflict is preferred over mutual intransigence. This fear of mutual intransigence is what distinguishes elite preference orderings from those of the masses. So for the elites the game is chicken.

The game's type matters because different types of games have different outcomes in game theoretical terms: there is one dominant strategy with a unique Nash Equilibrium in a typical Prisoner's Dilemma (PD) or a Deadlock game, but in a game of Chicken there is more than one dominant strategy and three Nash equilibriums (two in pure strategy and one in mixed strategy cases).[298] According to Tsebelis, where the constitutional bargaining is either a PD or Deadlock game, which are both faithful representations of the constituents' preferences, politics would become more ideological and polarised because choices are clear and unconditional. Whereas in a game of Chicken there is no unique equilibrium, hence the parties would make their choice contingent upon the opponent's strategy and politics is likely to become more pragmatic. In other words, in the game of Chicken the chances of striking a constitutional bargain would be higher as the actors would have more flexibility. But since the elites are often likely to take into account both the parliamentary and the electoral arenas, the actual game is very much likely to be a composite game with a payoff structure of its own. Tsebelis suggests that the degree of influence constituents have on their elites would determine how the payoffs of the games at the parliamentary and the electoral arenas are combined and converted into payoffs in the actual game, and that the degree of constituents' influence would largely be determined by two factors: information and monopoly of representation. Briefly stated, where the public could closely follow the elite discussions, the elites are to have less flexibility in negotiations; and monopoly of representation is essential because if there is intra-segmental opposition, the segmental elites are to have less flexibility than otherwise they would.

However, Tsebelis' application of nested games approach to constitutional bargaining in a consociational democracy is not sufficient in analysing power-sharing negotiations in a deeply divided society. As elites in a deeply divided society often do not prefer yielding to an intransigent opponent in order to avert conflict, the elites and their followers are very likely to share the same

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[298] For a discussion of the archetypical games of Prisoners' Dilemma, Deadlock, and Chicken, see Tsebelis (1990, 61-68); and Colman (1999 111-118).

ordering of preferences. In other words, the elites in a deeply divided society often do not prefer yielding to an intransigent opponent in order to avert conflict, which was particularly evident across the three cases studied in this thesis. The communal elites in all the three cases were often not afraid of initiating or sustaining conflict, mostly due to the fact that yielding to an opponent in those three deeply divided societies had more severe consequences (such as secession or majoritarian rule) than what issues at stake in a relatively united and established consociational democracy such as Belgium would have. A nested games approach to negotiating power-sharing in a deeply divided society should also take into account actors other than local elites involved in the process. As noted above, there are usually two external actors involved in negotiating power-sharing settlements: third-party peacemakers and kin-states. Below, I first discuss how a nested games approach can be employed in analysing kin-state involvement in negotiations for power-sharing settlements. Subsequently, I will seek to specify in game theoretical terms how third party peacemakers' could increase the chances of settlement.

A game of negotiating power-sharing can be formulated as a basic two by two game of local elites, in which there are two strategies available to both sides. The same two strategies are also indirectly available to kin-state actors; they can support either one or the other of two strategies. Both local elites prefer to be hard-line when the other side accommodates. I call its payoff D (for dominance), as the party who does take a hard-line stance would be dominating over the other side. The exactly the opposite situation (accommodating while the other side is taking hard-line stance) is the worst outcome for both sides, and I call its payoff R (for repression). The other available outcomes are mutual accommodation and mutual hard-line stance. The local elites and their constituents would prefer mutual hard-line stance over mutual accommodation. I call the payoffs for mutual accommodation S (for power-sharing settlement), and the payoffs for mutual hard-line policy can be called C (for continuing the conflict). So both sides' preference ordering is D>C>S>R and this preference ordering corresponds to the Deadlock game, where the strategy which is mutually most beneficial is also dominant. As pointed out above, Tsebelis argues that the constituents could prefer mutual accommodation over mutual hard-line stance as well, and therefore the game could be either Deadlock or Prisoners' Dilemma. However, in the cases studied it can be argued that the parties' seems to have mostly preferred hard-line stance over accommodation. In the cases of Bosnia and Northern Ireland, in the initial phases of the conflicts hard-line stances were preferred over accommodation, although relatively less hard-line stances were taken in the latter stages. On the other hand, in the case of Cyprus an empirical analysis by Lumsden (1973) found that the Cyprus conflict in the early 1970s was a PD game, but more

recently Yesilada and Sozen (2002) have empirically showed that it is a Deadlock game and both sides seem to prefer continuing the conflict over mutual accommodation. In short, it could be argued that conflicts in deeply divided societies are often Deadlock games rather than PDs. This strategic interaction can be shown in a game matrix as follows:

Table 4 - Payoff Matrix for Deadlock Game of Power-sharing Negotiations

	Accommodate	Hard-line
Accommodate	S_1, S_2	R_1, D_2
Hard-line	D_1, R_2	C_1, C_2

Note: The subscripts 1 and 2 are to identify payoffs for each individual player. Both players have the same preference ordering: D>C>S>R

For kin-states, the most favoured outcome is that their kin community taking hard-line stance while the other group is accommodating. The second best outcome for them is mutual accommodation, because on contrary to local actors and their constituents kin-states would not be totally enmeshed in the conflict and, particularly after an initial escalation of the conflict, are very likely to seek an accommodation in order to prevent the conflict threatening their wider interests. However, they would prefer continuing the conflict rather than seeing their kin dominated by a hard-line opponent, since a domination of their kin by a hard-line opponent is, after all, not an acceptable outcome especially for their domestic public opinion. As such, from kin-state's perspective, the negotiating local elites' preference ordering should be: D>S>C>R. Therefore, the game is a Prisoners' Dilemma.

The significance of kin-state's preference ordering is that the local elites are often very likely to pay attention to the concerns of their kin-state's leadership as they seek their help in waging the conflict. For that reason, the actual payoffs would be determined by a combination of the payoffs held by the local and kin-state actors. In simple terms, if the local actors have no dependency relationship with their kin-state, or if there is no kin-state involved, the payoffs would totally reflect the local perception of the game. However, if there is kin-state involvement, the degree of such involvement will weigh in the calculations of local elites and be reflected in their perception of the game. If we assume that x is the variable which captures the level of kin-state involvement and it varies from 0 to 1, while x increases the local elite's perception of the game

would become more reflective of the kin-state's perception. In simple algebraic terms, an equation[299] can be written to calculate the actual payoffs of the local elites:

$$P = xP_K + (1-x)P_L$$

In this equation P stands for the actual payoffs of the local elite in the composite game, while P_K is for the payoff at the kin-state level and P_L is for the payoff at the local level. If both kin-states are enforcer type, it could be assumed that the x is 1 and the game would become a PD game. However, as the individual relationship between each group and their kin-state would likely to be different, the equation is likely to generate different payoffs for each group and lead to various possible games. If it turns out to be a PD game, the power-sharing settlement is a Pareto superior outcome to the dominant strategy (hard-line stance), and when the game is iterated, there is an increasing likelihood that they will reach a mutual accommodation (i.e. power-sharing).[300] Whereas if it is a Deadlock game (as a result of the preference set held by the local actors and their constituents), the strategy that is mutually most beneficial is taking hard-line stance, which is also a unique Nash Equilibrium, and thus there is no incentive for the parties to agree on a power-sharing settlement.

As for third-party peacemaker's involvement in the game discussed above, third-party peacemaker could use the influence of kin-states over their local kin groups in order to bring about a settlement. In terms of the nested game formulated above, this would mean that third party peacemaker will aim to bring about the kin-state's influence by reinforcing the kin-state's involvement in the peacemaking process. However, only a third party peacemaker who could manipulate the negotiation context would play a significant role in incentivising the kin-state to exercise its influence over its kin community. In other words, where there is a manipulative third party peacemaker the variable x, which measures kin-state's involvement, is likely to have a higher value as third-party peacemaker will seek to help maximise kin-state's involvement in order to bring about a settlement. As discussed earlier in this chapter, third party peacemakers often seek to involve kin-states in a peacemaking process to have access to their leverage over their kin community; this is particularly the case when kin-states are brought into the negotiations by third party. The game tree figure below is for illustrating the game for one of the local elites who have a kin-state involved in the process.

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[299] This equation is adapted from Tsebelis (1990, 166).

[300] The emergence of cooperation in the iterated Prisoners' Dilemma is largely attributed to the "shadow of the future", which suggests that, even if the participants are unaware of it, the fact that the agents will interact again makes it possible for cooperation to emerge (Axelrod 1984).
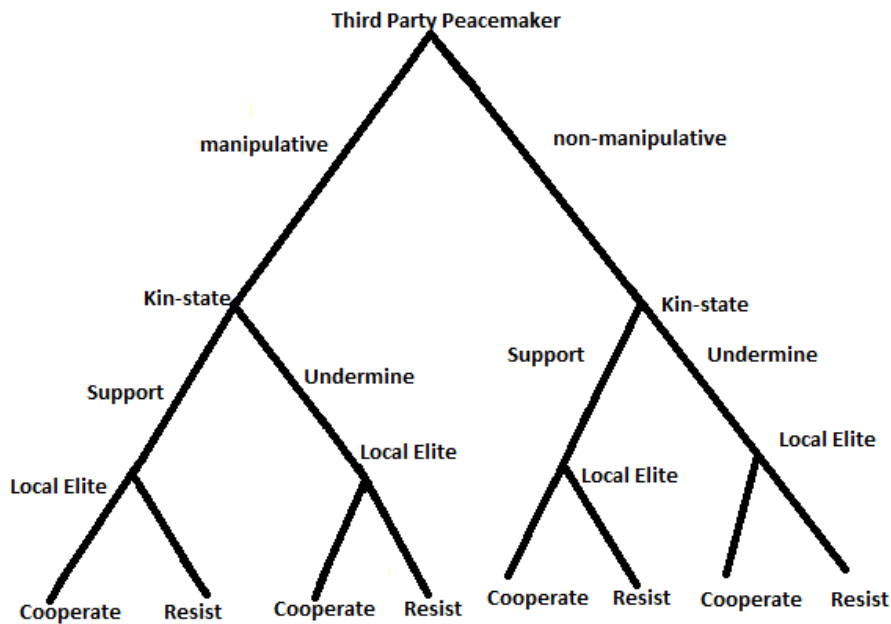
Figure 2 - Game Tree for Peacemaking Intervention with Kin-state Involvement

This game tree is for showing the main dynamics of the process, so there are no payoffs posited for the actors. In this one-shot game, which is also under perfect information condition, the local elite have the final say over the outcome of the third party intervention. The local elite would have its domestic considerations, but there are two major external factors as well: the third party intervener's and their kin-state's strategies. The game begins when the third party intervener choose between a manipulative and a non-manipulative strategy; in other words, between power mediation and facilitative mediation. As discussed earlier in this chapter, a non-manipulative strategy in the context of a deeply divided society is unlikely to have much influence over the local elites, while a manipulative strategy could incentivise both local actors and kin-states to work towards a settlement. In the next stage of the game the kin-state can support the third party intervener and thus improve the intervention's chances of success, or it can undermine the effort and make it less likely to succeed. And in the final stage of the game, the local elite can either cooperate with or resist to the third party intervention. All other things being equal, the game indicates that the local elite would be more likely to cooperate towards a settlement when the intervener is manipulative and supported by the kin-state.

7.9. Conclusion

This chapter first combined the findings of the case studies and developed them into theoretical conclusions through a five-level framework. Its discussion particularly underlined kin-states' role in peacemaking for power-sharing. A typology of kin-state involvement, which is the first of its kind in conceptualising kin-states' role in peacemaking interventions, has been suggested. Third party peacemaker's role in peacemaking for power-sharing was also extensively analysed, and their cooperative engagement with kin-states was pointed out as one of the most crucial components of a successful peacemaking intervention. The latter part of this chapter sought to offer a game theoretical analysis of negotiating power-sharing in deeply divided societies. The nested games approach adopted helped illustrate specific consequences of the interaction between kin-states and their kin communities for negotiating power-sharing. Finally, a model game showing how third party peacemaker, kin-states and local actors would interact within the context of peacemaking intervention for power-sharing was proposed. The theoretical conclusions drawn and models suggested in this chapter are broadly applicable for analysis of peacemaking in conflicts with kin-state involvement.

CHAPTER 8

Conclusion

According to BBC editor John Simpson, "In 1972, it would have seemed like the most absurd fantasy that the Queen would ever shake hands with a leading figure from the Provisional IRA." But it did happen on 27 June 2012: the Queen and Martin McGuinness, a former IRA commander and the Deputy First Minister of Northern Ireland, shook hands in a carefully choreographed charity event in Belfast.[301] If anything, the event was a symbolic turning point in the history of the Troubles. The Northern Ireland conflict is not resolved; however, immense progress has been made since the GFA in 1998. Meanwhile, in Bosnia, there seems to be a relative stability and peace, compared to the horrors of the Bosnian war, though the country's future looks shaky as its society and politics remain deeply divided. In Cyprus, there is no direct violence, and no peace or justice either. The future of the island currently looks divided, and its people mostly seem content with frozen conflict and (il)liberal peace on the island.[302]

Although their future directions might appear rather different, these three deeply divided societies, in the recent past, have been recipients of similar peacemaking interventions for power-sharing settlements involving both third party peacemakers and kin-states. The present thesis has analysed this understudied form of third party intervention with kin-state involvement by drawing on the cases of Cyprus, Bosnia and Northern Ireland. The findings and conclusions of the study are manifold; covering both empirical and theoretical contributions to the literature. The case study of Cyprus demonstrates the role of the Turkish government in moving the peacemaking process forward, an aspect of the peacemaking intervention underemphasised in the literature. It also illustrates the negligence of the two kin-states as there was no cooperation between them towards a successful culmination of the UN peacemaking intervention. The fact that both Cypriot communities were, for the most part, not genuinely interested in a settlement indicates that peacemaking interventions with limited and inconsistent kin-state involvement are susceptible to the manipulation of the local actors. The case study also confirms the argument in the mediation literature that what brings parties to the negotiations table matters. And if local parties are not genuinely after a settlement, like in Cyprus, peace will remain elusive regardless of the extensive

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[301] BBC News (2012), "Queen and Martin McGuinness shake hands", 27 Jun., http://www.bbc.co.uk/news/uk-northern-ireland-18607911 (accessed 15/9/12).
[302] For an account of liberal-illiberal hybrid peace in Cyprus, which is shortened as (il)liberal, see Adamides and Constantinou (2012).

efforts of third party peacemaker. The case of Bosnia shows how the form of kin-state involvement could substantially change and even take the form of a take-over of local leadership with implicit support of third party peacemaker. The deep involvement of the kin-states in their kin communities' politics in Bosnia has been noted in the literature before, but has not been analysed in terms of its implications for the third party peacemaking theory. My analysis of Bosnia points out that the form of engagement and the nature of relationships between kin communities and their kin-states could change depending on the policies of the international community. The section on Northern Ireland particularly underscores the effectiveness of kin-state(s) led peacemaking and how it could be even further strengthened through the involvement of third mediators. The role of Anglo-Irish intergovernmental cooperation in management of the conflict has been widely noted, however, the mediation role of the two governments and their relationship with the official mediators has not been analysed. The case study of Northern Ireland suggests that the British and Irish governments were engaged in quasi-mediation with the local parties during the negotiations leading to the GFA in 1998, and the official mediators' role was secondary, rather than primary, in the mediation of the all-party negotiations.

Chapter 7 brings together the findings of the three case studies through a five-level analytical framework, which encapsulates all the levels of interactions in a peacemaking intervention for power-sharing with kin-state involvement: the local actors level; the local actors-third party peacemaker level; the local actors-kin-state(s) level; the third party peacemaker-kin-state(s) level; and the kin-states level. The framework is broadly applicable to the analysis of similar peacemaking interventions for power-sharing. At the local actors level, the thesis argues that three conditions are essential for power-sharing. These are intra-group political stability in each ethnic group; the existence of a power balance or a tendency towards parity between the groups; and the existence of a mutually hurting stalemate. At the local actors-third party peacemaker level, the discussion concludes that power mediation is likely to be the most effective form of intervention. Assessments of the local-actors-kin-state(s) level culminate in the suggestion of a typology of kin-state involvement in peacemaking. This typology which classifies kin-state involvement into four roles as promoter, quasi-mediator, power-broker and enforcer is an original contribution to the field. As noted in Chapter 7, these roles can be mixed in practice; but they are still useful in identifying the potential effect of kin-state involvement in certain stages of a peacemaking intervention. For example, in cases where kin-states appear as power-brokers or enforcers the third party peacemaker cannot succeed in their intervention unless they take into account this factor. Moreover, third parties can seek to manipulate the local-actor-kin-state

relationship by providing incentives or disincentives for kin-states to use their involvement for the benefit of the peacemaking intervention. Kin-state mediation may appear conceptually problematic owing to the fact that kin-states can also be direct or indirect parties to the conflicts concerning their kin. However, the findings of the case studies have strongly indicated that kin-states can provide a form of mediation, which I refer to as quasi-mediation. Kin-states as quasi-mediators can assume some mediation roles (e.g. formulation of specific proposals) similar to a third party peacemaker and utilise their close relationship with their kin in such efforts. Quasi-mediation is one of the roles which can be assumed by kin-states, and it has been part of early kin-state interventions across all the cases. Its use by kin-states is likely to be a widespread occurrence, which can be investigated by looking at more cases. Promotion is another role likely to be widely assumed by kin-states in their involvement in peacemaking. Kin groups often ask for support of their kin-states, and the least a kin-state can do is promoting its kin's interests at an international level. The specifics of these promotion activities have been outside the remit of this thesis as it is a wider phenomenon whose context extends beyond peacemaking. However, the concept needs be further investigated in order to better understand the kin-state-kin-community relationships in general. The analysis at the third party peacemaker-kin-state(s) level points to a hybrid form of peacemaking which combines third party mediation with kin-state involvement. The hybridity of peacemaking as such could lead to the hybridisation of the liberal peace blueprints as well, but that has not been identified in the processes studied, most probably due to the excessive forcefulness of the third party interveners, which seems to have minimised kin-states' potential for the hybridisation of the liberal peace. This does not necessarily entail that such hybridisation cannot happen in other contexts. Finally, the kin-states level is highlighted for its potential for contributing to a peacemaking intervention for power-sharing. At this level, the main finding is that kin-states level cooperation can be a core dynamic of peacemaking, as it was the case in Northern Ireland, and where it does not exist, third party mediators should work towards the creation of a kin-states level cooperation.

The findings of the research project also indicate that power-sharing settlements in deeply divided societies are mostly consociational. This was a rather expected outcome, given the depth of the social divisions in the societies under scrutiny. As for post-settlement intervention, the thesis proposes that the continuation of third party interventions during the implementation stages in Bosnia and Northern Ireland raises conceptual issues regarding the nature of sovereignty in these societies. The power-sharing regimes in these two contexts then could be seen as operating under hybrid sovereignty, which is shaped through an interaction between local and

external actors. The findings of the thesis regarding kin-state involvement are ultimately formulated in game theoretical terms to illustrate how the local-actors-kin-state(s) interaction could be broadly modelled within the context of peacemaking for power-sharing. In Chapter 7, I have argued that the perception of the game will vary between kin groups and their kin states. In deeply divided societies kin groups would have preferences that correspond to a Deadlock game, whereas their kin-states tend to see a Prisoners' Dilemma game. The two games have different possible outcomes and the latter is more prone to a negotiated settlement such as power-sharing. A nested games approach has been applied to analyse how these two perceptions of games will play out in the context of a peacemaking intervention for power-sharing. An algebraic equation is suggested to combine the payoffs of the games so that a composite game can be devised. The typology of kin-state involvement could be used to determine how the payoffs will turn out for the composite game. For instance, if the kin-state is an enforcer type, the game will become a PD game, and if it is a promoter kin-state, the game is more likely to resemble a deadlock. The nested games' analysis is illustrative and its applications to the cases have not been provided. Also, a model game is outlined for illustrating the kin-group-kin-state-third-party-peacemaker interaction. The model game captures the main dynamics of such interaction, but it ought to be further elaborated. A further development of the model should include all the actors, including both of the local disputants, kin-state(s) and third party peacemakers. This could be further supported with an empirical investigation establishing individual preference sets of all these actors. The actors' precise preference orderings need to be known and this could either be achieved through interviews with the actors or through a systematic analysis of the parties' views and actions in the process studied. Once the preference sets are compiled, these can be translated into numerical values and the game could be analysed to see whether it yields any specific implications.

However, game theoretical analysis is not the only possible avenue for further research, and it is not likely to be conducive to further elaboration of the five-level framework and its conclusions. Therefore, field research, in particular interviews with local, kin-state and other third party actors, can be undertaken to further develop and confirm the robustness of the framework and its conclusions. Particularly the typology of kin-state involvement in peacemaking can be improved and further substantiated with fieldwork. The empirical basis of this research can be broadened with the inclusion of more case study analyses. Some prominent candidates for such further research are Abkhazia, South Ossetia and Transnistria, which all have kin-state relationships with Russia. Although these are not entirely ethnic based relationships, they seem to constitute some form of local-group-kin-state relationship. The case of Nagorno Karabakh and its

kin-state Armenia is another one which could be studied in terms of third party peacemaking with kin-state involvement. These cases, however, are considerably different than the ones studied in this thesis as they involve only one kin-state and they are secessionist entities rather than deeply divided societies. On the other hand, the fact that the three of them are all related to the same kin-state, Russia, could help explain variation in the policy of the kin-state across different cases.

The breadth and the complexities of interactions between local actors and kin-states are vast. But this interaction has been often assumed to be linear or uniform. It is not uncommon practice in the news media, for instance, to argue or assume that the Cyprus conflict essentially consists of two opposing parties: the Turkish side, incorporating both the Turkish Cypriots and Turkey, and the Greek side, which includes both the Greek Cypriots and Greece. And it is not rare in the academic literature to look at the Cyprus conflict as a dispute between the island's two native communities. In fact, interactions between local groups and their kin-states often tend to be very complex and they are certainly not one-dimensional. This thesis has inquired into a small segment of such interaction, in the context of peacemaking processes in Cyprus, Bosnia and Northern Ireland. Therefore, it should be stated that the complex and fluid set of interactions between local actors and kin-states need to be further studied. Some questions for further research can be formulated as:

- How do the interaction of local actors and kin-states impact upon the post-settlement phase?
- Is this interaction legitimate in the eyes of local public? How do kin-states justify their actions to their own and kin community's public?
- Does the interaction's nature change over time? Could kin-states and kin communities distance themselves from each other in the longer term?

A few preliminary assessments in relation to the first question are provided in this thesis, while the latter two have not been addressed at all. The thesis, overall, has been an exercise in theory building to analyse how local groups, their kin-states and third party peacemakers interact within the context of a peacemaking intervention for power-sharing. It concludes that kin-state involvement in peacemaking for power-sharing is a complex, fluid and context-dependent process. This complexity and variation, however, can be better understood through the proposed five-level theoretical framework, and the role of kin-states in peacemaking can be illuminated by the use of the typology outlined in this thesis.

APPENDIX A - The Lists of Favourable Conditions for Consociational Democracy in Arend Lijphart's Work[303]

Lijphart 1968 (6)	Lijphart 1969 (8)	Lijphart 1977 (9)	Lijphart 1985 (8)	Lijphart 1996 (9)
1 Distinct lines of cleavages between subcultures.	IBID	Segmental isolation and federalism	Geographical concentration of segments	Geographical concentration of segments and federalism
2 A multiple balance of power among the subcultures	IBID	IBID	No majority segment plus segments of equal size	No majority segment plus segments of equal size
3 External threats	IBID	Small country size	External threats	External Threats
4 A relatively low load on the system	IBID	Small country size	Small population size	Small population size
5 Moderate nationalism	--	Overarching loyalties	IBID	Overarching loyalties
6 Popular attitudes favourable to government by grand coalition	Widespread approval of the principle of government by elite cartel	--	--	-
7 --	The length of time a consociational democracy has been in operation	--	--	-
8 --	Internal political cohesion of the subcultures	--	--	-
9 --	Adequate articulation of the subcultural interests	--	--	-
10 --	--	Moderate Multiparty system	Small number of segments	IBID
11 --	--	Representative party system	--	
12 --	--	Crosscutting cleavages (in some instances)	--	
13 --	--	Tradition of elite accommodation	IBID	IBID
14 --	--	--	Socioeconomic equality	IBID
15-				The inexistence of a solid majority that prefers majority rule to consociationalism

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[303] This table is an updated version of Bogaards' (1998, 478) compilation of the lists of favourable conditions in Lijphart's work with the addition of Lijphart (1996).

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