

FEDERAL REPUBLIC OF
YUGOSLAVIA

Montenegro

PROBLEM OF ETHNICITY

ALBANIA

The United Nations and Kosovo Crisis

Jasvir Singh

FORMER YUGOSLAV
REPUBLIC OF
MACEDONIA



Tetovo

Gatce Plov

SKOPJE

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UNISTAR

Ethnicity / Ethnic Conflicts / Ethnic Violence Politics / Nationalism / Identity /
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by

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Abbreviations

ACABQ	:	Advisory Committee on Administrative and Budgetary Questions.
CHR	:	Commission on Human Rights
CSCE	:	Conference on Security and Cooperation in Europe
EC	:	European Community
ECOSOC	:	Economic and Social Council
ESDI	:	European Security and Defense Identity
FRY	:	Federal Republic of Yugoslavia
FYROM	:	Federal Yugoslav Republic of Macedonia
ICFY	:	International Conference on Yugoslavia
IMF	:	International Monetary Fund
JIAS	:	Joint Interim Administrative Structure
KFOR	:	Kosovo Force
KLA	:	Kosovo Liberation Army
KTC	:	Kosovo Traditional Council
KVM	:	Kosovo Verification Mission
LDK	:	Democratic League of Kosovo
NATO	:	North Atlantic Treaty Organization
OCSE	:	Organization of Security and Cooperation in Europe
OHCHR	:	Office of High Commissions for Human Rights
OIC	:	Organization of Islamic Conference
SNCK&M	:	Serb National Council of Kosovo and Metohija
SNCM	:	Serb National Council of Mitrovica
SPSG	:	Special Representative of UN Secretary-General
UNHCR	:	United Nations High Commission for Refugees
UNMIK	:	United Nations Mission in Kosovo
WB	:	World Bank
WMD	:	Weapons of Mass Destruction
WTO	:	World Trade Organization

Preface

Kosovo is a watershed in the World Politics. As an ethnic phenomenon, it not only prompted a reexamination of some of the central issues of ethnicity but also raised an important question about the role of United Nations in international politics. This study, by discussing the theoretical issues involved in ethnic phenomena, analyse various questions raised by NATO's attack on the former Yugoslavia. These questions involved the issues of humanitarian intervention, the diminished relevance of the United Nations in the sphere of the use of force in world affairs, changed peace-keeping role of the United Nations in intra-state conflicts, the United States' role as a sole super power conflicts and its impact on the United Nations system. Due to these central questions Kosovo would always remain important in world politics. Even after 9/11 attack on world Trade Centre the following issues would also linked with Kosovo such as,

1. What happens if states behave as gangsters toward their own people and use sovereignty as a license to kill?
2. Should such states forfeit their sovereign rights or be recognized as legitimate members of international society?
3. What responsibilities does international community have to enforce humanitarian laws on non-compliant states?

As a tyro in the field of research, it was difficult for me to deal with such complex issues of international importance. But my deep interest in ethnic phenomenon took the shape of this work with generous support of various people in the Department of Political Science, Punjabi University. A number of people contributed to the evolution of my ideas during my stay in the department. My guide Prof. Manju Verma gave me an important vision through which I finally came to understand the complex theoretical aspects of

ethnicity in the world politics. Other faculty members of department Prof. Narinder Kumar Dogra, Prof. Inderjit Singh Sethi, Prof. S.K Sharma and Prof. Jagroop Kaur especially gave their deep insights on my study.

My friends Dr. Jatinder Singh, Dr. Subhash Kumar and my wife Dr. Rinka were generous enough to read and criticize various chapters and immensely helped me from the very beginning of this study. A Sincere thanks also goes to S. Sewak Singh who read the entire manuscript and gave invaluable insights and suggestions for revision.

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Introduction

International relations in the last decade of twentieth century underwent several dramatic changes. The cascade of events occurred in this decade resulted in a revolutionary restructuring of world politics. The countries of the world drew closer in communications, ideas and trade. The integration of national economies has produced a globalized market and formed interdependent bonds between countries and cultures. Likewise, the disintegrative trends shook the globe and turned the way it easier operated. The stability imposed by the bipolar distribution of power between United States and Soviet Union and their respective allies ended. The proliferation of conventional and unconventional weapons, global environmental deterioration and the resurgence of nationalism and ethnic conflict portend a restructuring marked by disorder. The opposing forces of integration and disintegration point toward a transformation in world politics as extensive as the system-disrupting convulsions following World War I and II. The eruption of widespread ethnic conflicts in various parts of the world proved the assumptions of world cycle theory¹ that the phenomenon of violence is a feature of the end of all empires and unions. The demise of USSR and its military alliance (Warsaw Pact) had created a powerful wave of global localism which breaks over the cliffs of the system. Consequently, various independent states have been challenged by constituent tribal, national and ethnic entities seeking secession.²

‘The ethnic nationalism, ethnic conflicts are definitely not new phenomenon. Although the communities organized on putative common descent, culture and destiny, have coexisted, competed and clashed since the dawn of history. Yet what is new today is not the existence of competition and conflict among ethnic groups, but their global manifestation.³ It has been estimated that more than ten million lives were lost between 1945 and 1975 alone as a result of ethnic violence. More than two-third of all armed combat in the world since

1945 has taken the form of civil wars, wars of state against nation, war of secession, and major armed uprisings to oust governments. Even many of the interstate wars and large armed interventions originated as civil disturbances and wars. Most threats to the states have been internal not external. The adversaries in these conflicts represent many different kinds of identity groups i.e. ethnic, racial, religious etc.

It is confirmed from the types and nature of the armed conflicts occurred since 1945 that the 77 percent of the total wars were ethnic or internal where armed combat was not against another state but against the authorities within the state or between armed communities. The SIPRI yearbook of 2000 identifies 27 major armed conflicts in 25 countries in 1999 and interestingly only two were of inter-state nature and rest were intra-state. Ethnic identity remained a strong defining characteristic in one half of the major conflicts in 1999. It no doubt resulted in unimaginable loss of human life.⁴

The end of cold war witnessed a massive proliferation in the number of states. Although historically, the dissolution of countries has been primarily a consequence of wars between states, but, during the last half of the twentieth century, the governments have more to fear from internal conflicts. Groups within states are asserting their ethnic, religious, linguistic, regional or national identities and questioning the integrity and legitimacy of existing countries which lead to abrupt border changes.⁵ The ethnic assertions led to the unparalleled explosion of number of states from 51 to 194. The increase in cultural politics since mid 1970s demonstrates a general shift from a modernist politics based on universal progress and development within the capitalist order. The cultural politics has taken the form of a proliferation of new identities, new social categories and often new political groups. The nation has fragmented into its component or entirely new ethnicities and even the nation state itself become ethnified. The “struggle for recognition” has fast become the paradigmatic form of political conflict, demands for “recognition of difference” fuel struggles of groups mobilized under the banner of nationality, ethnicity, race, etc. In the “post socialist” conflicts, group identity supplants class interests as the chief medium of political mobilization. Cultural domination supplants exploitation as the fundamental injustice. And cultural recognition displaces

socioeconomic redistribution as the remedy for injustice and the goal of political struggle. The new identities have been of the following types : Ethnic, Nationalist, Religious/Fundamentalist and indigenous. With the breakup of the Soviet empire the process of ethnic fragmentation has become a process of Balkanization in which armed nationalist conflict is dominant.⁶

The challenge of ethnic armed conflict and ethnic political mobilization is being equally felt by developed and developing states. In the developed states of Europe and North America, the challenge of ethnic conflicts has been manifested in form of ethnic revival and growing political assertiveness (often ranging in demand from regional autonomy to outright independence and sovereign statehood) of minority ethnic groups (i.e. the Basques and Catalan in Spain, the Bretons and the Corsicans in France, the Walloons and the Flemish in Belgium, The Scots, Welsh and Irish in the United Kingdom, and the French speaking Quebecois in Canada). Since the disintegration of USSR in December 1991, several ethnic conflicts within and between the USSR successor states have emerged.⁷ The legacy of Western Colonisation and decolonisation process was mainly responsible for rise of ethnic nationalism and formation of ethnic political movements in developing state. The decolonization process handed over political power recognizing some ethnic groups at the cost of ignoring existing ethnic and cultural divisions and popular political aspirations. Ethnic plurality was manageable until the decolonization process was not complete. The nationalist movements that existed in these states could generate a common political agenda of achieving independence from the colonial rule. However this ethnic and cultural plurality during colonial era remained on surface. Once the colonial master departed, different ethnic groups found little in common to bind them together. Consequently, in their post-colonial political history, many of these states have had to deal with increased nationalist assertiveness on the part of ethnic or subordinate minorities. These groups felt cheated and blamed the dominant ethnic and cultural groups as new colonisers and responsible for their maltreatment.⁸ The developing states in South Asia were born with lack of internal cohesion and after the independence faced ethnic polarization between majorities and minorities, social fragmentation, civil discord, institutional decay and regime instability. This made the tasks of political nation-building and

governing rather too difficult. In the past 50 years, every South Asian country has experienced intermittent ethnic fragmentation and conflict of different scope, magnitude and aim.

In the post-cold war period, ethno-nationalism has assumed prominence because some new countries that constituted on the basis of ethnicity raised the expectations of many ethnic groups to be able to achieve their cherished goal of establishing a new country on the basis of ethnicity. With the termination of east-west ideological battle, ethnic politics and conflict is likely to become even more pervasive because 90 per cent of the current 190 states in the world are ethnically plural in character. Political protest and rebellion by 227 ethnic minorities, religious sects and ethnonationalist groups has become a major impetus to domestic and international political change.⁹ National politics in most states, old and new, have experienced divisive conflicts over the terms of incorporation of these groups based on ethnicity.

The disintegration of Yugoslavia is also the result of the failure of Yugoslav state to incorporate various ethnic groups (i.e. Serbian, Croatian, Slovenian and Kosovar Albanians) into single political community. The Serbian and Albanian sides in Kosovo were divided by deep cultural, linguistic and historic differences. The ethno-historic hatreds, ethnocide, ethnogenesis and ethno-nationalism changed the Kosovo's ethnically fragile society into the process of pseudospeciation. This turned the territory of Kosovo into a symbolic space which contained memories of both communities history, sacred shrines, holy places, battlefields and specific geographical features endowed with a highly emotional charge.¹⁰ In 1999, the ethnic conflict in Kosovo, reached on highest temperature and exploded in the form of attacks and counter-attacks by Albanian Kosovars and Serbian forces. Despite various United Nations resolutions, Serbians as a dominant ethnic group committed severe atrocities in Kosovo which resulted in genocide and ethnic cleansing of Kosovar Albanians.

The spill-over effect of genocide and ethnic cleansing provided a basis for intervention by United States, European powers and NATO (North Atlantic Treaty Organisation) in Kosovo crisis. NATO's seventy eight-day bombing attacks in Yugoslavia (which was not authorised by United Nations Security Council) has made Kosovo

crisis a flashpoint whose gravity far exceeds the direct geopolitical significance of Kosovo itself.

NATO's attack on Yugoslavia raised various important issues in world politics. It undermines the relevance of United Nations as a sole authority which legitimizes the use of force in international affairs. Kosovo crisis also highlights the changed role of United Nations in intra-state conflicts. NATO justified its intervention in Yugoslavia on the basis of humanitarian grounds. The United Nations charter does not allow intervention in the domestic jurisdiction of any sovereign country. On the other hand Kosovo crisis raised another issue which challenged the rules of domestic jurisdiction and political independence of nation-state. The United Nations faced an important question i.e. should the conscience-shattering mass murders of civilian people in Rwanda, Liberia, East Timor, Kosovo and various other countries be allowed under the guise of state sovereignty.

Although, NATO attacks diminished the authority of United Nations but the after-war role of United Nations in Kosovo is eloquent testimony of continuous importance of world organization in world affairs. The United Nations acts as an interim government in Kosovo. It showed that United Nations should be a great role in process of peacekeeping and peacebuilding in war-torn societies.

OBJECTIVES OF THE STUDY

1. To study the problem of ethnicity.
2. To study the United Nations role in ethnic conflict of Kosovo.
3. To analyse the impact of the role played by the United States and NATO's intervention in the Kosovo crisis on the working of the United Nations system.
4. To analyse the role of United Nations in Kosovo aftermath of Kosovo war.

HYPOTHESES

1. Ethnicity, deep-rooted hatreds, ethnocentrism and ethno-nationalism lead Yugoslavian society towards the process of pseudospeciation.
2. Intra-state conflicts based on ethnicity changed the role of United Nations in international politics.

3. The United States role and NATO's intervention in Kosovo undermined the position of the United Nations.
4. The United Nations role in reconstruction of Kosovo after NATO's attack given eloquent testimony that the United Nations is indispensable for world peace.

REVIEW OF LITERATURE

Fredrik Barth in his book "*Ethnic Groups and Boundaries*", described the concept of 'ethnic boundary'. He maintained "ethnic identities do not derive from intrinsic features but emerge from and are reasserted in encounters, transactions, and opposition between groups. He also elaborated that the boundaries are crucibles of ethnic identities which are particular aggregates of people establish for different purposes".

Donald G. Baker in his book "*Race, Ethnicity and Power*" analyses the role of power as a determinant of race and ethnic relations. His study is focused on tracing the role of group power and capabilities which shaped ethnic and race relations by analysing group power relations between six countries with common English or Anglo cultural heritage.

Geoff Dench, in his book "*Minorities in the Open Society : Prisoners of Ambivalence*" analyses ethnic and race relations in the context of majority-minority relations. He challenged the prevailing view that the "equal participation of ethnic minorities will be achieved because it is a "public good" from which citizens will benefit." He suggests that these views neglect to explore the web of real interests behind public affirmations of commitment to integration. In his view, the liberal creeds rests on nationalist foundations and the 'progressive nations' dedicated to human rights, is a protective guise adopted by national majorities in a world which is suspicious of nations.

H.M. Blalock's books, "*Toward a Theory of Minority Relations*" attempts to present general theoretical propositions based on the empirical data in the field of minority-group relations. He focuses primarily on competition, status and economic factors that relate to discrimination by using power relationships as the integrating theoretical framework. The empirical data cited in the book refers to the case of the 'Negro' in the United States but the propositions have stated in such a way that they may be tested in connection with other minority groups.

Kalevi J. Holsti's book, *"The State, War and the State of War"*, describes that the strategic doctrines, arms control agreements, and the foundations of international organizations such as the United Nations are designed to prevent wars between states. But since 1945, the incidence of interstate war has actually been declining, while the incidence of internal wars has been increasing. This book surveys some of the foundations of state legitimacy and demonstrates why many weak states are the locales of civil wars. Finally, the author analyses the United Nations role in the management of civil wars in weak and failed states.

Anthony D. Smith in his book, *"Theories of Nationalism"* examines critically the principal theories that have been advanced to explain the rise of nationalist movements both in the Europe and the developing countries. The author creates a new typology of nationalist movements which described a definition of nationalism and its varieties. The author also described nationalism in the context of 'reaction to modernization or form of anticolonialism. Finally, he produced an original theory of 'ethnic nationalism'.

Ramesh Thakur and Albrecht Schnabel in their edited book, *"United Nations Peacekeeping Operations : Adhoc Missions, Permanent Engagement"*, critically examined the peacekeeping role of the United Nations during the last decade of twentieth century. The authors in this book concluded that an expanded role of the UN did not get success in these years because the lack of consensus among its most powerful members, clash between the UN Charter's own principles on the virtual inviolability of the state borders, the underestimation of the complexity and danger of post-Cold War crisis situations and overestimation of international community's willingness to match broad mandates with necessary resources.

Miron Rezun in his book, *"Europe's Nightmare : The Struggle for Kosovo"*, examines Serbia's and Kosovo's cultural antecedents in the Kosovo and the ambiguities of the Western position both prior to and after Russia's slow decline in Europe. This book also presents a history of factors those exacerbated nationalist aspirations which led to the rise of leader like Milosevic. The author also critically examined the deliberately or accidentally missed opportunities those might have prevented bloodshed and ethnic cleansing in Kosovo.

Peter Wallenstein's book, *"Understanding Conflict Resolution :*

War, Peace and the Global System”, provides a comprehensive guide to understanding conflict resolution in global world. The first part of the book introduced the field of conflict resolution and demonstrates various approaches to conflict analysis and resolution. The core of the book explores the settlement of three major types of international conflict i.e. inter-state, internal and state formation conflict. The final part reviews regional and international approaches to peaceful conflict resolution i.e. the United Nations, the concerns of major powers in the conflict and the role of regional organizations or adhoc structures in conflict resolution.

Alexandros Yannis in his book, “*Kosovo Under International Administration : An Unfinished Conflict*”, review the role of the United Nations Mission in Kosovo (UNMIK) and Kosovo Force (KFOR) in the light of the experience of the first phase of the international administration. The first part of the book provides a critical analysis of the period during June 1999 to October 2000 that culminated in the Municipal Elections of 28 October 2000. The second part provides a policy-oriented analysis of the role of international administration and the prospects for stability in Kosovo after the democratic changes in Belgrade in October 2000. The third part contains key and rare documents of the political process in Kosovo which provides useful background information about the international administration’s role in its first phase in Kosovo.

Monstserrat Guibernau’s book, “*Nation Without States : Political Communities in a Global Age*”, describes the profound transformations which the nation-state is currently undergoing. The author examined the elements which are forcing radical changes affecting the nation-state system. These elements also contributed to the generation of new economic and socio-political environment which favours the emergence of new political actors. In this book, the author argued that if nation without states are able to instill a strong sense of identity among their members and prove economically viable, then they would likely be come onto the scene as political actors in the twenty-first century.

Ted Robert Gurr in his article, “Why Minorities Rebel : A Global Analysis of Communal Mobilization and Conflict since 1945”, published in *International Political Science Review* (April, 1993) provides highly important information regarding political protest and

rebellion by communal groups which became a major impetus to domestic and international political change. In this study, the author used new coded data on 227 communal groups throughout the world to assess a general model of how and why these ethnic groups mobilize to defend and promote their collective interests.

Stephen Rayan's article, "Ethnic Conflict and the United Nations", published in *Ethnic and Racial Studies* (January 1990), describes that the United Nations is an organization of states and it can be expected to represent the interests of its members. For this reason, it has been suggested that the world organization cannot respond positively to ethnic conflicts within states or across the borders. But the author stated that "because the ethnic conflicts can be a threat to international peace and security, the UN cannot always remain indifferent." Thus, it has become involved in ethnic conflicts in several ways. These ways are, the Genocide Convention, the work of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and the issue of the right of National self-determination.

R. Paul Shaw and Yuwa Wong in their paper, "Ethnic Mobilization and the Seeds of Warfare : An Evolutionary Model", published in *International Studies Quarterly* (1987) develops the idea that a coherent theory of humanity's propensity for warfare can be constructed from the evolutionary model of man. It proposes that kin selection has interacted with environmental forces over evolutionary time to predispose genetically related individuals to band together in groups, oriented for conflicts. It also advances a model of inclusive fitness with principles of individual cost/benefit analysis.

Tim Judah in his article, "Kosovo's Road To War", published in *Survival* (Summer 1999) historically analyses the reasons behind the eruption of the Kosovo crisis. The author, on the basis of the study of historical relations between the Serbs and Kosovo Albanians, proposes that the Kosovo was a catastrophe waiting to happen. According to the author, President Milosevic exploited the situation for his interests to reach on the top.

Terry McNeil in his article, "Humanitarian Intervention and Peacekeeping in the Former Soviet Union and Eastern Europe", published in *International Political Science Review* (January 1997) analyses the attempts of international community to maintain peace and

provide humanitarian succour in the case of former Yugoslavia and former Soviet Union. The author suggested that the very vagueness of the concepts of peacekeeping and humanitarian intervention creates serious ambiguities which can be exploited to cover hegemonic ambitions. The article concludes that the international community was not ready to face up to its humanitarian responsibilities in this region which led to the adverse experience of Yugoslavia.

Espen Barth in his article, "Peacekeeping Past and Present", published in *NATO Review* (Summer 2001), examines the way in which peacekeeping has been evolved since the end of Cold War. The author proposes that the actors, practices and concepts related with the United Nations peacekeeping have been transformed. The author described that due to the rise of intra-state conflicts, the peacekeeping become a more complex, comprehensive and dangerous activity. The author further analyses that the experience in the Balkans has shown the primary task of the Security Council is to assist in the long-term and complex political and social transformations of war-shattered societies.

Mats R. Berdal in his article, "Fateful Encounter : The United States and UN Peacekeeping", published in *Survival* (Spring 1994), examines the relationship between the United States and the United Nations in the light of American policy towards the UN since President Clinton assumed office in January 1993. The article explored the functioning of the Clinton administration's initial idealism about the UN and its modification by the events in Bosnia and Somalia.

Michael Cox's article, "Empire by Denial? Debating US Power", published in *Security Dialogue* (2004) examines that the American Empire, inspite of its difficulties in Iraq, still has a very long way to go. He suggests that these views do not mean the American power would be unchallenged for ever. The author viewed that the new imperialists in Washington might have fashioned a dubious set of policies. Their strategies have done much to make the United States internationally unpopular. Finally, the author suggests that the end of the neo-conservative moment does not mean the empire is about to crumble. In his view, the Presidents may come and grand strategies may go, but the American empire still has a good deal of life left in it.

Michael Matheson in his article, "United Nations Governance of

Postconflict Societies”, published in *American Journal of International Law* (January 2001) critically examines the United Nations peacebuilding role in war-torn societies. The author gave some suggestions in this article for the governance of postconflict societies i.e. firstly, the Security Council might reasonably find that a change in the boundaries of a state is necessary to give its neighbours better security against a repetition of armed attack. Secondly, the Security Council gave a guarantee of autonomy to a particular part of state’s territory or the region. Thirdly, the Security Council nullified permanently the discriminatory restrictions on victim group is necessary to bring such a conflict to an end.

Samuel H. Barnes in his article, “The Contribution of Democracy to Rebuilding Postconflict Societies”, published in *American Journal of International Law* (2001) suggested “the development of democratic set-up in war-torn society can be utilized for managing postconflict ethnic and factional violence.” In his view, the experience of Bosnia and elsewhere described that if the democracy can succeed as a cooperative form of government and the power can be shared in a mutually constructive arrangement then the democracy becomes the political keystone of resolving bitter conflicts.

METHODOLOGY

The valuable research depends upon the proper and particular methodology, which is used for its completion. In this study, historical and analytical methods have been used for making the problem interpretable by analysing historical facts. Numbers of inter-subject theories have been used for examining the historical experiences of people to find why they act as ethnic groups. The purpose of theory is to catch and specify general tendencies and to provide a sensible and an applicable starting-point for discussion of any particular situation. For analysis of Kosovo as an ethnic conflict, the theoretical approaches provide important tools for analysing Yugoslavia’s political system, political behaviour and institutions in context to Servo-Albanian conflict in Kosovo. The study has based on various primary and secondary sources. The primary sources include various United Nations resolutions, UNMIK regulations, communiques of NATO and agreements between Serbs, Kosovo Albanians, NATO and UNMIK authorities in Kosovo. The secondary sources include books, journals and periodicals, etc.

References:

1. The insights of long cycle and realist theories predicted pessimistically that prevailing trends in the diffusion of any economic and political power would lead to renewed competition, conflict and perhaps even warfare among the great powers and that range of new problems and potential threats get multiplied. As Robert Jervis observed, cyclical thinking suggests that, freed from the constraints of Cold War, world politics will return to earlier patterns. Many specific causes of conflict also remain, including desire for greater prestige, economic rivalries, hostile nationalism, divergent animostic and territorial ambitions. See Charles W. Kegley, Jr and Eugene R. Wittkopf, "World Politics; Trend and Transformation" (Boston, 1999), PP. 97-98. See also Mircea Malitza, Ten Thousand Cultures: A Single Civilization, *International Political Science Review*, vol. 21, Jan 2001, P.75.
2. Thomas M. Frank, clan and Superclan: Loyalty, Identity And Community in Law and Practice, *American Journal of International Law*, vol. 90, April 1996, P.360.
3. Urmila Phadnis and Rajat Ganguly, "Ethnicity and Nation-Building in South Asia" (ND: Sage Publications 2001) P.15.
4. James G. Kellas, "The Politics of Nationalism and Ethnicity" (London: Mac Millan Press ltd., 1998) P.1. See Also K.J.Holsti, War, Peace and The State of the State, *International Political Science Review*, vol. 16, Oct 1995, PP. 321-322. See also Taylor B. Seybolt, Major Armed conflicts, SiPRi year Book 2000, PP. 15, 48.
5. Juan Enriquez, Too Many Flags, Foreign Policy no. 16, Fall 1999, PP. 30, 31 See also Mark Weber, "States and Statehood" in Brian White, et. al, Issues in World Politics (NY: Palgrave, 2001), PP. 25, 26
6. Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a Post Socialist Age" in Cynthia Willet, ed., *Theorizing Multiculturalism* (Massachusetts: Blackwell Pub. Ltd, 1998) P.19 See Also Jonathan Friedman, "Transnationalization, Socio-Political Disorder, and Ethnification as expressions of Declining Global Hegemony," *International Political Science Review*, vol.19, July 1998, P.243.
7. Phadnis and Ganguly, no.3, PP.15-16
8. Ibid, P.17
9. Ted Robert Gurr, "Why Minorities Rebel: A Global Analysis of Communal Mobilization and Conflict since 1945," *International Political Science Review*, vol. 14, April 1993, P 161.
10. Paul R. Brass, Ethnicity and Nationalism: Theory and Comparison (ND: Sage Publication, 1991), P.19.

Problem of Ethnicity : Theoretical Framework

PART-I : ETHNICITY : MEANING, NATURE AND EVOLUTION

The end of cold war dramatically transformed the world politics. The acknowledgement of the importance of ethnic nationalism in world affairs reduced the relevance of unitary state. The explosion of ethnic conflicts ushered the post-cold war world into an era of ethnic pandemonium. The United States President George Bush lamenting and describing the specter of new kinds of global instability commented “The collapse of communism has thrown open a pandora’s box of ancient ethnic hatreds, resentment, even revenge.”¹

Ethnicity, a sense of ethnic identity is the subjective, symbolic or emblematic use by a group of people....of any aspect of culture, in order to differentiate themselves from other groups.² Cultural construct and situational construct are its two important conceptions. Ethnicity, as a cultural construct signifies a composite of symbolic markers, real or putative, used by the members of an ethnic group who define themselves and are defined by others as having a distinctive identity. These characteristics may include combination of cultural attributes such as language, religion and values and territorial attributes like region or locality or biological attributes like descent and kinship. Ethnicity, as a situational construct signifies the emergence of ethnic consciousness from a situation of multi-ethnic competitiveness, serving as an effective mode of mobilization.³ Ethnicity, a phenomenon associated with contact between cultural-linguistic communal groups within societies linked directly or indirectly to forms of affiliation and identification, built around ties of real or putative kinship. It is also characterised by cultural prejudice and social discrimination. These characteristics

lead to the feeling of pride in-group's, common consciousness, identity and exclusiveness of not only the group but group members as well.

Ethnicity, being a complex phenomenon, like other social phenomenon, is subject to change and keeps on altering its form, place and role in society. It is normally closely associated with political, juridical, religious and other social views and forms of interaction, which constitute important ingredients of the ethnic phenomenon. Hence, ethnicity sometimes finds expression in political domination, economic exploitation and psychological oppression. The nature, intensity and forms of expression of ethnicity are determined by the size and location of the various linguistic cultural groups in the society, the strength and cohesion of their leadership, the courage, determination and nature of the underprivileged classes. It further includes the degree of foreign influences on the society, the nature, persuasiveness and power of the dominant ideology, the prevailing social customs, tradition and culture of the various linguistic groups and the form of government of society. Historical relations between different cultural groups, the level of development of the groups, the socio-economic context in which the groups make contact, and the place of group migration to the place of contact also play an important role.⁴ The intensity of ethnicity depend on the existence and combination of the above mentioned factors.

Ethnicity is found in both developed and underdeveloped countries, in societies with different ideologies and historical-cultural backgrounds. The positive aspect of ethnicity serves as an adaptive mechanism to enable the individual to adjust successfully to the increasing alienation of mass societies resulted by divisive competition in market oriented society. Thus, ethnicity binds individuals together, gives them internal cohesion and promotes their sense of identity.⁵ Ethnicity involves an appreciation of one's own social roots in a community and cultural group without disparaging others. It helps in providing a material as well as an emotional support network for individuals in society. This function is particularly important as the societies become more complex, massified, bureaucratized and alienating. Ethnicity fosters a sense of

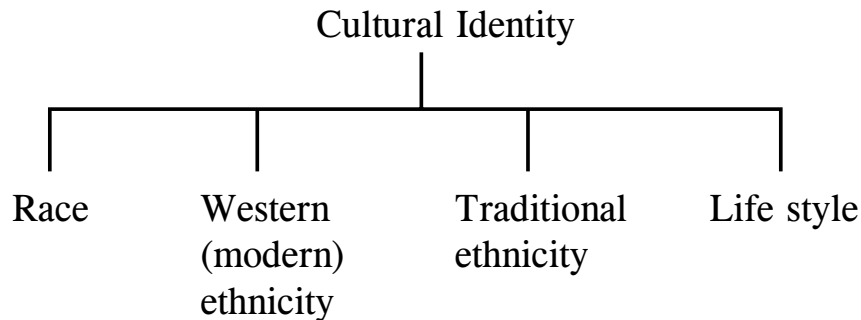
belonging as part of an intermediate level of social relations between individual and society.

The negative aspect of ethnicity makes it problematic for social harmony in multi-ethnic societies. It embodies passionate, symbolic and apprehensive aspects which promotes violent conflicts. The genocide in Rwanda, Bosnia-Herzegovina, Somalia, Croatia and Kosovo underline a unique and ugly character of ethnicity. Thus, ethnicity causes adverse effects on the peace, harmony and integration of national societies. These negative effects are reflected in the political instability which has plagued a number of multi-ethnic societies around the world. The dramatic effect of this political instability resulted in the breakup of the Soviet Union, Czechoslovakia and Yugoslavia, the disintegration of Somali state, the protracted bloodletting in Lebanon, continued bloodshed in Palestine and endemic political tensions in countries, such as Northern Ireland, Uganda, Spain, Cameroon, Congo, India, Sri Lanka, Sudan, Canada, Nigeria and Belgium etc.

EVOLUTION OF IDENTITY POLITICS

It is becoming clear that ethnicity emerges as a result of pervasive anxiety associated with rapid changes and structural transformations. The forcible transformation and the oppressive homogenization of cultures result in the emergence of a pervasive sense of losing control of one's affairs even in the case of most powerful actors. In reaction to the threat thus posed, ethnicity emerges and intensified as individuals embrace primary identities such as ethnic and gets cultural identity. The conditions for the establishment and maintenance of cultural and ethnic identity are closely tied to the way in which personal identity is constituted. Certain kinds of identity are marked on or carried by the human body. Some kinds of identity are internal to the person and others are external and marked in the forms of social practice or symbols employed by a population. Cultural identity is the generic concept, referring to the attribution of set of qualities of a given people. It can be said that cultural identity carried by the individual in the blood is commonly known as ethnicity. It is not practiced but inherent, not achieved but ascribed. In the strong sense this is expressed in the concept of race or biological decent. In a weaker

sense it is expressed as a heritage or a cultural decent, learned by each and every individual precisely at the level of individual behaviour.⁶ This phenomenon is described by the variations on the cultural identity.



The level of individual behaviour is the most general western notion of ethnicity. The weakest form of such attribution is referred to in terms of ‘life style’ or way of life, which may or may not have a basis in traditional ethnicity.⁷

Traditional ethnicity is different from modern ethnicity. In traditional context, ethnic diversity⁸ was ubiquitous and rarely became a focus for ethno-political movements. The traditional multi-ethnic societies have been the rule rather than the exception in history because the history of the world has been the history of empires and segmentary states. Such social organizations however were multi-ethnic but were also ‘ethnic hierarchies.’ This aspect of such societies is the secret of their relative ethnic peace. Under traditional hierarchic forms of governance, everyone even the sovereign was subject and the subjects different among themselves in their sense of fealty. They counted on nature and supernatural forces for their welfare and survival. Citizenship, if existed was a privilege rather than a right and it scarcely provided the basis for legitimizing the exercise of sovereignty by a state.⁹ They neither expected to be treated as equals nor did they count on government for their survival.

The process of traditional ethnicity and modern ethnicity is also defined by “world system development theory”, which describes that the world system has gone through three major interlocking phases of development. Table 1.1 provides a schematic

view of these three phases with respect to the changing structures of state and economy as well as their associated ideological and identity configurations.¹⁰

	Agrarian imperialism 500 BC to AD 1648	Industrial imperialism	Informatic imperialism
State	Multinational empires + city states + tribes	National empires + colonies	Superstates + national states + transnational regimes (IMF, IBRD, WTO)
Economy	Tribalism + Feudalism + commercial capitalism	Fordist industrial national capitalism	Post-fordist informatic transnational capitalism
Ideology	Imperialism + religious or ethno-nationalism	Pan-nationalism + liberalism	globalism + resistance : regionalism, nationalism, localism.
Identity	Imperial + local	National-Imperial + national-liberation	Global + resistance : pluralizing sites of identity.

Table 1.1 : World System Development

Source : Majid Tehrani, International Political Science Review (July 1998), 294.

However, with the emergence of modern state system the ethnicity assumed a new phenomenon and taking the varied and overlapping forms of ethnic nationalism,¹¹ civic ethnicity¹² and ethnic plurality.¹³ These three forms of ethnicity are affected by the three entwined strands of modernity i.e. industrialization, democracy and nationalism.

The sense of nationalism arises when a philosophical myth called “popular sovereignty” replaces the supernatural monarchic authority of state. The concept of popular sovereignty makes the link of state and nation a crucial factor because it is not possible to legitimize the claim of ruling themselves by any set of humans living within an arbitrary set of boundaries. This seems to be a major reason for a nation (a kind of mythical and even sacred entity) to attaining the basis of legitimacy. Therefore, modern ethnicity rests on the foundation that members of every ethnic or cultural community need to be identified with a nation for assuring the status and rights of citizenship for themselves. When at any given time ethnic or cultural communities cannot accept or support the state under whose jurisdiction they happen to live, they became alienated

and hunt for better options.¹⁴ This process fosters the “identity politics in modern states.”

The concept of identity politics challenges the state’s character, its role and very existence. It is argued that democracy assumes a demos when its foundations are based less on justice and pragmatic considerations (though both are necessary) and more on various contingent historical and geographic factors such as a common language, traditions and territory. The emerging national identity from the value based foundations provides the members of a political community¹⁵ with a sense of responsibility, and shared public culture through which appropriate collective decisions of public interest can be made in a proper manner.¹⁶ A political community requires a sense of common belonging (a widely shared feeling among its citizens that they all are the members of a single community) to form a more or less cohesive “we” and share a collective identity. They are bound together by a common commitment to its integrity, well being and the consequent ties of sentiments and mutual obligations.¹⁷

Such political identity or feeling is not a matter of pre-existing fact or a priori principle but it is related to human practices and the ways certain groups of people have come to relate to each other. Though encouraging a sense of inclusion among its members such political identities naturally exclude others and can do so in ways that are either sources of injustice. It also diminishes the allegiance felt by other groups, e.g. workers, ethnic, religious and national minorities. They have all been treated either outside the political community or inferior members of it. In response, they seek to alter it in various ways, redefining the forms of identification, prevalent both in polity and regime. At the polity level, they seek to broaden the definition of the ‘subjects’ and ‘spheres’ it covers. And at the regime level the ‘styles’ and ‘scope’ of politics can be influenced. For example when national minorities seek recognition as ‘subjects’ of distinctive ‘sphere’ (either a separate polity or a sub-polity), they start demanding and suggesting the ways to change the then regime (such as new political ‘styles’ like enhanced or asymmetrical federation or the public use of minority languages and the extension of the ‘scope’ to include cultural rights).¹⁸ Each of these demands

involve the introduction of greater polity and regime diversity in order to incorporate more complex identities.

Two schools of thought carefully analyse ethnic identity i.e. Primordialist and constructivist. Primordialist school describes ethnic identity as a biologically 'given' or 'natural' phenomenon. Ethnic groups, according to this school constitute the kinship network into which human individuals are born and become members of. It also refers to both seeing oneself and being seen by others as part of group on the basis of presumed ancestry and sharing a common destiny on the basis of common features i.e. racial (colour), religious, linguistic, occupational, regional etc.¹⁹ Along with objective cultural markers, some primordialists also stress the psychological aspect of self and group related feelings of identity distinctiveness and its recognition by others as crucial determinants of ethnic identity selection and persistence. Ethnic identity from primordialist perspective, therefore, is a subjectively held sense of shared identity based on objective cultural or regional criteria. Anthony Smith gave six bases or foundations of ethnic identity i.e.

distinct group name in order to be recognised as a distinct community by both group members and outsiders, a shared belief by group members in the myth of common ancestry and decent, the presence of historical memories among group members (as interpreted and diffused over generations), a shared culture (including dress, food, music, crafts and architecture, laws, customs and institutions, religion and language), an attachment with specific territory or homeland, and a sense of common solidarity.²⁰

The Constructivist School, on the other hand categorically rejects the primordialist perspective that ethnic identity is a biologically natural phenomenon. Constructivists contend that ethnic or national identity is socially constructed, and is the product of processes which are embedded in human actions and choices, rather than biologically given ideas whose meaning gets dictated by nature. Max Weber, one of the earlier influential writers, stresses the social construction of ethnic identity and ethnic group, viewed ethnic groups as "human groups" whose belief in a common ancestry, in spite of its largely fictitious origins, is so strong that it leads to the

creation of a community. Weber thus regards ethnic groups based more on a set of beliefs (about ancestry), not any objective features of group membership such as shared language, religion, and especially biological traits associated with everyday understanding of race.²¹ He further argues that unlike kinship groups, ethnic membership per se does not necessarily result in ethnic group formation but only provides the resources that may under the right circumstances, be mobilized into a group by appropriate political action.²² The third major strand in recent thinking about ethnicity is referred as Instrumentalism. It describes that the ethnicity is not just a sentimental association (i.e. Primordialism) but a framework for rational and goal-oriented mobilization of group consciousness. It regards ethnic communities as the natural organs for articulating protest and resistance. Paul Brass also rejects the notion that ethnic identity is a 'natural' or 'given' phenomenon and argues that ethnicity should be viewed as the social and political creation of elites. They draw upon, distort and sometimes fabricate materials from the cultures of the groups which they wish to represent in order to protect their well being or existence or to gain political and economic advantage for their groups as well as for themselves.²³

The most contentious issue between the Primordialists and the Constructivists concerns the role of culture in the formation of ethnic identity. For the Primordialists, culture is usually conceived to be more integrally connected with the process and being of ethnic identity, although they recognise that some behaviours and emblems may change independently of basic identity. Fredrik Barth argued that the culture-bearing aspect, the classification of persons and local groups as members of an ethnic group must depend on their exhibiting traits of culture. Difference between groups become difference in traits.²⁴ Social constructivists however, have taken this particular viewpoint to an extreme form, where culture is relegated to a very secondary position in ethnic scheme of things, as a series of symbols that justify the existence of particular ethnic groups.

Some cultural markers can even be manipulated to rationalize the identity and organization of the ethnic group. Tajfel's "Social Identity Theory" defines that "one's social identity is that part of an

individual's self-concept which derives from his knowledge of his membership in a social group (or groups), together with the value and emotional significance attached to that membership."²⁵ Further, social identity theory postulates that people strive for a positively valued social identity by comparing themselves to members of other groups and they attempt to categorize and differentiate themselves from these others in a positive direction. Tajfel describes two aspects of categorization i.e. criterial attributes that split the population into discrete categories with definite boundaries and correlated attributes that are continuous qualities varying across individuals within a category e.g. an individual may form categories (Christian/Muslim/Hindu) and then assign varying degrees of a quality (Smart, lazy and so on) to all members of the category.^{25a} Both category and quality measures need to be taken in order to fully understand an individual's ethnic or group identity.

EVOLUTIONARY PHENOMENON OF ETHNIC GROUPS

The term 'ethnic group' is generally used to designate a population which is largely biologically self-perpetuating, shares fundamental cultural values, realized in overt unity in cultural forms, makes up a field of communication and interaction. It has a membership which identifies itself and is identified by others, as constituting a category distinguishable from other categories of same order. Thus, ethnic group is a distinct category of the population in a larger society whose culture is usually different from others. The members of such a group feel themselves or are thought to be bound together by common ties of race, nationality and culture. The existence of distinct ethnic and cultural groups within societies is widespread and ancient. It occurs at most levels of culture, ranging from the "Bushmen of the Kalahari", who live within the framework of Tswana society, to modern Europe, America and Asia.²⁶

Evolutionary model of man proposes that "kin selection" has interacted with environmental forces since evolutionary time to predispose genetically related individuals to bind together in groups, oriented for conflict. Kinship dictates organizational structure of extended families to the extent that it prescribes who marries whom

(incest avoidance), who cares for whom, who is entitled to inherit from whom and who governs (males in patrilineal societies). Thus, group members happen to be those who interact enough to transmit culture to one another. But evolutionary model of man prescribes that the fundamental commonality of interest among kin is to maximize “inclusive fitness”.²⁷ The theories of “kin selection” and “inclusive fitness”, most obviously appropriate to animal behaviour can be brought to bear on human behaviour too. “Inclusive Fitness” is theory in genetics first propounded by W.D. Hamilton in 1964. It has been summarised that genes will spread if their carriers act to increase not only their own fitness or reproductive success but also that of other individuals carrying the same genes. A person’s inclusive fitness is his or her personal fitness plus the increased fitness of relatives that he or she has in some way caused by his or her actions.²⁸

The principle of “kin selection” submits that related individuals are not only maximize their own individual or “classic fitness”²⁹ but also predisposes to maximise the “inclusive fitness” of those who share in their common gene pool. Moreover, it implies that all individuals will be subject to care who are sufficiently genetically related to give the common gene pool greater survival advantage. Genetic relatedness would thus be greatest with members of one’s own lineage and one’s own kin or “ethnic” group. It would be less between members of neighbouring groups, less again between members of groups even further removed from each other, and so on. Kin selection theory and its pivotal axiom of inclusive fitness have marked a turning point in evolutionary theory. Most importantly, it provides a biological basis for the evolution of altruism, reciprocity and sociality among kin. Furthermore, as the degree of genetic relationship declines in the scheme of things, so would the advantages of any kind of altruistic or socially cooperative action between individuals too decline. Thus, zero cooperation or blatant aggression could be expected toward strangers. This phenomenon is schematized through Fig. 1.1.

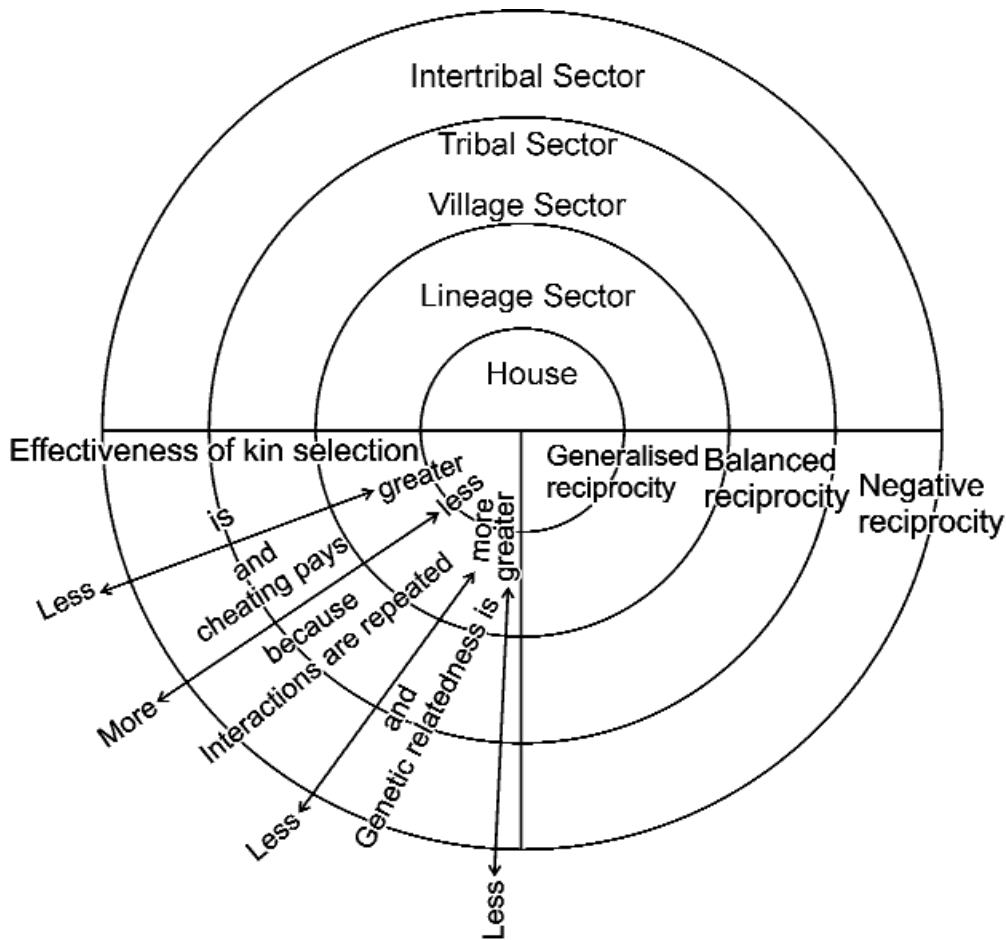


Fig. 1.1 : Altruism and Genetic Relatedness. Information in the left quadrant suggests how kin selection and evolutionary principals accord with reciprocity. “Generalized reciprocity” involves mostly one-way flows of benefits because it is largely nepotism. “Negative reciprocity” involves one-way flows because it consists of one time interactions accompanied by a great deal of social change. “Balanced Reciprocity” tends to occur between distant relatives or non-relatives who are likely to interact repeatedly, and therefore involves balanced flows of benefits.

Source : R. Paul Shaw and Yuwa Wong, *International Studies Quarterly* (1987), p. 7.

The inclusive fitness differs from traditional notions of “survival of the fittest” in two respects. First, natural selection favours the ability of individual to transmit their genes to posterity (rather than their fitness in terms of health, power, beauty or other physical traits). Second, an organism’s inclusive fitness can be furthered by assisting others who are genetically related (nepotism). In other terms, the evolutionary model of man predicts that sexual organisms, such as humans, have evolved not only to be egoistic but

to be fundamentally nepotistically altruistic. In doing so, it provides an ultimate *raison d'être* for membership in ethnic groups. "Nucleus ethnicity"³⁰ probably reinforced inclusive fitness to benefits group members and promotes in-group amity and out-group enmity. A characteristic of nucleus ethnic group is that they serve as organizational vehicle in which individuals can monitor and if necessary protect the fitness of related members which subsequently bears on their own inclusive fitness. The more cohesive the group, the more each member is in a position to effectively assess his/her inclusive fitness. In this respect, inclusive fitness would have predisposed genetically related individuals to band together in groups.

In early hominid evolution, it is likely that membership in an expanded group would have increased each individual's access to scarce resources and ability to manage others e.g. Hunting in numbers would have helped primitive man to overcome large game. Numbers would also have reduced the susceptibility of individuals to attack by predators. To facilitate hunting and to prevent attack, groups would almost certainly have served as information centers concerning the nature and location of resources as well as predators. The more of these features of group membership enhance the inclusive fitness (the rate of reproduction, quality of offspring, survival), the more group members would have been deterred from splintering off. But, turning to more recent periods of human evolution, the main function of kin-related groups and their significance for their individual members shifted from protection against predatory effects of non-humans to protection against other human groups. The necessary and sufficient forces that explain the every kind and size of human groups throughout the earliest portions of human history were, first, war or intergroup competition, and aggression and second, the maintenance of balance of power between such groups called "balance of power hypothesis".³¹ The failure to maintain a balance of power (initially in terms of numbers only), would inevitably mean the domination of one group by a larger group and consequently, unequal access to fitness enhancing resources. From this perspective, large scale agriculture and an increasingly elaborate division of labour follow as concomitant developments. The underlying momentum of such developments is

“group selection” (to maintain balance of power) which, in turn is a consequence of “genetic selection”. Thus “group selection”, on the other hand, would appear to relate more directly to ethnicity and nationalism, if ethnic groups and nations are the groups involved.³²

But the evolution of weapons had made unrelated individuals far more dangerous to one another and that this in turn reduces intergroup transfer of individuals and made nucleus ethnic groups more closed. Weapons would have altered the costs and benefits of aggressive behaviour as they could be developed faster than physiological protection against them. Thus, weapons would have lowered the cost of attacking while increasing the cost of being attacked. In doing this they probably increase xenophobia, fear and antagonism toward strangers. This would reduce intergroup transfer of individuals, where fighting was necessary initiation because the cost of injury would be so much higher and one group might have better or unknown weapons than others.³³ Thus, weapon development severely restricted individuals from changing groups. This resulted in two beneficial effects from the point of inclusive fitness. First, because of the increased tendency of males to remain in their natal group, the genetic relatedness among the adult males and in the whole group would increase. This would have increased solidarity among group members and thus cohesion of the group per se. It would also work to reduce within group aggression and thus genetic loss or death from fighting. However, contrary to this hypothesis, the Scots and English closely genetically related fought bitter wars. The nature of their hostility was political, thus the threat to personal and groups (national) security remained unexplained by the genetic differences. Political disputes and struggle for power were successful in cutting across genetic distinctions.

Secondly, the emerging high costs of overt aggression changed the character of the dominance system. The dominant individuals could no longer afford to be injured in rank order fighting. They would combine to produce a more effective internal ordering of power relations to the extent that groups could be more quickly mobilized to meet the challenges from outsiders. In the process, intergroup conflict would select for greatly increased human capacity to recognize enemies versus relatives and friends.³⁴

STRUCTURAL ANALYSIS OF POWER CONTESTS BETWEEN ETHNIC GROUPS

Thus, the evolutionary model draws on population genetics, behavioural ecology and theories of reproductive strategy to explain group formation. On the other hand, the structuralist analysis includes political and social structures as system of power significantly shape the character of group relations. Under structural analysis, race and ethnic relations are types of group power contests. Groups be they racial, ethnic, class-religious, constantly compete for control of resources, power and privileges in society. Demographic, situational and cultural bases of group relations and the role of power as determinant of these relations are analysed through three major aspects of group awareness and identity (i.e. the character, the genesis of group identity and the situational bases of group identity). Firstly, the ethnic groups are seen as a form of social organization.³⁵ The more complex a society, the greater the number and possible combination of attributes which help to identify individuals. An individual gets identified by himself and others by various attributes or markers such as racial, ethnic, class, tribal, communal, corporate, nationalist or religious etc. The individuals and groups define themselves and by others in terms of real or imagined characteristics which are physical characteristics such as colour or physical features defined as somatic, biological or genetic. The cultural factors such as language, religious values, political beliefs and modes of behaviour such as class or income also form the identity of individual and group. The above mentioned factors play a role to the extent that individuals use these identities to categorize themselves and others for purpose of interaction. They also become significant determinants of individual and group perceptions and behaviour.

Secondly, group consciousness or identity occurs when a group recognizes itself as possessing unique attributes that distinguishes it from others. The awareness may be, self-induced, emerge consciously as a consequence of the group's treatment by others or when a group is defined analytically e.g. by designation of class. Group consciousness assumes dangerous proportion when groups compete not only for scarce resources, power or other desired goods, but also when they perceive their valued attributes (e.g.

culture, religion, language, identity) threatened by the actions of others, be that threat real or imagined.³⁶ Ethnic awareness is described as the awareness with an ethnic background while ethnic consciousness is a stronger identification with the ethnic group. This difference can be defined by McKay and Lewin's fourfold typology.

Ethnic Identification and Structuration		Ethnic Structuration
Ethnic Awareness (Low)	Ethnic Category (Low)	Ethnic Group (High)
	(i) Minimal Cell	(ii) Moderate Cell
Identity		
	(iii) Marginal Cell	(iv) Maximum Cell
	Ethnic Consciousness (High)	

Fig. 1.2 : McKay and Lewin's Typology.

Source : Phylis Martinelli, *Ethnic and Racial Studies* (1986), p. 198.

In this typology, the first cell labeled as minimal ethnicity includes an ethnic category of people with low ethnic awareness. They have few or no ethnic contacts and close to being or are assimilated. The second cell, moderate ethnicity includes individuals whose ethnic identity is not strong enough to be considered ethnic consciousness. They use their ethnic contacts for instrumental or exploitative reasons and have no strong feeling of personal attachment to the group. The third cell, marginal ethnicity implies individuals with strong ethnic consciousness but geographically isolated from members of their group. Such individuals may have an abstract pride in their ethnic culture while rejecting contact with fellow ethnics. The fourth cell labeled maximum ethnicity contains people who are involved in the pursuit of political and economic interests or ideological differences. They strongly differentiate them from other ethnic groups.³⁷

Thirdly, not all group contact or encounters result in competition or conflict, some groups live together harmoniously. However, when resources or valued goods are scarce and groups compete for them, group differentiation usually results. Competition exacerbates the attributes by which groups differentiate 'we' from 'they' and generally impute positive values or attributes to themselves and negative ones to the opposing group. Greater the perceived threat of the other group, greater the probability that this process of polarization would occur. A dominant group, whether threatened or not by the subordinate group(s), may impute negative qualities to the latter. This is often simply a rationalization for domination and exploitation, but elsewhere it might derive from historical encounters where groups competed for power or situations where the dominant group fears a subordinate group may threaten its power in the future. If the genesis of group identity is viewed from this perspective, it indicates that group consciousness is basically a psychological phenomenon.

...It is obvious that group identity is situationally based, psychologically determined and the result of specific events or situations where groups become mobilized when their identity or interests are threatened and this prompt new or ongoing power contests. There is three specific type of situations that precipitate group awareness and consciousness. First is a group power contests, where threats to group interests or identity awaken or heighten group consciousness. Second is development situations, where industrialization, urbanization and related forces alter circumstances, create changes in the relative power capabilities of groups and by doing so generate new group power contests. Third, crisis is prompted by wars, depressions or major cultural changes which generate fears and prod groups into preserving or seeking changes in their position or status. Group power contest occur, where groups compete for power and scarce resources and respond defensively because they believe their identity or culture is threatened.³⁸

Developmental factor play a crucial role in altering group power capabilities, thereby influencing the character of group contests. Among the major development factors are industrialization, urbanization and secularization of society and culture.³⁹ Under the influence of these factors, the groups can choose the following strategies for participation in wider social systems.

First, they may attempt to incorporate in the pre-established industrial society or cultural group. Second, they may accept a 'minority' status. Third, they may choose to emphasize ethnic identity, using it to develop new positions and patterns to organize activities in those sectors formerly not found in their society.⁴⁰

If the cultural innovators are successful in the first strategy, their ethnic group will probably remain as culturally conservative, low-articulating ethnic group with low rank in the larger social system. A general acceptance of the second strategy will prevent the emergence of a clearly dichotomizing polyethnic organization, and (in view of the diversity of industrial society and consequent variation and multiplicity of fields of articulation) probably lead to an eventual assimilation of the minority. The third strategy generates many of the interesting movements that can be observed presently, from nativism to new state. It is in these terms, French, Canadian and African nationalism and more poignantly the Iranian revolution can be explained.

Demographic factors also influence group relations and consciousness. The most striking examples of this occurred where sharp differentials between settlers and indigenous groups shaped group perceptions, e.g. white settlers in North American (USA, Canada) and pacific (Australia, New Zealand) fragments early outnumbered indigenous groups which latter only briefly constituted a threat to settlers and white power. In the African fragments (South Africa, Rhodesia) Whites remained a small minority of total population vastly outnumbered by indigenous groups. Whites held tightly to power and manipulated the political system to prevent Africans from gaining power. Thus, Africans remained in subordinate positions. The result of blacks' reaction in both countries was the victory of national parties. In Yugoslavia (Now Serbia and Montenegro), the demographic or population factor significantly influenced the group relations. In the Kosovo conflict, the main reason of Serbian fear was based on increased population of Albanian Muslims in province. In two million total population of Kosovo, Serbian Minority reduced increasingly and reached mere 200,000 of total population.⁴¹

Where the uneven development (e.g. of industrialization) took

place, one group believes its unique attributes (e.g. religion, race, ethnicity) are the cause of its unequal treatment. It will seek to mobilize its members to break out of that subordinate position. This process called “Relative Deprivation”⁴² precipitate various groups in South Asia (e.g. Tamils, Sikhs, Bodos Gurkhas etc.) and in various parts of Africa and North America (Quebecs in Canada) and Europe (Flanders, Catalans, Albanian Muslims etc.). Economic crisis precipitated by depressions or economic deprivation may prompt the emergence of separatist movements, particularly when disadvantaged groups (e.g. Welsh, Scots, Bretons etc.) believe that the dominant group is discriminating against them.⁴³ Similar fears for the cultural identity can affect a dominant group. The countries of Western Europe try to sort out the problem of migration through multi-culturalism can face another alarming problem. The massive influx of refugees from Eastern European ex-communist countries would place a heavy burden on European Union countries.⁴⁴

Power is another primary determinant of group relations. Racial and ethnic groups whether in dominant, subordinate or equal positions mobilize their group resources and strive for control over the major political, economic and social structures of society. Most of the policy decisions including the allocation or reallocation of power, privilege and resources are determined within these structures. Group power contests occur within these structures, when the group prohibited from pursuing its goals. It may resort to other means (e.g. riots, rebellion, revolution, or warfare) and to controlling the structures and institutions by and through which society allocate power, privilege and resources becomes its ultimate goals.⁴⁵

In group power contest, two types of policy decisions are made i.e. structural decisions and cultural policy decisions. Structural decisions determine the degree of access of a given group to its resources and power. Within structures, cultural policy decisions fall between two poles i.e. policy that leads toward the elimination of group cultures and loyalties through imposition of more embracing ‘national’ culture. Other is a policy of multi-culturalism wherein society accepts the legitimacy of cultural diversity and give right to their own cultural beliefs and practices. The power factor in

comparative analysis of ethnic and race relations can be applied through three types,

...first, the analysis of race and ethnic relations as types of power contests and the outcome of each contest dependent upon such factors as group resources, capabilities and differential rates of group power. Second, the analysis of specific types of dominance systems, be they racial or ethnic. Third, the analysis of racial and ethnic dominance system from a historical and comparative perspective.⁴⁶

In the first type, the determinants of group power contests are the role of group resources, resource mobilization capabilities and the strategies of actors. The division of society into broad strata which form a hierarchy of prestige, wealth and power, is a feature common to most societies.⁴⁷ The differential group power is a basic determinant of this stratification system. The group power includes its total numbers, physical and financial assets, social organisation, culture, belief system, education and skills. Other less tangible, but nevertheless significant resources include a group's prestige, authority and any natural or supernatural resources, ability to bear arms, voting rights, rights achieved by formal education, membership in various organisations.

The mobilizational capabilities of any group is a multiplicative function of the strength of its goals and perceived probability of achieving these goals.⁴⁸ One group may possess superior resources, but lack ineffective leadership, group cohesion or difficulty in coping with stress situations cannot effectively mobilize its resources against other group that possesses fewer resources but superior mobilization capabilities. Two other significant variables are "additive resources" and "the strategies" employed by a given group. An example of an additive resource is the intrusion or incorporation of third party on the side of either A or B, and this will significantly alter the outcome of their power contest. The situation of the Russian Minorities in the former Soviet Union is the most salient illustration of this triangular relationship.⁴⁹ Strategies too, are important in group power contests. Contesting groups basing their evaluation of situations adopt strategies they believe will strengthen their power capabilities and neutralize or weaken their opponents.

Whatever the power relationship (Symmetrical where both

groups are equal, asymmetrical where one is dominant), each group may initiate or respond to the acts or anticipated acts of others. In asymmetrical relations, a subordinate group pursues options that range from opposition (extending from war or rebellion to more subtle forms of resistance or subversion) to compliance (extending from withdrawal or grudging acquiescence to “emanation”). Emanation is a situation where the group discards its own identity and culture for that of the dominant group. The whole process of emanation occurs through the reproduction of national culture by dominant group across the state’s territory through range of state institutions. These institutions can effectively enforce the rules and norms of national culture and shape the identity of the citizens. These institutional structures include education system, language regimes, legal systems, cultural institutions and welfare regimes. The highly centralized incorporation of these institutions into the structures of state create the conditions for consolidation of national culture.⁵⁰ The low level of institutional incorporation lead to the emergence of sub-state nationalism and loosen centralised control of state.

In this type of situation the dominant group control structures and enable it to destroy, restrict or preclude subordinate group’s acquisition of resources and mobilization capabilities. But a subordinate group is not totally devoid of resources of mobilization capabilities.

Subordinate groups possess two types of possible power resources, pressure and competitive resources, both of which are important for opposing domination. Pressure resources refers to a group’s ability to employ such disruptive tactics as strikes, boycotts, violence, even warfare for forcing changes on dominant group. Subordinates may also possess competitive resources, including skills i.e. appraisal of the situation and the resources and mobilization capabilities available to itself and its adversary.⁵¹

The subordinate group may opt for strategies those will break the prevailing pattern of dominance. The dominant group will in turn respond.

The second approach to analyse the group relations focuses on specific types of dominance systems such as military and coercive

dominance, structural dominance, psychosocial dominance. Settler-indigenous conflicts persisted for prolonged periods marked by wars, rebellions and uprisings, analysed through the military and coercive dominance factor of group relations. Settlers efforts during and following these conflicts aimed at the systematic destruction or curtailment of indigenous power resources, be they political, economic or social. Once dominance was achieved, white groups employed numerous techniques of coercive, structural and psychosocial means for control on indigenous groups. Defeated groups were deprived of their weapons, their leaders or potential leaders were removed or imprisoned (imprisonment of Nelson Mandela and Kurd Leaders by South Africa and Turkey are examples of this technique). Their economic and political systems were destroyed by dispossessing the people of their land or by isolating them on reserves where close military surveillance curtailed organizational efforts and possible uprisings (China used this technique on Tibetans).⁵²

Social structures can also be used for preserving the dominance through the modes of cultural integration and the social relations of the groups. The impact of dominance on subordinate group's social organization and education including socialization process helps in perpetuating dominance. Every group embraces "a cultural norm image" (CNI) i.e. belief system based on what it consider acceptable or unacceptable in terms of values, beliefs, behaviour norms and physical or somatic characteristics. Likewise, each group embraces a Somatic Norm Image (SNI) i.e. a set of beliefs of what it consider acceptable or repugnant physical or racial features. Where one group is dominant, it can determine cultural policy for the society and its cultural/somatic norm images are thereby important. Cultural policy falls somewhere between two poles of mono-culturalism or multi-culturalism.⁵³ With mono-culturism the dominant group seeks to eliminate subordinate group cultures and loyalties through the imposition of national culture which is normally of the dominant culture. The process is also called "ethnocide".⁵⁴

The dominant group used education system and social organizations for dominance. Education system is used for indoctrination i.e. to create inferiority complex in subordinate

group. For dominance on social organizations of society, the dominant group 'buy of' or co-opt subordinate group leaders to maintain status quo. Alternatively, the co-opted ethnic leaders may function as agents to pressure ethnic minorities to tone down their particular demands.⁵⁵ But, the desire to cling to power may transform a politician who is a member of an ethnic minority from an opponent to a proponent of ethnic cultural or political claims.

Although Stalin as Georgian and Tito as Croat, respectively promoted their Russian and Yugoslavian nationalism, but a number of communist politicians, having failed to stamp out ethno-nationalism (a task for which they had recruited originally), transformed themselves into ethno-national spokesmen when the "transethnic" communist system collapsed.⁵⁶

The dominant group, elsewhere, will isolate a subordinate group, then negotiate with the latter's leaders used as device for maintaining control by indirect means.

There are three categories of psychosocial dominance i.e. compliance, dependency and thought control. In terms of 'compliance', the dominant group uses its coercive/reward powers in the form of 'carrot and stick' methods to gain obedience from the subordinate group. Psychologically, the subordinate group responds in terms of pleasure/pain principle. Its perceptual field and the meaning it attaches to dominant group actions construed in terms of deprivations, denial, punishment and relief, opportunities and the absence of pain and deprivation. The pleasure/pain principle serves as significant determinant of subordinate group behaviour. The subordinate group's isolation from and vulnerability to a surrounding entity with superior numbers and resources is conducive to psychologically paranoid reactions. A great proportion in power capabilities provides a good breeding ground for hatred and distrust.⁵⁷

The second category dependency has three distinct types. The first is structural type in which dominant group deprives the subordinate group's resources (e.g. land, food, job) and the latter must rely on the dominant group for its survival and this leaves it psychologically vulnerable to the dominant group's use of coercive/reward powers. Second, the subordinate group says in

effect to dominant group “we cannot cope, we are confused and uncertain and rely upon you to tell us what to do.” Within this type, three subtypes are evident i.e. expertise, symbiotic and authoritarian. Under first, the subordinate group defers to the dominant group because the latter is seen as having an expertise the former does not possess. Symbiotic subtype based on a group’s inferiority feelings as a behaviour of dependency. The third subtype is the authoritarian submissive form in which the subordinate group says, “we do not know what to do, we are incapable, we need a leader and please lead us.”⁵⁸

The third category of ‘dependency’ includes two subtypes. These psychological states develop because of a group’s almost total inability in coping with situations, be due to the result of conquest or other factors. First is psychosocial disorganization and its characteristics including within groups/individuals high level of alienation, mental illness, alcoholism, drug addiction and other types of family disorganization. All of these usually result from when individuals and groups experience in coping with high stress situations. Second subtype, ‘anomie’⁵⁹ has even greater disintegrative effects, sometime resulting in psychological or physical suicide. Unable to cope with uncertainty and stress, individuals commit suicide. This then result in a rapid decline in the group’s population.

The third major category of psychosocial dominance is ‘thought control’ and is referred to as cultural imperialism, de-culturation, brain-washing and emanation, based on principle that ‘the culture and identity of the subordinate group must be destroyed and be replaced by that of the dominant group.’ This imposition results from two factors, dominant group efforts to impose these changes and more importantly subordinate group accept new identity. De-culturation is followed by the implanting of new culture, the subordinate group sheds his own identity and adopts the given identity. It can also be termed as emanation and ‘cultural imposition’. This thesis can well be applied on the colonized people, as they were readily colonized because they had a dependency need, which was fulfilled by the colonizers. The colonial masters destroyed the language and culture of the subordinate and instilled in

the latter an inferiority complex. The result of this process was three fold, the denial of subordinate's separate identity, the inculcation within the subordinate that his own culture and identity is inferior and the acceptance by the subordinate of the identity of the dominant.⁶⁰

The wide theoretical analysis of ethnicity clearly shows that it is not a new phenomenon. It has developed from traditional societies to modern societies through various processes. It is a composite of symbolic cultural markers used for organization of ethnic group and rationalization of its identity. In modern states, ethnicity becomes the basis for the power contests between the ethnic groups. The power contests between dominate and subordinate groups creates conflict between them. The last decade of twentieth century manifests the conscience-shattering ethnic violence in many states. Millions of people died and become refugees as a result of this violence. The second part of chapter is related with the theoretical analysis of transformation of ethnic conflict into a bloody ethnic violence in various states.

PART-II : ETHNICITY AND ETHNIC VIOLENCE

The ethnic conflicts spread and intensified the process of disintegration in various countries in the last decade of twentieth century. The Russian foreign Minister Andrei V. Kozyrev apprehending the coming era of global anarchy warned the United Nations in September 1993 “the threat of ethnic violence today is no less serious than the threat of nuclear war was yesterday.” The United States President Bill Clinton also observed in his June 7, 1994 speech before the French National Assembly,

the Militant ethnic nationalism is on the rise, transforming the healthy pride of nations, tribes, religious and ethnic groups into cancerous prejudice, eating away all states and leaving their people addicted to the political painkillers of violence and demagoguery.⁶¹

The contemporary conflict between ethnic groups has been primarily restricted to sub-national groups within the state that has not achieved the status of ‘nation’ and the ‘majority group’ organized under a state. The rise of ‘nations without states’ bring a radical transformation in the functioning of nation-state.⁶² The nation-state become a bordered power-container of the modern era characterised by an unprecedented relationships between power and territory. The state exercise power over its entire territorial extent and every single individual that lives or transit, regardless of actual citizenship. The very concept sovereignty is based on this preclusive relationship. The sovereignty, territoriality and the rise of modern nation-state are all intrinsically related to the establishment of boundaries and stressed the emergence of ‘territorial trap’ in international relations.⁶³ A stress on uniforming and homogenisation in the state boundaries is the root cause of the rise of ethnic violence in various countries. At present out of 191 states in the international system, roughly 90 percent (about 160) are ethnically heterogeneous in the sense that minorities constitute more than five percent of total

population. In other words, the overwhelming majority of states in the world today are multi-national or multi-ethnic i.e. incorporating two or more ethnic nations or groups. Additionally, many ethnic groups (e.g. Kurds) extend beyond boundaries of single state. As the Kurds demonstrate, transnational ethnic groups, by preventing a fit between the nation and the state, can be a source of international conflict.

ETHNIC GROUPS AS THE SOURCE OF INTERNATIONAL CONFLICT

For the analysis of international conflict, it is necessary to analyse the variety of groups in multi-ethnic societies. Five kinds of groups are arranged through three dimensions i.e. mobility, voluntariness of contact, and performance. Fig. 1.3 illustrates the interaction of these five groups in multiethnic society.

Mobility	Voluntary	Involuntary
Sedentary	Ethnic Groups	Native Peoples
Migrant	Immigrants (Relatively/ Permanent) Sojourners (Temporary)	Refugees

Fig. 1.3 : Kinds of groups in plural societies as defined by mobility, voluntariness and performance.

Source : John W. Berry et al., Cross-Cultural Psychology : Research and Applications, p. 294.

Some groups change their location with some degree of performance when they come in contact (e.g. immigrants and refugees) while sojourners usually do so on a temporary basis. Others stay in their own place and have contacts with native and indigenous people. The established ethnic groups usually have contact with others in their daily lives. The second dimension distinguishes ethnic groups, immigrants and sojourners from those groups who usually have not in voluntary contact with native people

and refugees.⁶⁴ The ways in which these groups wish to dominate society have been termed “acculturation strategies”. These strategies are the result of an interaction between groups on the basis of cultural change and intergroup relations. In the ‘cultural change’ the central issue is the degree to which one group wishes to remain culturally as one (e.g. in terms of identity, language, way of life) or opposed to become part of larger society.⁶⁵ This process is resulted in the four varieties of acculturation. Fig. 1.4 is described this process.

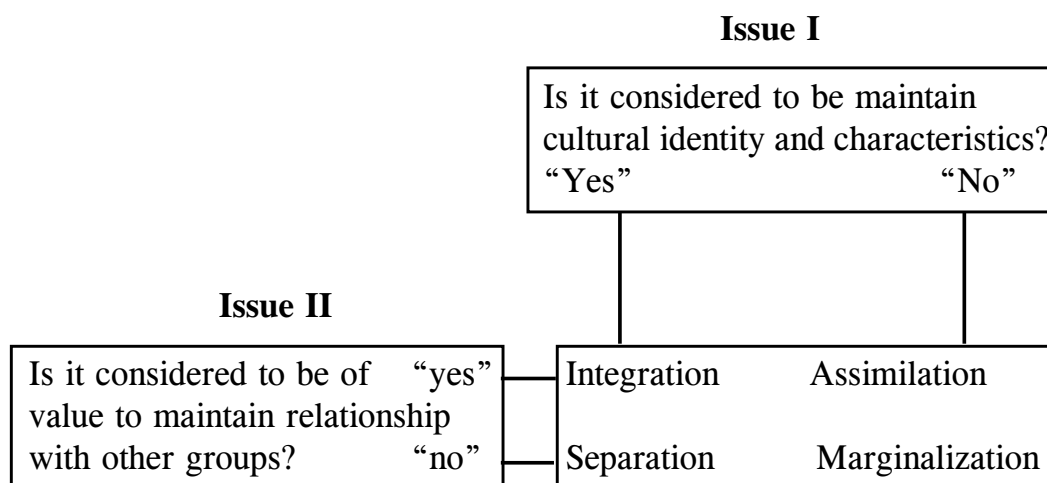


Fig. 1.4 : Four varieties of acculturation, based upon orientations to two basic issues.

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First variety or strategy i.e. ‘assimilation’ occurs when an acculturating individual does not wish to maintain culture and identity and seeks daily interaction with the dominant society. In contrast, when there is a value placed on holding onto one’s original culture and a wish to avoid interaction with others, then the ‘separation’ or dissociative alternative is defined. The integration occurs where the individual interested to maintain his original culture and at the same time inclined in his daily interactions and relations with others. In this process, some degree of cultural integrity is maintained while moving to participate as an integral part of the larger social network. Finally, marginalization takes place when there is little possibility or interest in cultural maintenance (often for reason of enforced cultural loss) and little possibility or interest in relations with others (often for reasons of exclusion or

place, one group believes its unique attributes (e.g. religion, race, ethnicity) are the cause of its unequal treatment. It will seek to mobilize its members to break out of that subordinate position. This process called “Relative Deprivation”⁴² precipitate various groups in South Asia (e.g. Tamils, Sikhs, Bodos Gurkhas etc.) and in various parts of Africa and North America (Quebecs in Canada) and Europe (Flanders, Catalans, Albanian Muslims etc.). Economic crisis precipitated by depressions or economic deprivation may prompt the emergence of separatist movements, particularly when disadvantaged groups (e.g. Welsh, Scots, Bretons etc.) believe that the dominant group is discriminating against them.⁴³ Similar fears for the cultural identity can affect a dominant group. The countries of Western Europe try to sort out the problem of migration through multi-culturalism can face another alarming problem. The massive influx of refugees from Eastern European ex-communist countries would place a heavy burden on European Union countries.⁴⁴

Power is another primary determinant of group relations. Racial and ethnic groups whether in dominant, subordinate or equal positions mobilize their group resources and strive for control over the major political, economic and social structures of society. Most of the policy decisions including the allocation or reallocation of power, privilege and resources are determined within these structures. Group power contests occur within these structures, when the group prohibited from pursuing its goals. It may resort to other means (e.g. riots, rebellion, revolution, or warfare) and to controlling the structures and institutions by and through which society allocate power, privilege and resources becomes its ultimate goals.⁴⁵

In group power contest, two types of policy decisions are made i.e. structural decisions and cultural policy decisions. Structural decisions determine the degree of access of a given group to its resources and power. Within structures, cultural policy decisions fall between two poles i.e. policy that leads toward the elimination of group cultures and loyalties through imposition of more embracing ‘national’ culture. Other is a policy of multi-culturalism wherein society accepts the legitimacy of cultural diversity and give right to their own cultural beliefs and practices. The power factor in

comparative analysis of ethnic and race relations can be applied through three types,

...first, the analysis of race and ethnic relations as types of power contests and the outcome of each contest dependent upon such factors as group resources, capabilities and differential rates of group power. Second, the analysis of specific types of dominance systems, be they racial or ethnic. Third, the analysis of racial and ethnic dominance system from a historical and comparative perspective.⁴⁶

In the first type, the determinants of group power contests are the role of group resources, resource mobilization capabilities and the strategies of actors. The division of society into broad strata which form a hierarchy of prestige, wealth and power, is a feature common to most societies.⁴⁷ The differential group power is a basic determinant of this stratification system. The group power includes its total numbers, physical and financial assets, social organisation, culture, belief system, education and skills. Other less tangible, but nevertheless significant resources include a group's prestige, authority and any natural or supernatural resources, ability to bear arms, voting rights, rights achieved by formal education, membership in various organisations.

The mobilizational capabilities of any group is a multiplicative function of the strength of its goals and perceived probability of achieving these goals.⁴⁸ One group may possess superior resources, but lack ineffective leadership, group cohesion or difficulty in coping with stress situations cannot effectively mobilize its resources against other group that possesses fewer resources but superior mobilization capabilities. Two other significant variables are "additive resources" and "the strategies" employed by a given group. An example of an additive resource is the intrusion or incorporation of third party on the side of either A or B, and this will significantly alter the outcome of their power contest. The situation of the Russian Minorities in the former Soviet Union is the most salient illustration of this triangular relationship.⁴⁹ Strategies too, are important in group power contests. Contesting groups basing their evaluation of situations adopt strategies they believe will strengthen their power capabilities and neutralize or weaken their opponents.

Whatever the power relationship (Symmetrical where both

groups are equal, asymmetrical where one is dominant), each group may initiate or respond to the acts or anticipated acts of others. In asymmetrical relations, a subordinate group pursues options that range from opposition (extending from war or rebellion to more subtle forms of resistance or subversion) to compliance (extending from withdrawal or grudging acquiescence to “emanation”). Emanation is a situation where the group discards its own identity and culture for that of the dominant group. The whole process of emanation occurs through the reproduction of national culture by dominant group across the state’s territory through range of state institutions. These institutions can effectively enforce the rules and norms of national culture and shape the identity of the citizens. These institutional structures include education system, language regimes, legal systems, cultural institutions and welfare regimes. The highly centralized incorporation of these institutions into the structures of state create the conditions for consolidation of national culture.⁵⁰ The low level of institutional incorporation lead to the emergence of sub-state nationalism and loosen centralised control of state.

In this type of situation the dominant group control structures and enable it to destroy, restrict or preclude subordinate group’s acquisition of resources and mobilization capabilities. But a subordinate group is not totally devoid of resources of mobilization capabilities.

Subordinate groups possess two types of possible power resources, pressure and competitive resources, both of which are important for opposing domination. Pressure resources refers to a group’s ability to employ such disruptive tactics as strikes, boycotts, violence, even warfare for forcing changes on dominant group. Subordinates may also possess competitive resources, including skills i.e. appraisal of the situation and the resources and mobilization capabilities available to itself and its adversary.⁵¹

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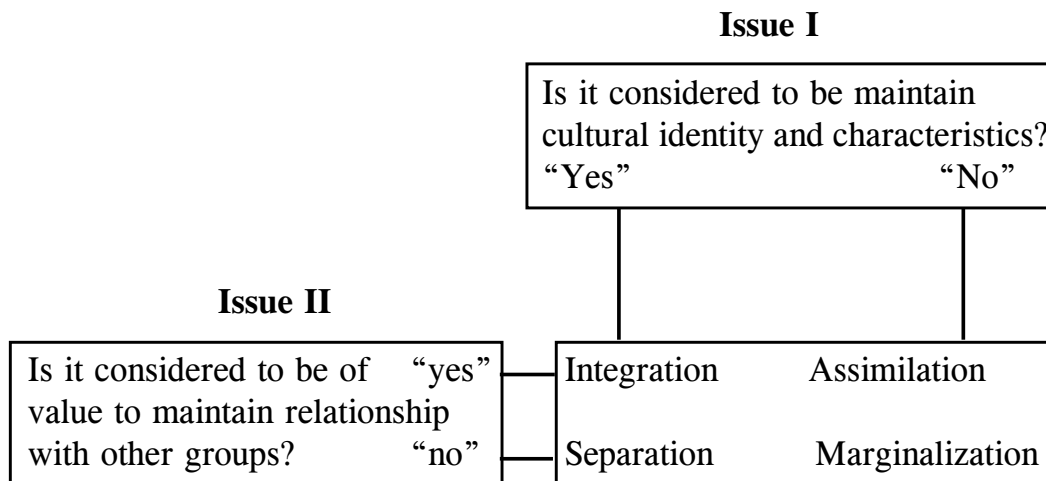


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discrimination). The term 'integration' is distinct from the term 'assimilation' because the cultural maintenance is sought in former case while there is no interest in such continuity in the latter. The policies and practices of dominant society can place important constraints on the choices made by acculturating groups. There may also be 'flux' over time in which different strategies are employed e.g. one may begin with a preference for assimilation, switch to separation and finally settle on integration.⁶⁶

However, the policies adopted by a multinational state are always at least partly determined by the interests of ethnic groups. "Realistic group conflict theory" proposes that the discrimination between groups are often based on conflicts of interests between groups or based on real competition for scarce goods. The most relevant premises of this theory are,

1. It has been proposed that intergroup threat and conflict increase as the perceived competition for resources increase between groups.
2. It has been suggested that greater the intergroup threat and conflict, the more hostility is expressed towards the source of the threat.
3. It has been proposed that when competition over resources is present, proximity and contact increase intergroup hostility rather than decreasing it. It is important to note that the basic premise of this theory does not require that actual competition over resources exist. Rather, it is perception of competition that leads to conflict and intergroup hostility. It is also important to note that group conflict is assumed to occur at the group level rather than at the individual level. It means that the group's interests are at stake and being protected, rather than solely the interests of individual members of the group.⁶⁷

The political efforts of every ethnic group to obtain preferential treatment for itself tends to threaten the interests of other groups who would be eligible for preferential treatment in multinational states. The former attempt to maximize their gains, the latter to minimize their losses. The ethnic conflicts thereby engendered may be peaceful, as in well functioning democracies

where groups lobby in legislatures for particular favours or may be violent in countries in which governments functions poorly or have been captured by one ethnic group and used to exploit other e.g. Yugoslavia, South Africa.⁶⁸

Realistic group conflict theory can be contrasted with ‘social identity theory’ which proposes that conflict occurs when positive group identity and self-esteem are at stake, rather than resources such as money and power. The ‘scapegoat’ theory of prejudice suggests that, although threats to tangible resources may cause hostility, but this hostility is redirected to a safe-to-target, weak outgroup, rather than necessarily to the source of the threat.⁶⁹

An instrumental model of realistic group conflict suggests that the combination of resource stress and salience of a potentially competitive outgroup leads to perceived group competition for resources. The term resource stress refers to any perception of access to resources limited for certain groups within a society. The resources involved may include economic resources such as money, power, jobs etc. As Fig. 1.5 indicate that several factors may determine the degree of perceived resource stress.

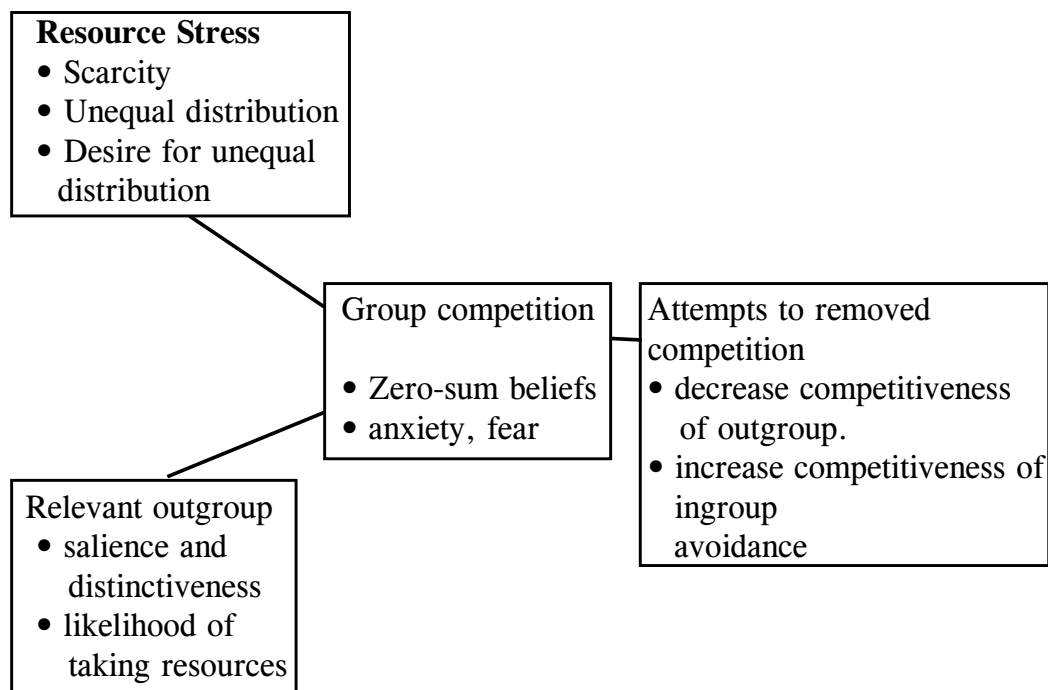


Fig. 1.5 : An instrumental model of group conflict.

Source : Victoria M. Esses *et al.*, Journal of Social Issues (1998), p. 703.

1. The scarcity of resources, whether real or perceived, will increase the chances that group will perceive that access to resources is limited.
2. Due to the unequal distribution of resources among groups in society will likely lead to the perception that at least for some groups, access to these resources is limited e.g. lower status group will feel that they now have limited access to resources and higher status group may perceive that if hierarchy changes, they could move down the ladder and no longer have access to the resources they now possess.
3. The desire for unequal distribution of resources among groups, which is an individual difference variable, will be related to the perception that there is not enough to go around. Individuals who desire a hierarchical structure in society believe that limited resources are most worth and greatest value.⁷⁰

In all three cases what is crucial is the perception that resources are under stress and potentially not available to all groups in sufficient quantities. Resource stress may precipitate competition for resources among groups. Some out-groups that are salient and distinct from one's own group are more likely to stand out as potential competitors. Salience and distinctiveness may be determined by factors, i.e. large or increasing size of the group and novel appearance and behaviour. The potential competition between similar or dissimilar out-groups depends on the dimension in question. The groups similar to in-group are likely to be competing for dimension relevant to obtain resources e.g. skills. On the other hand, the distinct groups from in-group are more likely to be seen as competitors if the dimensions in question are ethnicity or national origin. Thus, the perceived competition with particular outgroup may be function of similarity and dissimilarity of different dimensions in question as well as interaction between them.⁷¹ In addition, groups who are very skilled in the domain in question, who have external support for obtaining resources are more likely to be seen as potential competitors because of their enhanced ability to take resources.

The perceived group competition has both cognitive and

affective underpinnings. The cognitions associated with group competition involve zero-sum beliefs, that more the other group obtains, the less is available for one's own group. The emotions accompanying these beliefs may include anxiety and fear. The model suggests three strategies which remove the sources of competition. First, a group may attempt to decrease the other group's competitiveness, second, to increase the competitiveness of one's own group. Finally, competition with other group is to be reduced with the avoidance by decreasing proximity (a group may deny immigration) or may replace itself to a different location.⁷²

ETHNIC CONFLICTS AND REFERENCE STATES

The most modern ethnic conflicts (e.g. between ex-Soviet States) can be understood by model of ethnic relations in the presence of reference state. It features a strategic interaction between a 'minority' (m), a 'majority' (M) and the reference state of minority (R). The chronological structure of model is that the minority moves first. It decides either to fight (F) in an attempt to get certain thing it values e.g. secession or certain rights or to acquiesce (A) and then enter the new state run by the majority. If the minority decides to fight, the reference state must decide whether to intervene in the war (i) or not (Ni). If the minority decide to acquiesce, the game goes to a second period, in which the majority makes a proposal about a policy packet (x) that is relevant for the minority which can consist of such things as individual rights (e.g. citizenship status) and collective rights (e.g. education in the language of the minority). This packet is summarized as a point in the interval (0,1). The minority prefers (x) to be as high as possible while the majority will try to set it as low as possible. Not all components of such a policy packet will have this zero-sum character, but many will make any packet contested.⁷³

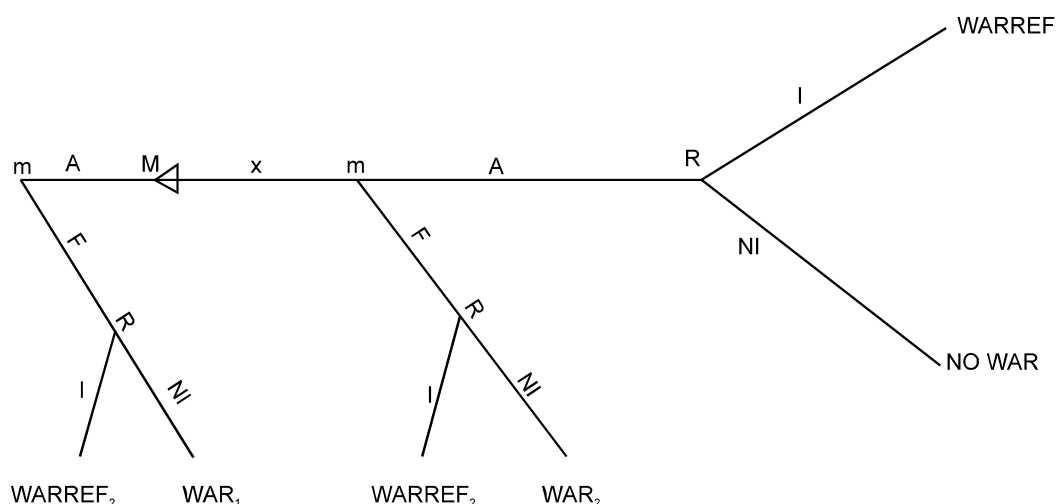


Fig. 1.6 : A Model of Ethnic Relations in the Presence of a Reference State.

Source : Pieter Van Houten, Archives European Journal of Sociology (1998), p. 116.

In principle, the value that the minority and majority attach to the proposed packet can depend on historical memories and anticipation of future actions by the other group. After the proposal, the minority group decides again whether to fight or acquiesce. When it decides to fight, the reference state faces the same decision as in the first period (I or NI). The game is not necessarily over, if the minority decides to accept the proposal of the majority. It is assumed that the reference state does not necessarily just react to actions of the minority, but that it also has certain ideas and preferences itself about an acceptable treatment of the minority. Reference state really cares about the well-being of the minority or it cares it for other political reasons (e.g. because of pressure on the government of the reference state by nationalistic opposition parties). This aspect is modelled by giving the reference state a choice to intervene after the minority has acquiesced in both periods.

Fig. 1.6 shows the extensive form of game. There are six outcomes, which consist of three distinct events i.e. war with the intervention of the reference state (WARREF), war without such intervention (WAR) and a non-violent outcome (NOWAR).⁷⁴ These three implications of the model applied on the conflict between Serbian minority and Croats in Croatia where Serbia provides an insistence as a reference state that result in war. Hungary was weak (though highly irredentist) and not able to influence the relations

between Hungarian Minority in Romania. Finally, the perception of Russia's position seems to be such that the violence was avoided (e.g. Estonia, Crimea).

VARIOUS FACETS OF ETHNIC CONFLICTS IN THE WORLD POLITICS

Modern conflicts are also analysed through the process of ethnocide and ethnogenesis. Ethnogenesis is the complementary dimension of ethnocide, which is the conscious effort by power wielders within a nation-state to obliterate a people's lifeways. The complementary feature of ethnocide and the ethnogenesis reflect the historic and contemporary struggle between hegemony and resistance to hegemony.⁷⁵ This process marked the collision of nation-state's nationalism and ethnic-block ethnogenesis.

The idea of nationalism and ideal of the 'nation state' are not necessarily based on ethnicity. Rather they stress the voluntary coming together of people in a state with a shared culture. Yet in modern times, especially in the twentieth century, ethnicity has come to be more important in politics and ethnic-nationalism (or ethnonationalism) has been the distinguishing characteristic of nationalism. It may be defined as doctrine of autonomy, unity and identity for a group whose members conceive it to be an actual or potential nation. This may be because ethnicity gives a higher status to citizenship and therefore provides people a heightened sense of dignity than individualistic civic or social nationalism.⁷⁶ In essence this exclusive nationalism excludes those people who do not share a common ethnicity which usually means common descent. On the other hand, the principle of national self-determination confers a right to nations and their members to determine the sovereign state to which they would belong and the form of government of state which they would live. In a state based on concept of civic nationalism, every citizen irrespective of lineage and ethnic background is a member of the nation.⁷⁷

Nationalism results from the changes in the character of politics, economy and culture. The Table 1.2 shows the relationship between ethnic nationalism and 'post industrial society' and 'consumerism'. In third world countries, the intensity of ethnic conflict can be

explained through the direction of politics towards the features of model, such as democratic politics rather than ‘empire’ and rising political consumer choice rather than monopoly. The model indicates a universal linkage between particular forms of politics, economy and culture.

Power expectations Politics	Economy	Culture
Power expectations Capabilities	Material interests	Psychic Income
Democracy (self rule) opposing to domination, discrimination and exclusion	Uneven development and cultural division of labour	Search for identity and status increased literacy
Nation-State	Consociational democracy	
Nation-building (V. imperialism, internal colonialism)		Increased cultural homogeneity
consumerism cultures (v. centralisation)	Decline of class divisions	Revival of ethnic and /or
Post-industrial politics (e.g. Green parties and national parties)	Growth of state divisions	Post-materialist values
State power v. divided nations	Post-industrial society	

Table 1.2 : Ethnic and social nationalism

Source : James G. Kellas, *The Politics of Nationalism and Ethnicity*, p. 68.

In politics the focus is on power which expressed in terms of authority and the challenge to authority. Those who achieve political power command political structures, most typically the state. Those who are not in power but challengers of that power, operate in some political systems through political parties and through movements and terrorist organizations. In politics of nationalism, there have ruling national parties, opposition nationalist parties, nationalist movements, national liberation armies and so on. Each of these relates to the nature of the state and their focus is on political power. Some nationalists seek to defend the state, others to overthrow it.

This can be explained through ethnic nature of state. If one ethnic group controls the state, then its nationalism is expressed as official nationalism or patriotism.⁷⁸ e.g. Ruling National Parties in South Africa and Sri Lanka were White Africaners and Sinhalese respectively. Other ethnic group, which does not control the state, expressed its nationalism in opposition to the state. Hence, the African National Congress and The Liberation Tigers of Tamil Eelam (LTTE) respectively opposed the structure of the state. The main reason of rise of ethnic-nationalism in politics is due to the change in the expectations and capabilities of the people. The ratio of expectations to capabilities provides the dynamic in politics generally and nationalism is one result of this changed ratio (Paradoxically, so is internationalism or supranationalism).⁷⁹

The government by the people is expected by the inhibitions of the states. This expectation has been encouraged over a long period since eighteenth century “national self-determination” to twentieth century “ethno-national self determination”. After World War I, the political capabilities of people have continuously changed. The multinational empires in Europe broke up after World War I and in Africa and Asia after the World War II. In twentieth century, the rise of democratic expectations and capability to achieve these through overthrow of multinational empires was matched by the rise of ethnic nationalism within multiethnic states. This process involved a nationalist reaction to domination, discrimination and exclusion. One aspect of this has been called ‘internal colonialism’ which means the colonisation of subordinate ethnic group within the state by the core ethnic group giving rise to ‘cultural division of labour’. In this situation many ‘internal’ ethnicities become mobilized politically against the state of which they were a part, even that state proclaim itself a ‘nation state’. Thus, old-established states were threatened and break-up in twentieth century, e.g. the USSR, Yugoslavia etc.

Another modern desire for democracy is consumerism. In political terms, consumerism seeks the availability of right of self-government, local democracy and cultural autonomy. But consumerism usually means the demand by individuals/groups for material gain. This will decide, the rational choice for them in

politics. It means that pursuing ethnic aims will appear rational in the prospect of material or some other gain. In the most advanced post-industrial societies, the demands may go beyond economic gain to the satisfaction of post materialist values, such as ethnic identity (e.g. in language, religion, respect for community). Rational choice theory also predicts that when ethnic identity results in political conflict and then it would take an ideological form in post-industrialist society.⁸⁰

While consumerism has been encouraged by the modern democratic state, it can also turn against it. Demand for decentralization and home rule for ethnic groups and nations can be seen as consumer reactions against the modern centralized state. In this situation, when the state seeks to satisfy dissatisfied ethnic groups, through economic planning to redress regional inequalities or establishment of regional government. It raises further ethnic expectations further and demands for stronger home rule. e.g. in Gorbachev's USSR, the policies of Perestroika and 'Glasnost' opened the floodgates to ethnic demands and capabilities to a point where many nationalities demand independence and later resulted in the demise of the USSR.⁸¹

The relationship between the economy and nationalism is not static but dynamic. The technological changes which have occurred in the late twentieth century have altered the types of employment and the classes in the labour force in advanced industrial countries. The division of interest between the 'working class' and the 'middle class' which has reflected in class politics is no longer so obvious, as people see their interests in terms of post industrial materialisms. The people of states and regions of states who feel 'relatively deprived' because of their economic situation can become politically restless and may demand change to redress their perceived deprivation.⁸²

The culture differs from economy as 'psychic income' differs from financial income or material interests. 'Psychic income' refers to those things which satisfy mental and spiritual needs of human beings. Nationality and culture are almost synonymous. This is because both include a sense of social identity, language, education, religion, arts and science etc. Thus, in the formula,

‘Politics + Economy + culture = nationalism’ has contained a special weight for culture. Presently, in the field of culture, two contradictory though intertwined historical processes are operating simultaneously, i.e. a globalizing tendency where the economics and cultures around the world are being embedded increasingly in more and more pervasive global webs. Secondly, a localizing tendency, expresses in its extreme form by a number of insurgencies on the basis of ethnic religions and local identities. These various cleavages of cultural built-up across the world provide potential fault lines for acrimony based on new cultural assertions.⁸³ Gellner’s theory pointed out that in the industrial state, homogeneous national cultures within one state would go hand in hand with industrial economies. Thus, a social and cultural identity would flow from the needs of economy and would get promoted by the state. His theory postulated that as the state economy predominate over local and regional economies, so too state identity, culture and official nationalism would predominate over ethnic and social identity culture and nationalism.⁸⁴

As Gellner’s theory postulated, the process of globalization internationalize economy to some extent but this process not fade the national cultures. It seems as powerful as politics and economy and that in the conditions of sudden change in the modern world people turn to their ethnic and social culture as a defence against deprivation in politics and material interests. This is not a throw back to ancient ways, but a very up-to-date way of defending personal and group interests. For defending their interests, ethnic groups can retain their separate languages and senses of identity, but that would be expressed primarily in the realm of culture rather than politics.⁸⁵

There are many contemporary developments which have led to renewed cultural nationalism, i.e. there has been a big increase in literacy, through the spread of education to all people. The opportunities to promote national culture have steadily increased with the spread of mass publications and these are often accessible to nationalists unless the state exercises censorship and monopolies printing. At least, 200,000,000 books had been printed from 1600 A.D. and this ‘print-capitalism’ proved Francis Bacon’s belief that “print had changed the appearance and the state of the world”.

There has been immense spread of the broadcast media. It combined with the huge migrations (created by the present world economic system) created a virulent new form of nationalism. This type of nationalism is no longer depends on territorial location in home country and developed new type of virtual ethnic communities. Some of the most vehement 'virtual communities' are found in diaspora communities e.g. Sikh, Croatian and Algerian nationalists. The internet, electronic banking and cheap international travel are allowing such people to have a powerful influence on the politics of the country of origin.⁸⁶ The linguistic questions are likely to be rallying points for ethnic nationalism and will get exposure in the press and broadcast media if a national language has been suppressed or discouraged by the state. A separate Welsh language TV channel was granted in 1982, after a hunger strike by Welsh nationalist president, Gwynfar Evans.

The 'cultural nationalist' leaders also articulate to the widest possible audience regarding the claims of the nation, cultural autonomy and survival. This gives confidence to those disposed toward nationalism and they become able to share their national identity with leaders and to learn from them what their national culture is, and how it should be defended. Most of minorities feel that their culture is under attack from the state. This leads to a sense of cultural deprivation among these minority groups. Cultural deprivation in the context of nationalism is experienced when discrimination or insult takes place on account of a person's national identity including accent, religion, habits, tastes and so on.⁸⁷ This occurs most frequently when face-to-face contact takes place between dominant and dominated nationals. It is also experienced collectively when linguistic or educational usages are imposed officially on all citizens by the state, e.g. Scotland's nationalist leader Jim Sillars writes,

"When I served in the British Navy, I could understand them but they either could not or refused to understand me. In Portsmouth (naval base) people delighted in taking the mickey by refusing to understand a single word I said, and years later, my first speech in "house of common" after my election in 1988 was greeted with taunts from English Tory MPs, 'speak English', which no doubt strengthened my cultural nationalism."⁸⁸

There are nationalists who point to personal cultural deprivation to explain their nationalism. Collective cultural deprivation also leads to nationalism and is present when cultural organisations and educational bodies fight for the national culture against assimilation with other cultures and education systems. Now, 'the search for identity', intellectual freedom and the pursuit of 'psychic income' are the features of 'post-materialist society.'⁸⁹ But, both Marxist and Western liberals tended to view ethnic nationalism and religious fundamentalism as part of a larger set of phenomenon subject of transformation by the forces of economic modernization.⁹⁰ The functionalist view civic nationalism and its growth as a consequence of the breakdown of traditional society undergoing modernization, but it fails to explain the rise of ethnic nationalism in many developing as well as developed states. Hence, in its place many theories arose that linked the modernization process with the emergence and rapid diffusion of ethno-nationalist and religious sentiments and thereby accounted for political fragmentation, instability and anti-democratic developments.⁹¹

MODERNIZATION PROCESS AND EMERGENCE OF ETHNIC CONFLICTS

The modernization theories those linked modernization with ethnic nationalism have two shortcomings firstly, most of them have failed to explain adequately the persistence and proliferation of ethnic nationalism all over the world. Secondly, most of these theories view ethnic nationalism as undemocratic and extremist. Consequently, the developmental approach and the reactive ethnicity approach have developed. These theories do not discard the salience of the modernization process behind the rise of ethnic nationalism and deal with the ethnic political mobilization directly. The developmental perspective treats 'the persistence of ethnic attachments as 'residual' phenomenon.'⁹² The 'residual' treatment of ethnic attachments means that the developmental theory cannot be give an independent role to those attachments in the dynamics of political mobilization. These dynamics must be based on the occupational (i.e. class) cleavages, while the ethnic cleavages must serve only as a 'facade' for the more fundamental class-based mechanics. In contrast to the residual status of ethnic attachments in

developmental perspective, the 'reactive ethnicity model' contends that developmental theorists misunderstood both the process of economic development and its effects. The process of modernization and increased contact between ethnic groups within a state would not necessarily bring about ethnic unity, rather would likely to lead to ethnic conflict. This is because the inequalities between the regions in a country would relegate peripheral regions to an inferior position, leaving the core region dominant. The reaction to this, in the peripheral regions will be hostility towards the core. Hechter's 'Cultural Division of Labor' (CDL) theory states that in a situation of internal colonialism, there would be a social stratification of ethnic or cultural groups, with the core group occupying the best class positions and the peripheral groups the inferior positions. This corresponds to a 'colonising' nation and 'colonised' nations.⁹³ If the stratification system links ethnic identity with economic status, it confers a meaning to identity and cannot be detached from one's economic and political interests within the system. Thus, it should not be expected that ethnic attachments will recede in highly developed countries, if it is understood that economic development can produce a CDL. The profusion of 'ethno-regionalist' movements in Quebec, Catalonia, Basque regions of Spain, Scots in Britain and Flemings in Belgium are examples of this process.

In the reactive ethnicity model, two components are necessary for political mobilization. First, the individuals must share same interests. Second, suitable conditions must exist for mobilization. The first component alone is insufficient for concerted political mobilization. The aggregation of individual perceptions of economic inequality alone is insufficient for the development of collective solidarity. Beside conditions that generate common interests, conditions that facilitate group formation are also necessary. It is here that ethnicity plays a crucial role. Ethnic ties among economically disadvantaged individuals (i.e. CDL) play an independent role as facilitating conditions for the group formation essential to political mobilization. Ethnic linkages are a facilitating condition because they define a common discourse (language, beliefs etc.) which is required for any form of concerted action. The interests that facilitate political mobilization, embedded in the social context. This context is distinguished by ethnic commonalities, the

ability to pursue common interests (whatever they may be) would be greatly enhanced. Thus, in the reactive ethnicity model ethnic attachments retain their salience through the working of the stratification system and serve as a condition which facilitates concerted efforts to alter the stratification system.

A schematic summary of differences between these two models is contained in Fig. 1.7.

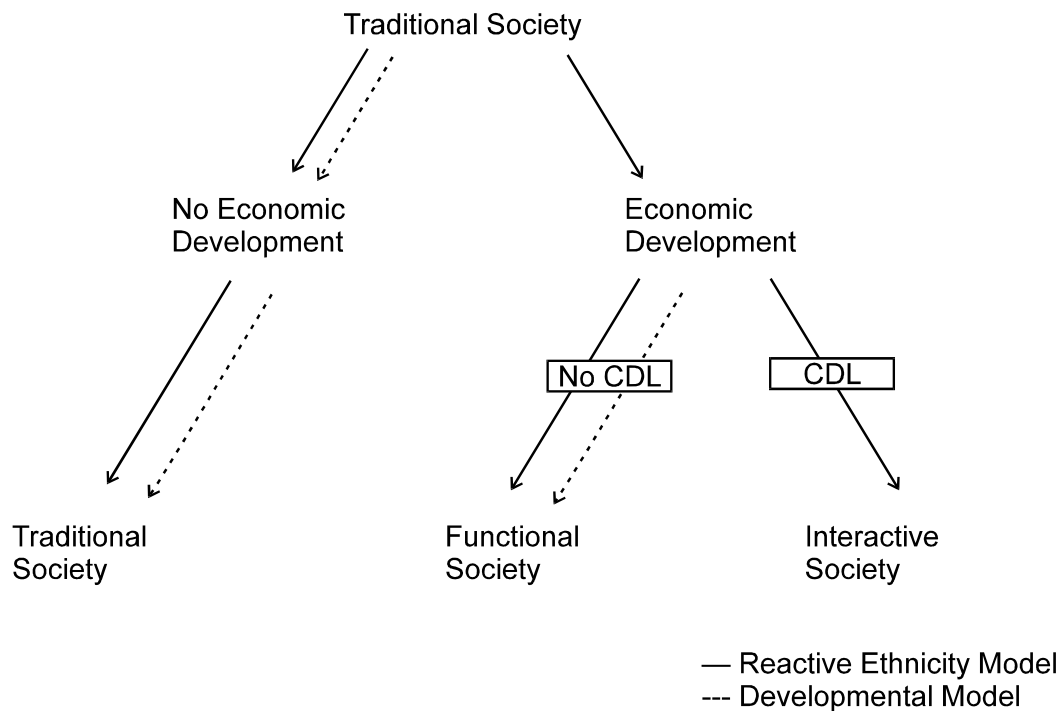


Fig. 1.7 : A Schematic Summary of the Developmental and Reactive Ethnicity Models.

Source : Eric M. Leifer, *American Journal of Sociology* (July 1981/82), p. 30.

In a development model, economic development produces “functional societies”. Cleavages in functional societies are class based and group formation around class interests is not taken to be problematic. Ethnic identities may persist and a CDL should exist, but these identities should have no significant role separate from class interests in the process of political mobilization. In contrast, reactive ethnicity model takes group formation to be problematic. Both models concur that economic development would result in a functional society where no CDL exist. The reactive ethnicity model posit that ethnic attachments (made salient by stratification system) would play an independent role in facilitating group formation

around the pursuit of political interests when CDL exists in the society. Thus, an “interactive” society is predicted, in which the conjunction of economic and ethnic subordination is required to produce concerted political mobilization.⁹⁴

Parsons ‘action theory’ provides the logical frameworks of both models. This theory is constructed upon conditions, means and interests (ends), which are defined not absolutely but relatively to each other. In both models, interests (political) and conditions (salient ethnic ties) are central concepts with different meanings but both models used ‘political mobilization’ as a ‘means’ in support of national party. The missing factor in this context must be linked to the “leadership component” that determines the alternative direction available. Each possible mobilization alternative is distinguished by a different type of leadership component.

ROLE OF ETHNIC ENTREPRENEURS IN ETHNIC CONFLICTS

Rabuska and Shepsle in their theory of ethnic mobilization argue that the cultural diversity in a given society is necessary but not sufficient cause of polarization along ethnic lines. In plural societies, the political entrepreneurs play a critical role in making ethnic cleavages politically salient. They further argue that ethnic preferences would be intense because, firstly, they are shared by all members of ethnic group, secondly, opposed to the preferences of other ethnic groups on all issues and thirdly understood accordingly to a frame of reference shared by all actors in society. And a change in the mode of production in a state with a cultural division of labour, leads to the deskilling of the subordinate group. It replaces old elite with a new one. The new elite take more extremist stance on the same issues. In doing so the new political leader represents himself/herself as the only authentic representative of the group. The ethnic group invariably backs the new politician because group preferences are uniform and maximalist. The new politician easily politicize ethnicity and outbid moderate or old leader by appealing to group preferences that are always somehow present in society and always odds with each other.⁹⁵ Consequently, upwardly mobile members of the subordinate ethnic group lead to radical nationalist movement if they have not been assimilated by the dominant group.

This is the most prevalent form of nationalism in the last fifty years of twentieth century, appeared in Nazi Germany, Quebec, Scotland, India, and Africa etc. Conversely, upward mobility among the subordinates may result in a reactive nationalism among the elites of dominant culture. White nationalism in Rhodesia, Protestants in Northern Ireland are examples of this process.

The rational choice analysis describes that the existence of an ethnic political movement depends on a sufficiently large ethnic elite with the requisite skills and resources to mobilize political support and sustain a movement. They act decisively and mobilize an ethnic movement if they feel that a change in economic conditions open a window of opportunity to expand their political power. The ethnic elites appeal to 'prescriptive altruism' in an extended form for mobilizing ethnic groups. The rule of prescriptive altruism implies that man is a communal animal and cannot develop his or her potentialities without the supports that come from socialization within a family group. Within the family, every individual learns the recognition of binding mutual interdependence and willingness to forego selfish gratification for the sake of others. The sense of obligation learned within the family and its necessity to survive as an economic unit is extended to kin group. It further extended to people who are defined as fellow members of the same ethnic group. The range of persons to whom an obligation of cooperation extends creates a group with inclusive boundary. The recognition that other people are competitors and not within that boundary create an exclusive boundary. This process is also described by interpreting the behaviour; and 'act utilitarianism', which further envisage two step process. Firstly, it sees rules as so formulated as to maximize net advantages for those bound by them. Secondly, the individual members of groups are expected to observe group rules but they may calculate their individual costs and benefits of observance and comply with them only to the extent that maximize their individual net advantages.⁹⁶ Although, this approach provides ethnic ideologies as resources for mobilization by manipulative elites but it is fraught with free-rider problem because some members of ethnic group simply do not agree with the form of appeal made by ethnic leadership.

A leadership component that directs mobilization toward the national political arena is generally developed within the educational

institutions of the dominant ethnic group. Members of the subordinate group trained in these institutions have a tendency to direct their political energies back toward the national ‘centre’ in seeking political change. Anthony D. Smith contributed the concept of “careerism of ethnic actors” for explaining intellectuals' role in the rise of ethnonationalism. He argues that the ethnic revival becomes the basis for a new form of political radicalism. This radicalism has been channeled towards the ethnic historicism of the educators by a crisis of legitimacy experienced by the old order and the absolutist state. The professionals, too, require a viable social identity supported by an historical legitimation and they find it in the ‘ethnic solution’ proposed by their intellectuals. Besides providing a new bureaucratic arena for their career and status aspirations, the historic or ethnic community, suitably transformed into the active ‘nation’, resolves the cultural crisis of identity of the intelligentsia, places them at the head of an alliance with other aspirant strata and breaks down their social isolation from the ‘people’ with potentially revolutionary results.⁹⁷

The Fig. 1.8 illustrates the leadership component as a means for political mobilization in concerned society.

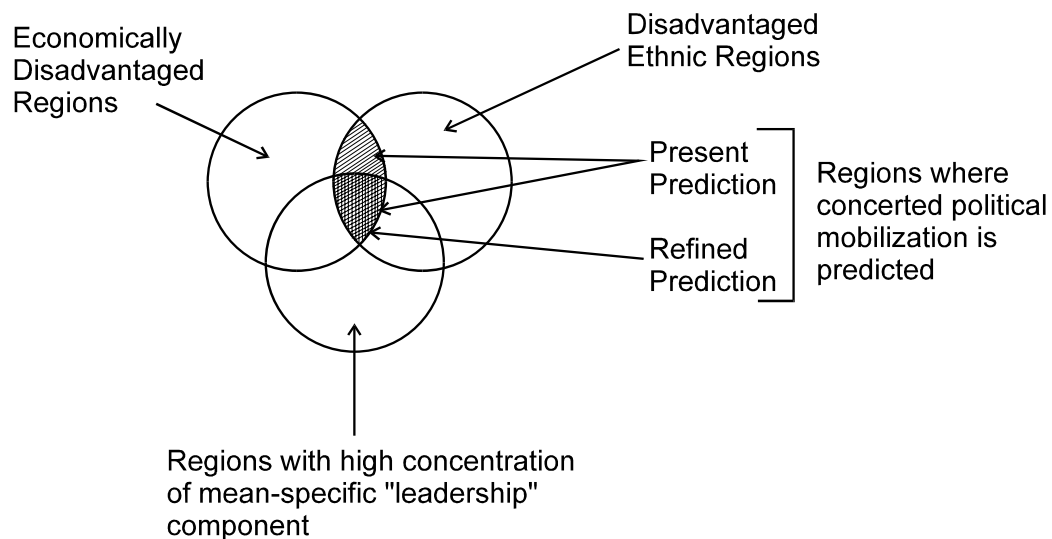


Fig. 1.8 : Leadership Component as a Means for Political Mobilization.

Source : Eric M. Leifer, *American Journal of Sociology* (July 1981/82), p. 45.

It is clear that the mobilization and strategies of politically active ethnic groups are based on interaction of two kinds of factors. Firstly, grievances about differential treatment and group status.

Secondly, the situationally determined pursuit of political interests and the sense of group cultural identity, as formulated by group leaders and political entrepreneurs. The “general model of communal mobilization for political action” in Fig. 1.9 showed three interdependent core variables i.e. active grievances, mobilization and communal political action.

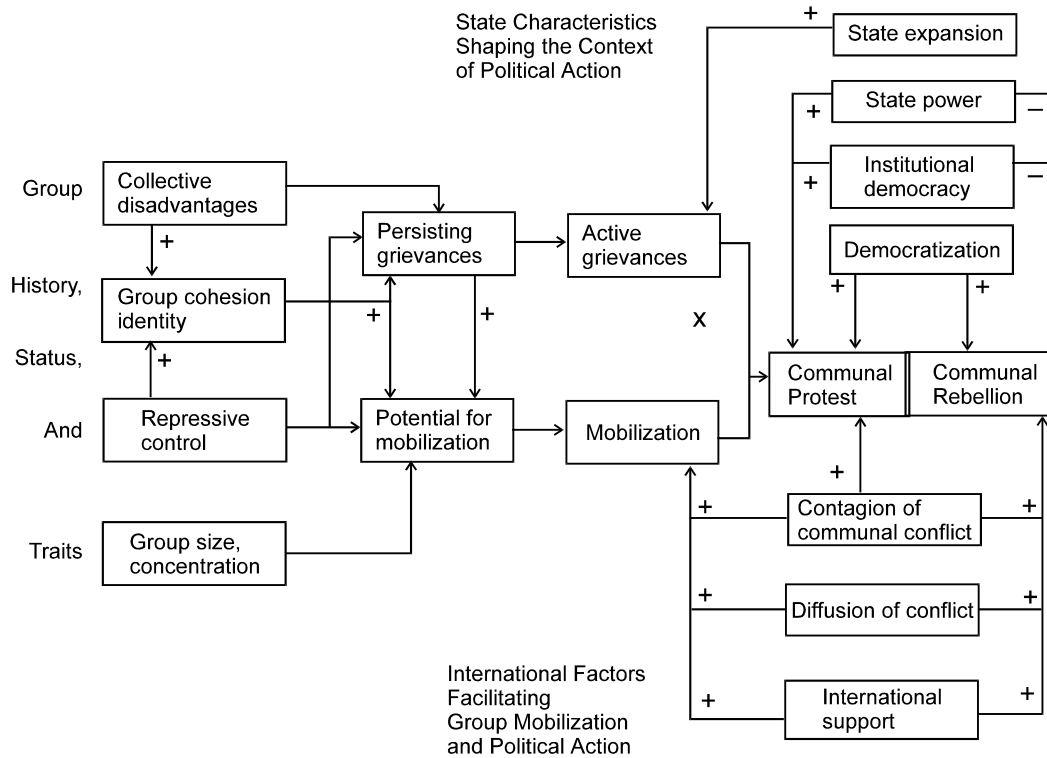


Fig. 1.9 : A General Model of Communal Mobilization for Political Action.

Source : Ted Robert Gurr, *International Political Science Review* (April, 1993), p. 167.

This model also consist three blocs of exogenous variables i.e. predisposing conditions which determine the intervening variables of persisting grievances and potential for mobilization, international diffusion and contagion of communal conflict, state characteristics that shape the costs and benefits of political action.

The grievances about differential treatment and the sense of group cultural identity provide the essential bases for mobilization and shape the kinds of claims made by the group’s leaders. There is little prospect of mobilization by any political entrepreneurs in response to any external threat or opportunity if grievances and group identity are both weak. On the other hand, deep grievances and a strong sense of group identity and common interests provide

highly combustible material that fuels spontaneous violent nationalist action whenever external control weakens.⁹⁸ And whenever these sentiments can be organized and focused by group leaders who give plausible expression to members grievances and aspirations, they animate powerful political movements and protracted conflicts.

THEORETICAL EXPLANATIONS OF ETHNIC CONFLICTS

In recent years, various ethno-nationalistic, secessionistic movements rise due to the effects of globalization i.e. global economic integration and competition for trade.⁹⁹ The economic success enjoyed by small states had a powerful 'demonstration effect' on ethnic nationalist and secessionists in many parts of the world. After its split from Slovakia, Czech Republic's economic growth has been rapidly grown, unemployment has been significantly lowered and exports have been reoriented toward western states, Catalan in Spain, Scots in Britain, Northern League in Italy demand greater autonomy, Quebec's secession bid from Canada was also for obtaining more benefits by trading with Canada, the United States, Mexico and the rest of Latin America. As President Boris Yeltsin wrote in 1991 that, "The economy follows politics, after all", there are powerful forces promoting smallness have affected politics through several ways.¹⁰⁰

Entrenched ethno-nationalist movements weaken states common identity, which had controlled the centrifugal action of different identities. Consequently, a cultural conflict is erupted because culture is considered to be the totality of the values, beliefs, traditions and heritage that confer an identity on each individual. In its potential for explosive violence, culture could be compared to a nuclear reactor. A chain reaction would be started when a moderating influence of heavy water (a common project or authority) is removed. When the conflict reaches on certain intensity, a certain temperature, then violence is erupted. Violence can quickly destroy relationship between groups. Violence has generally been conceptualized as a degree of conflict rather than as a form of conflict. It is not a quantitative degree of conflict but a qualitative form with its own dynamics.¹⁰¹ The shift from non-violent to violent modes of conflict is a phase shift.

Recent explosion of ethnic violence, intra-state armed combats change the state-centered realist view. The neo-realist view is not enough to accommodate many processes, events and structures that appear largely outside the strategic interactions of nation-states. It is argued that, the dynamics of contemporary world politics can be built on idea of bifurcation and related ideas of complexity, chaos and turbulence in complex systems i.e. the multicentric system and the statecentric system. He further argues that the structures and processes in today's polities are artifacts of the turbulent interplay of these two bifurcated systems, each of which affects the others in multiple ways, at multiple levels and in ways that make events enormously hard to predict. He replaces the idea of events with the image of "cascades" action sequences in the multicentric world. The cascade concept defines how one particular act of religious desecration, one particular terrorist killing, or particular inflammatory speech ignites large-scale ethnic violence.¹⁰²

Various inductive, rational action and culturalist approaches applied for describing ethnic violence. Ted Robert Gurr outlined an "integrated theory of political violence" as the product of the politicization and activation of discontent arising from relative deprivation. His work has been built on a large-scale data set surveying 233 "minorities at risk", that have suffered (or benefited from) economic or political discrimination, mobilized politically in defense of collective interests since 1945. These nonstate communal groups "classified as ethnonationalists, indigenous peoples, ethno-classes, militant sects and communal contenders. He explains forms and magnitude of non-violent protest, violent protest and rebellion through an electric synthesis of grievances and mobilization variables.¹⁰³

International relation approach posits that existence of a "security dilemma" under conditions of anarchy in which even nonaggressive moves to enhance one's security perceived as threatening by others, trigger countermoves that ultimately reduce one's own security. While formulated to explain interstate wars, the security dilemma has been also applied to intrastate ethnic violence. In a presence of historical record of serious intergroup hostilities

(amplified and distorted), groups are likely to view one another's nationalist mobilization as threatening.¹⁰⁴ These perceived threats may create incentives for preemptive attack (or at least for countermobilization that will in turn be perceived as threaten by the other group, engendering a mobilization spiral that can lead to violence, especially since violent action can be undertaken by small bonds of radicals outside the control of weak state).

Although, there is no unitary or complete game theory of ethnic violence, but certain general mechanisms are identified that helps to define some particular aspects of problem of ethnic violence. Fearon's model of the problem of credible commitments and ethnic violence described that the problem arise when a newly independent state dominated by one ethnic group and containing at least one powerful minority group as well. The model focuses on the inability of an ethnicized state leadership to 'credibly commit itself to protect lives and property of subordinate ethnic groups, who, as a result, start fighting for independence immediately rather than waiting to see if the leadership honors its commitment to protect them. Once a war breaks out, the settlement is extremely difficult because neither side would want to disarm without full confidence that the agreement would be adhered to, but no one would have such confidence unless one side disarms. The individuals, who are told by their leaders that they are targets of enemy nation, would take up arms even if there is probability that their leader's prognostication is accurate. Then a low probability event with drastic consequences has a high expected utility. Therefore ethnic war can emerge from a commitment problem even if vague suggestions of repression exist or if only a maniacal wing of the ruling group has genocidal intentions. This model is sensitive to the importance of institutions that enhance the credibility of commitments. In the absence of such institutions, ethnic violence is more likely to occur.¹⁰⁵

The Sociopsychological theory of "frustration-aggression-displacement" also describes the origin of aggressive behaviour in members of ethnic groups. It emphasizes the social context in which cooperation and coordination required the frustration of short-term desires in favour of long-term objectives. Frustration tends to give

rise to aggressive tendencies towards the perceived causes. These are generally inhibited sometimes because of the painful consequences of being aggressive towards one need to cooperate (e.g. parents, teachers, peers, workmates and colleagues etc.). On the other hand, the in-group endorsed individuals' role if its frustrations are perceived as against out-group. They become the targets of aggressive tendencies which are displaced on to them without disturbing the co-operation and co-ordination of the in-group. Thus, the gratification of the release of aggression may follow an enhancement of in-group consolidation.¹⁰⁶

The ethnic groups are often characterized by relatively dense social networks and low-cost access to information about the past history of individual's behaviour. It has an important consequence for intra versus intergroup relations. Within groups, people who exploit the trust of others can be identified as individuals sanctioned with relative ease by the response of the ethnic community. In game theoretic terms, cooperation and trust can be supported within an ethnic group by punishment strategies that are conditioned on individual behaviour because the cost of obtaining information about an individual's past is low. By contrast, individual identification is harder in interaction across groups.

Relatively dense social networks and interactions within an ethnic group thus give rise to an asymmetry of information because identifying and getting information about individuals from other groups is more difficult. However the inter ethnic relations are characterized by low level of information and the past conduct of the member of other group as individual is not known. In game-theoretic model, two types of equilibria support these conceptions. Firstly, each group may hold all members of the other group liable for the actions of its individual members. Under this regime, the members of group A indiscriminately punish all members of group B for nasty behaviour by an individual B. Thus, the "spiral regime" occurs in which individual defections trigger an escalation and complete breakdown of intergroup relations, non-cooperation spreads immediately to all interactions between members of the groups. The Israeli retaliation of suicide attacks by Palestinian extremists by

destroying and killing large number of Palestinian people is example of this spiral regime.¹⁰⁷ Second, the members of one group may simply ignore violations of trust by members of the other group, relying instead on the other group to identify and sanction the appropriate individual. Under this regime, in group policing, individual defections do not trigger such a spiral and total breakdown. If a B exploits an A, members of group A continue cooperating with members of group B as though nothing had happened while members of group B identify and sanction the individual who acted badly.

The major focus of cultural approach of ethnic violence has been of the cultural construction of fear with the help of rhetorical processes, symbolic resources and representational forms and a demonized, dehumanized or threatening, ethnically defined 'other' has been constructed. Culturalist approach specifies the manner in which fears and threats are constructed through, narratives, myth, rituals, commemorations and other cultural representations. Ethnic elites play crucial role in engendering ethnic insecurity through highly selective and often distorted narratives and representations, the deliberate planting of rumors. The success of such entrepreneurs of fear is seen as contingent on the historically conditioned cultural resonance of their inflammatory appeals.¹⁰⁸ Cultural 'materials' are seen as having an inner logic or connectedness that makes them at least moderately refractory to willful manipulation by cynical politicians. The construction of fearful Hindu beliefs about Muslims and in opposition the emergence of Muslims ethno-religious idioms and practices, religiously justify social segregation and the rise of Hindu nationalism in India, Sinhalese beliefs about Tamil in Sri Lanka (in the context of ethnocentric Sinhalese State, Tamil Terrorism), and of Serbian beliefs about Croats and Kosovars in disintegrating Yugoslavia are examples of this phenomenon. Once such ethnically focused fear is constructed, the ethnic violence no longer seems random or meaningless but all too horrid.

Some recent theories of ethnic conflicts explained that the ethnic violence is a direct consequence of primordial antipathies among groups. Huntington's civilizational thesis not only applies to inter-

state exchanges but can also be described as theory of culturally defined groups. This theory claims that state behaviour in the post-Cold War period will no longer reflect primarily power calculations or ideology but rather, civilizational affiliations. It is along the 'fault lines' between the world religions that conflict will be most prone to erupt. The "Kin-group Syndrome" prompts intervention by distant cultural relatives e.g. Russian and Greek nationalists aligning with Serbs.¹⁰⁹ Huntington's thesis has come in for fervent criticism because of its attempt to reify civilizations as large-scale ethnic categories.¹¹⁰ Primordialist or 'ancient hatred' view of ethnic conflict is also come under serious criticism.

The important aspect of present ethnonationalist violence is use of ABO (agent of biological origin) weapon, called pseudospeciation. Pseudospeciation is that phenomenon by which individuals and groups protect their sense of identity by viewing other groups as "less than human", less worthy of consideration and more able to be disregarded and destroyed. Pseudospeciation as a weapon of modern strategy and a tool of psychological warfare is the planned and deliberate re-structuring of the image of a subject individual or group/nation of people in the minds of selected target audience. And the target audience views the subject less than human, as an alien person or race and unworthy of human justice, kindness, consideration or treatment.¹¹¹ Recently, Yugoslavia was driven by an intra-national pseudospeciation which has led to the creation of variety of cultural groups (Croats, Serbs and Muslims). Croatian Tennis superstar, Goren Ivanisevic's interview with the New York Times in his home town is the example of this process in destroyed Yugoslav society. In this interview he asked,

In Adelaide (Australia) policemen assigned as bodyguards after a death threat, showed me (just for fun) how a machine gun works. He further said, they let me shoot a machine gun. It was tough to control but oh, it was a nice feeling, all the bullets coming out. I was thinking it would be nice to have some Serbs standing in front of me.¹¹²

This example shows that how various cultural groups have reduced each other to less-than-human status in their collective dealings.

The most extreme form of ethnic violence is ‘genocide’¹¹³ which resulted in mass scale killings and “ethnic cleansing”.¹¹⁴ It led to forceful migration and refugee problem. The spill-over effect of refugee problem and genocide resulted in foreign intervention by neighbouring country/countries and by regional/international organizations. The Kosovo crisis as an ethnic issue can be used for the analysis of the process of ethnicity and its impact on the functioning of the United Nations in the world politics after the end of Cold War.

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3. S.L. Sharma, “The Saliance of Ethnicity in Modernization : Evidence from India”, *Sociological Bulletin*, no. 1&2 (March-Sept., 1990), p.37.
4. Joce Kriger, *Oxford Companion to Politics of the World* (NY, 2001), Vol. 2, p. 265.
5. David Robertson, *Dictionary of Politics* (London, 1993), p. 169. For study of positive effects of ethnicity of immigrant groups. See, Ivan Light *et al.*, “International ethnicity in the ethnic economy”, *Ethnic and Racial Studies*, Vol. 16 (October 1993), pp. 581-594.
6. Jonathan Friedman, *Cultural Identity and Global Process* (N.D., 1995), pp. 29-30.
7. *Ibid.*, p. 30.
8. The term ‘ethnic diversity’ represent a normal condition and problematic for the majority of citizens and subjects who see themselves as members of a modern state. Actually, “diversity” refers to intercultural relationship in which conflicts are minimal or non-existent. See Fred W. Riggs, “Glossery”, *International Political Science Review*, Vol. 19 (July 1998), p. 314.
9. For more detail about traditional ethnicity see Fred W. Rigs, “The Modernity of Ethnic Identity and Conflict”, *International Political Science Review*, Vol. 19 (July 1998), p. 277. See also, Orland Fals Borda ed., *The Challenge of Social Change* (N.D., 1985), pp. 39-41. See Thomas D. Hall, “The Effects of Incorporation into World System on Ethnic Process”, *International Political Science Review*, Vol. 19 (July 1998), pp. 36-37.
10. Majid Tehranian, “Pancapitalism and migration in historical perspective”, *International Political Science Review*, Vol. 19 (July 1998), p. 294.
11. Ethnic nationalism prevails among marginalized communities in modern states

whose members reject citizenship and demand sovereignty. They normally have a territorial base or 'homeland' which in fact or fantasy, can anchor the state they wish to establish by liberation or secession. However, population mobility intensified by industrialism has led to a widespread mingling of peoples, not only in cities but also in rural areas, seriously hampering efforts to carve independent states out of the enclaves which ethnonational movements claim for themselves. Ethnic cleavage is defined as to characterize the relationship between subjects and citizens (ethnic nationalists and patriots) in such situations. (*Ibid.*)

12. Civic ethnicity involves members of marginalized communities who wish to become integrated as citizens of the country where they live, but it also affects all nationals of a dominant community whose attitudes and relationships with members of marginalized communities seriously affect their behaviour and reciprocate their own comfort and well-being. The term "ethnic diversity" has come increasingly, to represent a normal condition and problematic for all the citizens and subjects in any modern state who see themselves as members of a nation. See Riggs, n. 9, p. 278.
13. Ethnic plurality applies to situations in which citizenship is not available to the subjects of a modern state who also lack any historical or territorial basis for claiming sovereignty. But pluralism is widely used for ethnic diversity and interest group democracy. 'Plurality' and 'Pluralness' is often used to characterize societies in which this third form of ethnicity prevails. (*Ibid.*)
14. T.K. Ommen, *Citizenship, Nationality and Ethnicity* (Cambridge, 1997), p. 19.
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18. Bellamy, n. 16, pp. 297-298.
19. Encyclopedia of Cultural Anthropology (ed.), David Levinson and Melvin Ember, Henry Holt & Company, New York, 1996, p. 393. See also Daniel Patric Moynihan, *Pandemonium: Ethnicity in International Politics* (NY, 1993), pp. 22-28.
20. Urmila Phadnis and Rajat Ganguly, *Ethnicity and Nation-building in South Asia* (ND, 2001), pp. 23-24.
21. G. Roth and C. Wittich, *Max Weber : Economy and Society* (New York, 1986), Vol. 18, p. 389.
22. Phadnis and Ganguly, n. 20, p. 26.
23. Brass, n. 2, pp. 25-36, Geoff Dench, *Minorities in the Open Society: Prisoners of Ambivalence* (London, 1986), p. 25.

24. Fredrik Barth, *Ethnic Groups and Boundaries* (London, 1969), p. 12. See Danielle Conversi, "Nationalism, Boundaries and Violence", *Millennium Journal of International Studies*, Vol. 28 (1999), pp. 562-563.
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26. Anthony D. Smith, "The Origins of Nations", *Ethnic and Racial Studies*, Vol. 12 (July 1989), pp. 344-45. See International Encyclopedia of Social Sciences (ed.), David L. Sills, MacMillan Company and The Free Press, USA, 1986, p. 167. See also, Barth, no. 24, p. 10-11.
27. R. Paul Shaw and Yuwa Wong, "Ethnic Mobilization and the Seed of Warfare : An Evolutionary Perspective", *International Studies Quarterly*, Vol. 31 (1987), pp. 3-8.
28. James G. Kellas, *The Politics of Nationalism and Ethnicity* (London, 1998), p. 13.
29. Classical Fitness is a property of an individual organism, usually expressed as the product of survival and fecundity (or net reproductive performance). See Shaw and Wong, n. 27, p. 6.
30. The Nucleus ethnicity refers to immediate relatives who shares a high degree of genetic relatedness (Grandfathers, Sons, Cousins etc.). A nucleus group thus comprises one's offspring, one's siblings' offspring, one's parents and their siblings and one's parents offspring. It would number a few hundred individuals at most.
31. Shaw and Wong, n. 27, p. 9.
32. Kellas, n. 28, p. 14.
33. Shaw and Wong, n. 27, p. 10.
34. Kellas, n. 28, p.. 17.
35. Barth, n. 24, p. 13.
36. Donald G. Baker, *Race, Ethnicity and Power* (London, 1983), pp. 10-11.
37. Phylis Martinelli, "A test of the McKay and Lewins ethnic typology", *Ethnic and Racial Studies*, Vol. 9 (April 1986), p. 199.
38. Ted Robert Gurr, "On the Political Consequences of Scarcity and Economic Decline", *International Studies Quarterly*, Vol. 29 (1985), p. 60, *Ibid.*, p. 14.
39. *Ibid.*, p. 15, for more study of the effects of development factors on ethnic conflict see Bjorn Hettne, "Ethnicity and development: an elusive relationship" in Denis Dwyer and David Drakara's Smith, *Ethnicity and development: Geographical perspective* (Toronot, 1996), pp. 15-44.
40. Barth, n. 24, p. 33.

41. Baker, n. 36, p. 15. Juviler and Stroschen, n. 15, p. 448.
42. Relative deprivation means the inequality between the wealth and status of individuals and groups, and outrage of those at the bottom about their perceived exploitation by those at top. People's perception that they are unfairly deprived of the wealth and status that deserve in comparison with advantage others. When people's expectations of what they deserve, rise more rapidly than their material rewards, the probability of conflict grows.
43. Baker, n. 36, p. 16.
44. Myron Weiner, "Peoples and State in New Ethnic Order? In Steven C. Spiegel and David J. Pervin, *At Issue : Politics in the World Arena* (N.Y., 1994), p. 271. See also, Jim Mac Laughlin, "Racism, ethnicity and multiculturalism in contemporary Europe: A review essay", *Political Geography*, Vol. 17 (1998), pp. 1013-1024.
45. Baker, n. 36, p. 25.
46. *Ibid.*, p. 26.
47. Sills, n. 26, p. 168.
48. Motivation theory is useful for delineating a general set of variables accounting for degree of mobilization. Motivation is taken as a multiplicative function of three variables i.e. motives (M) (internal states), expectancies E (Perceived probabilities of achieving objectives) and incentives I (objective rewards or punishments). The actual behaviour of group is resultant of these components. It implies that minority mobilization will be near zero whenever there is either complete acceptance of the system or complete resignation i.e. no expectation of change. Hubert Blalock, *Toward a Theory of Minority Group Relations* (NY, 1967), p. 127. See Ramond Tainter and Manus Midlarsky, "Theory of Revolution", *The Journal of Conflict Resolution*, Vol. XI (Sep. 1967), pp. 270-77.
49. Russia as a powerful reference state, may have deterred the ruling majorities of other states from seriously oppressing their Russian minority populations. At the same time, it is acknowledged that the presence of such a powerful state can lead to serious problems for the new states. If Russia becomes more irredentist, i.e. more interested in recovering former territories, it is likely to use the cause of its minorities abroad to undermine the security and sovereignty of these states. Another example of this type of situation is "Sudeten Syndrome". The "Sudeten Syndrome" refers to Hitler's policies with respect to the Sudeten Germans in Czechoslovakia in 1930s. He used this minority as an instrument for his territorial ambitions in Central Europe. Pieter Van Houten, "The Role of A Minority's Reference State in Ethnic Relations", *Archives European Journal of Sociology*, Vol. XXXIX (1998), p. 111.
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51. Baker, n. 36, p. 29.
52. John Coakley, "Approaches to the Resolution of Ethnic Conflict: The Strategy

- of Non-Territorial Autonomy”, *International Political Science Review*, Vol. 15 (July 1994), p. 309.
53. William Safaran, “Non-Separatist Policies regarding Ethnic Minorities : Positive Approaches and Ambiguous Consequences”, *International Political Science Review*, Vol. 15 (Jan. 1994), p. 69.
 54. The Word “Ethnocide Derived from Latin word Caedere (to kill) and the Greek Ethnos (nation). It described the process of deliberate and systematic destruction of the culture of an ethnic group, especially within a larger community. *Levinson and Ember*, n. 19, p. 405. See also, *The Oxford English Dictionary*, ed. 2, Vol. V.
 55. Safran, n. 53, p. 98-99.
 56. I.T. Kreindler, “A Second Missed Opportunity : Russian in Retreat as a Global Language”, *International Political Science Review*, Vol. 14 (1993), p. 265.
 57. Donald Rothchild and Alexander J. Growth, “Pathological Dimensions of Domestic and International Ethnicity”, *Political Science Quarterly*, Vol. 110 (Spring 1995), p. 76, see Baker, n. 36, p. 35.
 58. *Ibid.*, p. 36
 59. Anomie is the absence of cultural restraints on human aspirations and denotes a conflict in a society. Anomie also describes the imbalance between cultural goals and institutional means at either social or individual level or a psychological condition of self-to-other alienation. See Marco Orru, *Anomie : History and Meaning* (Boston, 1987), p. 2.
 60. Baker, n. 36, p. 37. For detailed study of the effects of Colonial Policies on Third World Countries, see Frantz Fanon, “The Wretched of the Earth” (N.Y., 1968).
 61. Kegley and Wittkopf, n. 1, pp. 184, 371.
 62. Nation-states are the subjects and creators of a global network which for the most part disregards regions and national or ethnic minorities as political actors. There are two overlapping concepts of the nation i.e. civic or territorial and ethnic or genealogical. The civic conception treats nations as units of population which inhabit a demarcated territory, possess a common economy with mobility in a single territory wide occupational and production system. It further includes the common laws with identical legal rights and duties for everyone and a public, mass education system with a single civic ideology. Thus, territory, economy, law and education constitute the four spheres in and through which nations are formed. The ethnic concept of nation includes human populations claiming a common ancestry, a demotic solidarity, common customs and vernaculars and native history. These features define the ‘ethnicity’ and ‘ethnic identity’ of a community. The true nation-state would consist of those people who belonged to it by birth and fully subject to its sovereign legal authority. By this criterion, it is unlikely that there is a single nation-state in the world at present and has ever existed. The modern crisis of nation-state can be comprehended through the interaction of the components of civic and ethnic concepts of nation. The most important civic components are, the extension of legal rights and duties to all strata which culminating in the

ideal of citizenship for all classes. In modern nation-state, it holds an honoured place. A second vital element of 'civic' nation is the acquisition of a 'home-land', a duly recognized historic territory for nation. The ethnic components include historical memories and myth of descent. The lack of unifying memories, myths, symbols and values and the presence of a multiplicity of 'myth-symbol' complexes among several communities impede the chances of creating territorial nations on the civic model. In other words, the 'civic' concept of modern nation often lacks or omits the solidarity and homogeneity stressed by ethnic concept. Thus, the civic or modern nation, unit of population requires not merely a territory, economy, education system and legal code but also needs an ethnic foundation in order to mobilise and integrate diverse cultural and social elements. The ethnic conflict arise when the nation-state ignore the emotional bonds of myths, symbols and memories which unite citizens of particular ethnic communities living in its territory. Anthony D. Smith, *Theories of Nationalism* (London, 1983), pp. 186-187. See also Montserrat Guibernau, "Nationalism and Intellectuals in Nations without States: The Catalan Case", *Political Studies*, Vol. 48 (Dec. 2000), pp. 989-900. See, Anthony D. Smith, "The Myth of the 'Modern Nation' and the Myth of Nations", *Ethnic and Racial Studies*, Vol. 11 (January 1988), p. 9, see John Dunn, "Introduction: Crisis of the Nation State", *Political Studies*, Vol. XIII, 1994, p. 3. See Montserrat Guibernau, *Nation without States: Political Communities in a Global Age* (Malden, 1999), p. 153.

63. Conversi, n. 24, p. 568.
64. Berry *et al.*, n. 25, p. 295.
65. *Ibid.*, p. 39.
66. Nimmi Hutnik, "Patterns of ethnic minority identification and modes of social adaptation", *Ethnic and Racial Studies*, Vol. 9, (April 1986), p. 154.
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68. Roger D. Congleton, "Ethnic Clubs, Ethnic Conflict, and the rise of Ethnic Nationalism", in Albert Briton *et al.*, *Nationality and Nationalism* (N.Y., 1995), p. 85.
69. Esses, n. 67, p. 702.
70. *Ibid.*, p. 704.
71. For more details about resource competition approach see Charles C. Ragin, "Class, status and reactive ethnic cleavages: The social bases of political regionalism", *American Political Science Review*, Vol. 42, 1977, pp. 438-450.
72. Esses, n. 67, p. 704, Russel Hardin, "Self-Interest, Group Identity", in Breton *et al.*, n. 68, p. 25.
73. Houten, n. 49, p. 115. For detailed study of ethnic kin state intervention in ethnic conflict see, Rajat Ganguly, *Kin State Intervention in Ethnic Conflicts : Lessons from South Asia* (ND, 1998), pp. 9-37.
74. In the late eighteenth and early nineteenth centuries, in France and England (also in US) the nation came to be understood in a political or civic sense

(staatsnation) i.e. a community of politically aware citizens equal before the law irrespective of their social, economic status, origin and religious beliefs. The ethnic homogeneity in these nation-states with a long history of centralized governments are achieved precisely by the political processes that facilitated centralization. In these states, the exercise of the right of self-determination not only created the political nation-state but also altered the locus of sovereignty within the state. Under the treaty of Westphalia of 1648, the established legal principle of sovereignty to govern inter-state relations leaves intact the right of dynastic principle of political legitimacy i.e. the right of rulers to determine the sovereignty and form of government of their territories. But under the impact of self-determination, the dynastic principle of sovereignty was replaced by that of popular sovereignty based on the will of the people and not on the monarch. Only with this concept, the idea be born that the government must be legitimized by the consent of the people and people not content with the government of the country to which they belong should be able to secede and organize themselves as they wish. *Ibid.*

75. Levinson and Ember, n. 19, p. 407.
76. Anthony D. Smith, "Chosen peoples: Why ethnic groups survive", *Ethnic and Racial Studies*, Vol. 15 (July 1992), pp. 450-51.
77. Kellas, n. 28, p. 65. Anthony D. Smith, "The ethnic source of nationalism", *Survival*, Vol. 35, no 1, Spring 1993, pp. 58-61. See Phadnis and Ganguly, n. 20, p. 31. See Stefan Oeter, "The Right of Self-Determination in Transition", *Law and State*, Vol. 49/50, 1994, p 150. See Sami Zubaida, "Nations: old and new comments on Anthony D. Smith's 'The Myth of the "Modern Nation" and the Myth of nations", *Ethnic and Racial Studies*, Vol. 12 (July 1989), p. 336. B.K. Roy Burman, "On Self-Determination of Peoples in the Present Scenario", *Mainstream*, 14 December 2002, p. 12.
78. For analysis of ethno-nationalism on the basis of Psychological differentiation between nationalism and patriotism. See, Walker Connor, "Beyond Reason: The Nature of Ethnonational Bond", *Ethnic and Racial Studies*, Vol. 16 (July 1993), pp. 373-388.
79. Kellas, n. 28, p. 70.
80. Saul Newman, "Does Modernization Breed Ethnic Political Conflict", *World Politics*, Vol. 43 (April 1991), p. 461.
81. Kellas, n. 28, p. 73.
82. In this situations, people think of themselves in ethnic or social nationalism and inhabit a territory which is differentiated on economic grounds from other such groups, nationalism in Scotland is of this kind. It is not just the poorer regions that develop nationalism, however, the rich regions may also perceive relative deprivation within the state on political and cultural matters e.g. Catalonia and Basque land are nationalist because of what they see as their political and cultural deprivation in Spain. Anthony Mughan defined this process of economic disparity through dividing power resources in two categories, de jure and de facto. De jure, derive from the constitution of state (e.g. the right of vote) while the de facto concern with the qualitative differences of people (e.g. their wealth, education etc.). It is when these two types of power resources do

not correspond for any one ethnic group then conflict develops. Thus, a rich ethnic group which is not strong in political power will rebel and try to change its political position. If the changes in the economy serve to reinforce an ethnic group's existing share of political power, then conflict is unlikely to occur. However, where ethnic group gain or loss economic power while their political power stay constant or moves in the opposite direction, nationalism will develop e.g. Flemings in Belgium demanded reconstruction of the Belgium state because of their rising economic power. But, French speaking Walloons, also become nationalists when their primacy in 'de jure' constitutional and cultural power was shown to be out of step with their declining economic 'de facto' power. For study of effect of economic ties on the interregional group relations see Michael Hechter, "Nationalism as group solidarity", *Ethnic and Racial Studies*, Vol. 10 (London), October 1987, pp. 415-425.

83. This particularistic current is amplified by mantras about waging "war on totality", "celebrating difference" and embracing "local knowledge". The cultural politics are ascendent over class or the redistributive politics of welfare-state liberalism, social democracy and Marxism and have shifted politically oriented collective action from a primarily universal plane to a discursive local one. The search for identity in the conditions of the modern world has led to increased ethnic nationalism in some cases and official nationalism and cosmopolitanism in other. This dialectic has been described as "politics of the soil" verses the "politics of the satellite". See Susantha Goonatilake, "The Self Wandering between Cultural Localization and Globalization", in Jan Nederveen Pieterse and Bikhu Parekh, ed., *The Decolonization of Imagination and Cultural Knowledge* (Calcutta, 1997), pp. 225-26. Robert J. Antonio, "After Postmodernism : Reactionary Tribalism", *American Journal of Sociology*, Vol. 106 (July 2000), p. 51. See, J.E. Spence, "Ethnicity and International Relations", *International Affairs*, Vol. 72 (1996), p. 440.
84. Kellas, n. 28, p. 84.
85. Francis Fukuyama, *The End of History and the Last Man* (N.Y., 1992), p. 271.
86. Benedict Anderson, *Imagined Communities : Reflection on the Origin and Spread of Nationalism* (N.Y., 1991), p. 37. See also, David J. Elkins, "Globalization, Telecommunication, and Virtual Ethnic Communities", *International Political Science Review*, Vol. 18 (1997), p. 145. See Benedict Anderson, "Western Nationalism and Eastern Nationality", *new Left Review*, Vol. 9 (May/June 2001), p. 42. For study of informal nationalism identified in collective events such as ritual celebrations, international sports and impact of communication revolution on these events see Thomas Hylland Eriksen, "Formal and informal nationalism", *Ethnic and Racial Studies*, Vol. 16 (January 1993), pp. 1-23.
87. Kellas, n. 28, p. 86. For study of the impact of religion on eruption of ethnic conflicts see, Jonathan Fox, "Religion as an Overlooked element of International Relations", *International Studies Association*, Vol. 3 (2001), pp. 53-73. Robert Wuthmnow, "Understanding Religion and Politics", *Daedalus*,

Vol. 120 (Summer 1991), pp. 1-20, see also, N.J. Demerath, "Religious Capital and Capital Religious : Cross-Cultural and Non-Legal Factors in the Separation of Church and State", *Daedalus*, Vol. 120 (Summer, 1991), pp. 21-40.

88. *Ibid.*

89. J. Milton Yinger, *Ethnicity: Source of Strength? Source of Conflict?* (ND, 1997), p. 13.

90. For Marx, ethnic nationalism and religion were both integral parts of the superstructure created by the dominant economic and political classes... to legitimize their rule. The process of modernization was expected to culminate in the victory of 'proletariat', meaning that ethnic nationalism would ultimately disappear as would other social manifestations of class domination. The Marxist scholarly legacy, analyze the rule of ethnicity in politics as comparatively ephemeral phenomenon, to be shaped and eventually destroyed by the forces of modernization. The liberals, on the other hand, assumed that increasing advancement in communications, transportation, industrialisation and urbanisation would create a common political identity uniting all inhabitants of the state and eliminate the sources of ethnic conflicts. To the liberals, these processes, which the newly independent and multi-ethnic states of developing world were attempting to realise, required the unifying quality of civic nationalism. Hence, political nation-building was seen as a logical corollary of modernisation. It is argued that the process of economic modernization leads to a division of labour, which has the potential to replace a mechanically integrated society with an organically integrated society. A mechanically integrated society is united by a collective conscience created by a series of "primordial" identifications. These remarkably enduring primordial identifications contain the sacred symbols that reproduce the social structure of a society. Consequently, the collective conscience plays an indispensable role in the maintenance of social unity. With to change in a society based on division of labor, every citizen becomes dependent on every other citizen because no one person can be self sufficient. Each person is a small piece in a huge puzzle that can only be completed when each performs his or her particular role. In this organically integrated society (the product of economic modernization), the primordial collective conscience is no longer relevant to the integration and survival of society. Hence, functional bonds between people replace the ethnic bonds of the past and society becomes organically integrated. Thus, ethnic identification loses its importance. Phadnis and Ganguly, n. 20, p. 35.

91. Modernization refers to a culture of high technology, formal organizations, civic value system and vigorous social mobilization. There are four stems of modernization, viz., technological, institutional, valuational and behavioural. The version of modernization which stresses technological progress is indeed so popular that even a socialist nation such as 'China' adopts it is a legitimate goal. The institutional stem of modernization implies the emergence or preponderance of market economy, bureaucracy, professions and democracy and all of which are based on the central principles or features of modern organisations. The third stem i.e. emergence of civic values, signifies a

transition from the sacred to secular value system. Prevalence of a sacred order, ascription, particularism and subordination of the individual to the group are believed to be some of the values, characteristics of pre-modern societies while secularism, achievement-orientation, universalism and individual autonomy are regarded as modern, rational values. Finally, the behavioural stem of modernization manifests itself in the form of increased psychic, physical and social mobility as a result of an enhanced sense of individual efficacy. This sense of individual efficacy is believed to be derived from the rational presupposition about man's ability to conquer nature and shape his own destiny. In his conflictual Modernization approach, Joseph Rothchild argued that the ethnic groups and state as actors possess economic and political resources and the form or existence of ethnic political activity is dependent on the balance among ethnic groups within a given state. The political, economic and demographic balance among ethnic groups determines the resources and opportunities available to ethnic groups in their political battles. He further argued that economic modernization and political development do not provide the necessary and sufficient conditions for the politicization of ethnic identifications. Instead the sufficient conditions for the rise of ethnic political movements are dependent on the economic political and ideological resources available to ethnic groups. Ronald Rogowski also emphasizes that modernization may create the necessary conditions for ethnic political activity but the actual development of this conflict depends upon the balance of resources available to the various ethnic groups within a state. The modernization process determines the economic and political resources available to specific ethnic group and the relative levels of these resources in turn structure ethnic groups ideologies, strategies and political organization. He focuses on both 'plural states' in which one ethnic group dominates other in hierarchical cultural division of labour and on pillarized societies in which each ethnic group retains necessary skills for the creation of complete independent state. A rational choice theory can explain, how individuals from each type of ethnic group within a state react to other ethnic groups dominance, whether by assimilation, isolation, apathy, resistance or minority nationalism and it can also be used to explain the invention of a new ethnic identity or the option of non-ethnic resistance to subordination. It is clear from the analysis of conflictual modernization and rational choice theories that the dominant interpretation of ethnic political activity remained firmly rooted in the modernization perspective. The process of economic modernization does not undermine ethnic divisions but invigorates them by bringing together previously isolated ethnic groups that suddenly find themselves competing for the same economic niches. The modernization process also provides the underlying conditions for the rise of many social and political movements. It also helps to sculpt the institutional structure and ideological character of these movements. This process also forms and politicizes social and political identities in new ways. The resurgence of religious political movements has been took place since late 1970 in the Middle East and North Africa encourage a greater role in state structures and institutions for clergy, theology and practice. In the last decades of twentieth century, religio-political groups

- endeavour sometimes to achieve their objectives by extending their fields of operations from the domestic to the international field of action. Sharma, n. 3, pp. 35-36. Clifford Geertz, ed., *Old Societies and New States : The Quest for Modernity in Asia and Africa* (N.Y., 1963). See also, Walker Conner, "The Politics of Ethnonationalism", *Journal of International Affairs*, Vol. 27 (Jan. 1973), pp. 1-2. Jeff Haynes, "Religion" in Brian White *et al.*, *Issues in World Politics* (NY, 2001), p. 158.
92. In this perspective, extensions in the scope and centrality of the market, unequivocally undermine ethnic attachments, with the extension of the market, the dominant orientation becomes one of economic rationality. Ethnic attachments recede as the universalistic (achievement) criteria that demarcate this rationality, replace the previously dominant particularistic (ascriptive) criteria. So, the ethnic identities have no role in the mechanics of the market and they should lose their meaning in the orientation of individuals. Thus, the developmental model predicts that the ethnic attachments will diminish with the progress of economic development. But, ethnic attachments that do exist in developed countries are thought to be sentiments that have so far escaped from the inevitable consequences of economic development. Eric M. Leifer, "Competing Models of Political Mobilization : The Role of Ethnic Ties", *American Journal of Sociology*, Vol. 87 (July 1981/1982), pp. 24-25.
 93. Kellas, n. 28, pp. 49-50.
 94. Leifer, n. 92, pp. 29-30.
 95. Elise Giuliano, "Who Determines the Self in the Politics of Self-Determination?" *Comparative Politics*, Vol. 32 (April 2000), p. 297.
 96. Michael Banton, "Mixed motives and the process of rationalization, *Ethnic and Racial Studies*, Vol. 8 (October 1985), pp. 534, 535, 537. For detailed study of rational choice theory, see also, Elinor Ostrom, "A Behavioural Approach to the Rational Theory of Collective Action", *American Political Science Review*, Vol. 92 (March 1998), pp. 1-9. See Catherine McArdle Kelleher, "Indicators, Implications and Policy Choices", in Leokadia Drobizheva, *Ethnic Conflict in the Post-Soviet World* (NY, 1998), pp. 342-43. See Shirley Dex, "The use of Economists models in Sociology", *Ethnic and Racial Studies*, Vol. 8 (October 1985), p. 517. For Free-rider Problem of Ethnic elites see Hudon Meadwell, "Cultural and Instrumental approaches to ethnic nationalism, *Ethnic and Racial Studies*, Vol. 12 (July 1989), pp. 309-325.
 97. William A. Douglass, "A critique of recent trends in the analysis of ethnonationalism", *Ethnic and Racial Studies*, Vol. 11 (April 1988), p. 195.
 98. Saul Newman, "Nationalism in Postindustrial Societies: Why states still matter", *Comparative Politics*, Vol. 33 (October 2000), p. 28.
 99. The international economic integration offered economic incentives to ethnic nations and regions in existing states to seek secession. In the early years of the General Agreement on Tariffs and Trade (GATT), when trade barriers between countries were high, it made economic sense for ethnic nations and regions to remain in a large state with large market. But with the World Trade Organization (WTO) regime created in 1995, provides free trade, small ethnic nations and smaller regions can hope to become both politically independent

and economically viable. The goal of wars that took place in various regions is to make countries smaller rather than larger. One reason of this development is that most contemporary goliath states are singularly unsuccessful. For example, Brazil, China, India and Indonesia has not become developed country despite extraordinary human and natural resources. Small countries are among the fastest-growing and most effective traders in the World War II era Luxembourg, Singapore and Switzerland may all be geographically isolated and have almost no natural resources. But according to World Economic Forum report on global competitiveness, these small countries are almost twice as competitiveness in terms of quality of infrastructure, technology and business management as Australia, Ireland, New Zealand, the United States and United Kingdom. Four times more than Asia's manufacturing states, six times more than the European union and seven times more than Latin American states. Juan Enriquez, "Too Many Flags", *Foreign Policy*, (Fall 1999), p.36.

100. Jeffrey Herbst, "Global Change and the Future of Existing Nation-State", in Wolfgang Danspeckuber, ed., *The Self Determination of Peoples : Community, Nation, and State in Independent World* (USA, 2002), p. 24. See also, Phadnis and Ganguly, n. 20, pp. 49-50.
101. Mircea Malitza, "Ten Thousand Cultures, A Single Civilization", *International Political Science Review*, Vol. 21 (Jan. 2001), p. 77. See also, International Encyclopedia of Social Sciences (ed.) Frank N. Magill (London, 1995), Vol. 5, p. 527.
102. Arjun Appadurai, *Modernity at Large : Cultural Dimensions of Globalization* (Delhi, 1997), p. 150.
103. Ted Robert Gur, Why minorities rebel: A global analysis of communal mobilization and conflict since 1945, *International Political Science Review*, Vol. 14 (April 1994), pp. 161-201.
104. For study of ethnic conflicts on the basis of "Security dilemma" See, Barry, R., Posen, "The Security Dilemma and Ethnic Conflict", *Survival*, Vol. 35 (Spring 1993), pp. 27-47.
105. Rogers Brubaker and David D. Laitin, "Ethnic and Nationalist Violence", *Annual Review of Sociology*, Vol. 24, 1998, p. 438, 439. See also, Houten, n. 49, pp. 110-114.
106. Peter Weinreich, "Rationality and irrationality in racial and ethnic relations: A metatheoretical framework", *Ethnic and Racial Studies*, Vol. 8 (October 1985), p. 502.
107. James D. Fearon and David D. Laitin, "Explaining Interethnic Cooperation", *American Political Science Review*, Vol. 90 (Dec. 1996), p. 719. For analysis of 'fear' and antipathy's role in eruption of ethnic violence see Donald L. Horowitz, *The deadly ethnic riot* (ND: Oxford University Press, 2002), pp. 548-553.
108. Brubaker and Laitin, n. 105, pp. 442-443.
109. Lars-Erik Cederman, "Nationalism and Ethnicity" in Walter Carlsnaes *et al.*, ed., *Handbook of International Relations* (London, 2002), p. 441. See also, Samuel P. Huntington, "The Clash of Civilizations", *Foreign Affairs* (Summer 1993), pp. 22-23.

110. For rebuttals of Huntington's thesis see Foud Azmi. "The Summoning", *Foreign Affairs*, Vol. 72 (Sep/Oct 1993), pp. 2-9. See also, Kanti Bajpai, "Samuel P. Huntington's Clash of Civilizations Reconsidered", *International Studies*, Vol. 3 (Mach 1999), pp. 165-166.
111. Gregory R. Copley, "Pseudospeciation : A Principal Weapon in Waging War, It also Threatens Peace", *Defense and Foreign Affairs Strategic Policy*, Vol. XXIII (Nov./Dec. 1995), p. 17. See also, Gregory R. Copley, "The New Rome and The New Religious Wars", *Defense and Foreign Affairs Strategic Policy*, Vol. XXVII (1999), p. 4.
112. Cvijeto Job, "Yugoslavia's Ethnic Furries", *Foreign Policy* (Fall 1993), p. 67.
113. The concept of 'Genocide' was invented in 1944 by Raphael Lemkin to analyse certain Nazi war crimes, the deliberate destruction of nations or ethnic groups, that were so extreme that international law did not have a name for them. Although Lemkin constructed the concept for this historically specific purpose, he believed that genocide was an ancient practice that had re-appeared in the midst of modern civilization. In 1948 United Nations adopted a convention on Genocide declaring that "at all periods of history genocide has inflicted great losses on humanity. The belief that genocide has a long history. Leo Kuper declared that "the world is new, the crime ancient. For more details see Michael Ereman, "Religion, Nationalism and Genocide; Ancient Judaism Revisited", *Archives European Journal of Sociology*, Tome XXXV (1994), p. 260. See also, William Safire, *Safire's New Political Dictionary* (NY, 1993), pp. 247-331. See also, Gregory Copley, "Hiding Genocide", *Defense and Foreign Strategic Policy*, Vol. xx (Dec. 31, 1992), pp. 4-9.
114. For more details about ethnic cleansing see Andrew Bell-Fialkoff, "A Brief History of Ethnic Cleansing", *Foreign Affairs*, Vol. 72 (Summer 1993), pp. 110-121. See also, Nicholas Comfort, "Brewer's Politics: A Phrase and Fable Dictionary (London, 1995), p. 188. For more details about ethnic cleansing in Kosovo see www.state.govt/www/regions/eur/rpt_990604_ksvo_ethnic.html

Issue of Kosovo as an Ethnic Problem

The artificial construction of Yugoslavia collapsed when the Soviet Union disintegrated. It led to the eruption of violent ethnic conflict in Yugoslavia's republics i.e. Croatia, Bosnia and Herzegovina and Kosovo.¹ The roots of the ethnic violence and atomization of Yugoslavia must be sought in the ethno-history, economy and culture of the region. Extreme ethnic heterogeneity, intractable religious and group rivalries and conflict of deeper socio-historical interests between various Yugoslav nations tore apart the artificial composition of country. Thus, the Kosovo crisis is also the product of these ethnic, religious and socio-historic rivalries between the Kosovo Albanians and Serbs in Yugoslavia.

The analogy of "tectonic motion" can aptly be applied on the events that occurred in Yugoslavia. It describes that the current reshaping of world is that of the giant plates that make up the earth's rocky crust, because this movement can reshape continents and alter climates, sometimes cataclysmically through the earthquakes and volcanoes it produces.² This geological metaphor conveys the scale of changes occurred in Yugoslavia and illustrates how surface events are the product of the forces of ethnicity, ethnocide, ethnogenesis, ethnocentrism, ethnonationalism and historical hatreds. These forces not only torn apart the Yugoslav society but led it towards the process of 'pseudospeciation'.³ This resulted in the most bloodiest massacres of Serbs, Croates, Bosnians and Albanian Muslims and created the worst 'refugee problem in the post-World War II European history. Consequently, this humanitarian crisis provided chance to NATO forces and the United States to intervene in Yugoslavia. Later, this intervention in Kosovo (which was not authorised by the United Nations Security Council) raised various legal questions in world politics. Therefore, the Kosovo crisis cannot be understood without the analysis of these forces.

HISTORICAL BACKGROUND OF SERBIA-KOSVO CONFLICT

Kosovo crisis is also complicated one and any attempt to understand it requires a brief review of Yugoslavia's historical background. Kosovo, sometimes called Southern Serbia, is a part of Yugoslavia (Now Serbia and Montenegro). Yugoslavia, the land of south (Jug) Slavs, came into existence after World War I as the kingdom of the Serbs, Croates and Slovenes.⁴ The national character of each unit has been deeply coloured by the relationship in which it has lived for so long with the stronger alien powers. This relationship was basically of opposition, but at the same time one of developing cultural, psychological and religious affinities. Although, this meant that, in their urge to absorb or unite with each other, the components of the Yugoslav state have found themselves marked by differences of outlook and tradition.⁵

A similar pattern of external intervention influenced even the formation of cultural identities of the South Slavs. These interventions not only tended to deprive the South Slavs from indigenous development but intensified their ethno-historic memories and sharpen their sense of identities. They remained largely unaffected by the world religions until they encountered imperialism which introduced world religions in the area. The South Slavs living within the Austro-Hungarian empire (i.e. most Slovenes and Croates) tended to adopt Roman Catholicism while the South Slav living within Ottoman empire tended to adopt eastern Orthodox religion (most Serbs) or Islam. If the cultural and political fallout of imperialism largely defined most of the identities and boundaries in the Balkans, ethnic struggle against such imperialism tended to crystallise and solidify their identities. This was particularly true for Serbs who dominated the South Slav's chequered history up to the modern period.⁶

Since beginning Yugoslavia under the rule of Serbia's royal dynasty, was a problem child. The crux of the problem was the relationship between the two largest ethnic groups (Serb and Croates). Although at the end of World War I, most Croat leaders opted to join a common state with Serbs provided they were accepted as equal partners and allowed to manage their own affairs.⁷ The Croats began to feel betrayed after sometime and the Serbian

historical tendency to dominate the Balkan politics and their implicit claim to South Slavic leadership has been challenged by this most organised and assertive group. The Serbs looked upon this country as an extension of their former territory, the fruit of their struggles up to World War I.

After the failure of the first attempt of South Slav unification through a multi-party Parliamentary democracy (1918-28), the kingdom of Yugoslavia was established in 1929. It lasted until 1941.⁸ After World War II the Soviet Union had exercised her influence on Yugoslavia to counter the Western challenge in the region. This global polarization also hindered the process of emergence of nation-state structure in Balkan region. The communist party in Yugoslavia, which was reasonably multinational, especially during Marshal Tito's reign could neither undo the process of regional imbalances nor could harmonize the cultural and social relationships among the communities. After the downfall of communist regime in 1989-90, the region seemed to have thrown back into more or less Pre-1914 environment in which old age rivalries among different communities were being revived. For nearly forty years, from 1943 to 1980, Yugoslavia was guided by firm hand of Josip Broz Tito.⁹ Soon after the death of President Tito in 1980, social conflict in Kosovo witnessed the ethnic strife of unprecedented level. Political decay after Tito's death has given rise to two processes, first, the process of political decay contributed to genuine democratization, as communist party elders lost both the capacity and will to assert firm control. In the context of political weaknesses and increasing fluidity, new associations and groupings emerged with clear political programs resulted in second process called ethnic polarization.

This process of ethnic Polarization resulted in ethnic antagonism between the Kosovo Albanians and Serbs in 1981. Here the ethnicity played the crucial role. As a cultural construct ethnicity signify a composite of symbolic markers, real or putative used by the members of an ethnic group who define themselves and are defined by others as having a distinctive identity. These characteristics may include combination of cultural attributes (like language, religion and values), territorial attributes (i.e. region or locality) and

biological attributes (i.e. decent and kinship). As a situational construct, ethnicity signifies the emergence of ethnic consciousness from a situation of multi-ethnic competitiveness, and serves as an effective mode of mobilization.¹⁰ In Kosovo, religious, regional and biological attributes of ethnicity creates antagonism between two ethnic groups i.e. Albanians and Serbs. The Albanians demanded cultural rights such as equality of their Albanian language with Serbo-Croat language. The Serbs and Kosovo Albanians are orthodox Christians and Muslims respectively. Both groups clashed upon religious values because of historical reasons. The Kosovo region is bordered with Albania and Kosovar Albanians has kinship ties with Albanians. This relationship threatened the Serbs and they always feared from Albanian nationalism. They felt that the Albanian nationalists' success inevitably resulted in the secession of Kosovo from Yugoslavia. This antagonism between both groups increased severely after President Tito's death and changed in international conflict after the end of Cold War.

ETHNIC RELATIONS AS BOOSTER OF ETHNIC ANTAGONISM IN KOSVO

International conflict is an inevitable aspect of international relations. Various types of international relations can be presented as a continuum representing two tendencies, one toward association or cooperation and other toward dissociation or antagonism. The middle point called neutrality or indifference. Different classes of association or dissociation present various types of intensity of international relations. With a change in intensity, the relations move from one class to another i.e. from cooperative relations to differences, opposition and antagonism. In times of antagonism some cooperation survives, permitting subsequent adjustment and negotiation.

In the context of ethnic groups, the position of indifference : a medial point on a theoretical model is an ideal situation. In an extreme case, indifference means no relations whatsoever between ethnic groups. Under usual conditions, it suggests the existence of two ethnic groups in the same territory, having very limited relations of antagonism or association. Total indifference seldom occurs, in reality there is a pattern of group separation with limited process of

association.¹¹ In some cases, it may operate as a device for the avoidance of antagonism. The process of dissociation between ethnic groups is also of various levels of intensity.

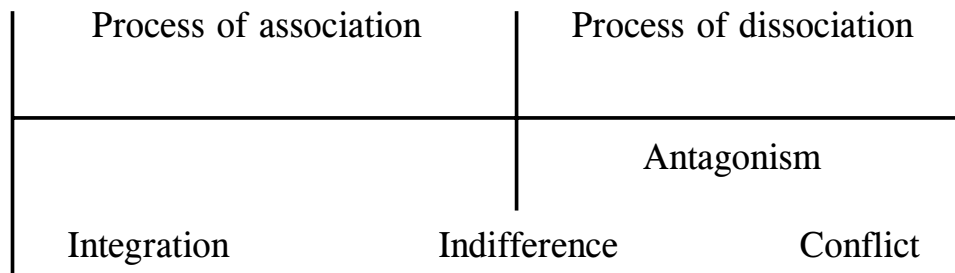


Fig. 2.1 : Model of Inter-ethnic Relations and Processes

Source : Feliks Gross, *World Politics and Tension Areas*, p. 79.

Some kinds of difference or competition are not necessarily synonymous with antagonism. Not all members of antagonistic group engage in this process, nor are all relations. There are many casual factors of ethnic antagonism. First are the differences in political status and uneven distribution of political power between different racial ethnic or religious groups leading in ethnic tensions.¹² In former Yugoslavia the political position of Serbs was highly hegemonic and from this Albanian Muslims in Kosovo have developed fear of repression. Albanian Muslim's fear proved true when Serbian dominated State Security Service (SDB) under Alexander Rankovich used various repressive measures against Albanian dissidents. Second, differences in political status, institutions and ideologies create ethnic tensions in society. However the most frequent incompatibility was in religious values. Albanian Muslims embraced Islam under Turkish-Rule and Serbians were Orthodox Christians. However backward, Kosovo's Albanian Muslim peasants would not wish to give up their land or their religion. Anti-Serbianism and anti-communism mixed in the previous round of demonstration in 1968 and since than the resurgence of Islam in Yugoslavia has come as an additional booster.¹³ Another cause of antagonism was, Kosovar Muslim's dissatisfaction with their institutional position in Yugoslavia. They wanted to be a full-fledged republic for attaining benefits directly from outside resources.¹⁴

Thirdly, economic factors are also one of the major causes of ethnic tensions. Economic tensions reinforce ethnic tensions when ethnic divisions coincide with economic subordination. Kosovo possessed big quantities of natural resources. Beside this, it remained the less developed region of Yugoslavia.¹⁵ The Kosovo Albanians claimed that Serbs were responsible for their dismal economic position but Serbs counterclaimed that Albanians increased population was responsible for their economic degradation. Complementary migration of Serbs and Albanians in province also antagonised the relations of both communities.

Fourthly, psychological and general sociological incompatibilities are also responsible for creating ethnic tensions. Some cultures develop or favour the development of certain behavioural patterns and personality types that may differ substantially from those of other cultures. Difficulties in integration or in the adjustment or reconciliation of different behaviours may lead to antagonistic feelings. Ethnic or racial hostilities may reflect deep psychological problems, sometimes resulting in pathological needs and urges of destruction and aggression. In any society when ethnic hostilities, pathological needs and urges of destruction start complementing each other, frustration of wishes of ethnic groups may take the shape of outburst of aggression. Ethnic and religious differences intensified with cumulative effect in Kosovo, where the diversity of the population was strong and antagonism sharp. The majority in Kosovo population was champion of Turkish and Islamic causes and was in continuous and mutual antagonism with native Orthodox Serbian population. Both groups had different behaviour patterns and Serbians as a dominant group wanted to integrate Kosovo into Serbia. This process resulted into cycles of massacres. Step by step these struggles, massacres and raids shaped the social image, values and attitudes of Serbs towards the Muslim Albanians¹⁶. Antagonism has a cumulative tendency. One type of antagonism reinforces the other in a continuous interaction. The ethnic antagonism reinforces economic antagonism and vice versa. The religious tensions were projected into ethnic and economic terms.

The relationship between Albanians and Serbs underwent a tremendous change (from out-groups to anti-groups) during the

times of antagonism. The change in relationship between ethnic groups is very well perceived by the model of ethnic distance.

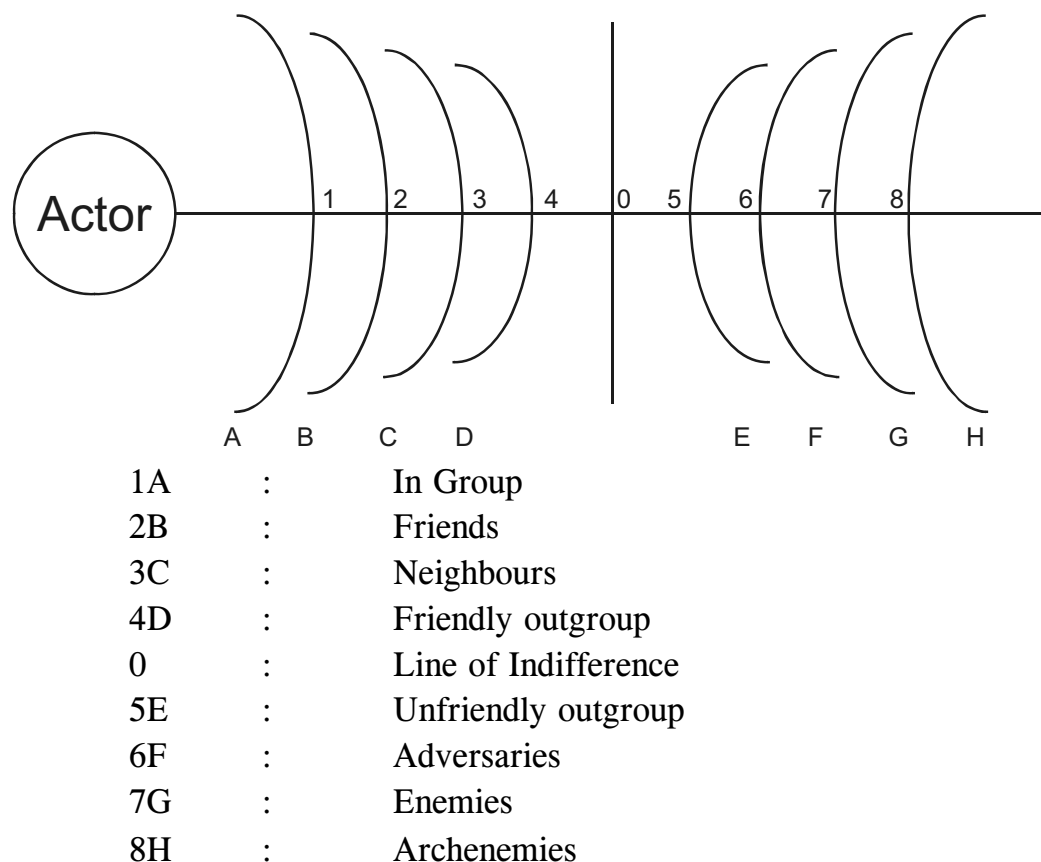


Fig. 2.2 : Model of Ethnic Distance

Source : Felik Gross, *World Politics and Tension Areas*, p. 84.

In this model ethnic actor is the person, who plays an ethnic role at a given movement and identifies himself with an ethnic religious group. The model represents ethnic proximity as a continuum parallel to the two tendencies of association or dissociation. In the middle the dividing line is drawn through point 0 and this represents neutrality or indifference. Actor is put at the extreme point of the line (on left side) within his own in-group. In multiethnic area, the actor sees following groups according to social proximity or distance i.e. no. 1, his own in-group, no. 2, associated group, no. 3, neighbours, no. 4, friendly out-groups. The last are somewhat distant groups with no special relationship with actor's in-group.¹⁷ The first three categories belong to a large class of "pro-groups" but fourth lies between the pro-group and the dividing line of indifference.

From the indifference line to the right, the social distance increases rapidly and the antagonistic relationships are represented by various ranks of antagonisms. An actor may identify no. 5, an unfriendly out-group (not necessarily an active enemy or an antagonist but nonetheless passive and unfriendly). Then comes anti-groups (antagonists) with variety of ranks. No. 6 is adversaries, antagonists without a tendency toward the destruction or total subordination of actor's in-group. After that leaning more toward no.7, enemies and no. 8, archenemies. The enemy represents a temporary hostility by a group whose antagonistic role changes in history. But the 'hereditary' or arch-enemy represents a group toward which the hostility is transmitted by traditional lore and history from generation to generation. The younger generation learns about past hostilities with this group, so that the continuation of the quarrel in time and space is regarded as a historical duty, a matter of national honour and obligation.¹⁸

The tension between Albanians and Serbs eased, whenever, hostilities subsided, resulting in former anti-group becoming again an out-group. On the contrary the increase in differences in the ranks of groups become antagonistic and turned enemies towards each other. The traditional image of arch-enemy reappeared resulting in intensifying of hostility and aggression. The massacres, genocides became a tragic part of ethnic relations in Balkans, particularly in Kosovo.

GROWTH OF ETHNIC TENSION IN KOSOVO AND RISE OF PRESIDENT SLOVODAN MILOSEVIC

Kosovo passed through three major stages of ethnic tensions

- (i) a growth of inter-ethnic tensions,
- (ii) the intensification of interethnic rivalry into an intrapolitical tension in which the state take part usually supporting one ethnic group against other.
- (iii) an inter-political and inter-ethnic tension (complex tension) in which at least two states and governments were involved.

The analysis of the growth of inter-ethnic tensions in Kosovo requires examining of some elements of ethnicity i.e.

- (i) The vital importance of past.
- (ii) The awareness of the history of a country to understand the complexities of the present.¹⁹

Analyses of ethnic tensions are often made in terms of historical legacies in which language, culture and religion are often regarded as essential factors. Ethnic identities carry with them centuries old tensions, hostilities and historical grievances. Ethnicity and nationalism would merge together when attempts are made to redress the grievances of different ethnic groups. It is also argued that ethnic conflict in Eastern Europe was caused not only by inter-group differences, ancient hatred and ethnic passion (long bottled up by the repressive communist regimes, uncorked by the end of Cold War) but also collective fear for future played an important role in aggravating the situation there.

The perception of threat also played major role in ethnic conflicts and Kosovo is no exception. These conflicts erupt in reaction to a perceived threat to one's own or one's group's physical or psychological survival and well being at the present and in the future. Historical memories of past, unjust deeds including "ancient hatreds" and centuries old feuds, may be used with passion in pursuit of attaining freedom from the perceived source of threat, which may be one human being or a group of whatever type.²⁰ The ethnic conflict between Albanians and Serbs in Kosovo are indeed based on perception of threat to common future and ancient hatreds and historical memories used passionately by both groups.

The bone of contention in Kosovo crisis was the conflict between Serbs and Albanians. The Serbs wanted to preserve their dominant position to maintain Kosovo within the jurisdiction of Serbia. The Albanians, in the other hand, perceived it as unjust political arrangements of the past. Both the communities had their own point of view in claiming the province of Kosovo on historical grounds.²¹ In the mid-to-late nineteenth century, events occurred which hardened the Modern Serb-Albanian enmity. Various massacres that often occasioned by the interference of the great powers further poisoned relation between the two peoples.²²

Other main discontent of Kosovar Albanians was that they were not given the status of republic in Yugoslavia while they constituted

largest minority of the country. On the other hand, Serbian source of anger was Kosovo's constitutional situation in Serbia.²³ Since 1960, ethnic Albanians had become victims of repressive policies carried to an extreme by Alexander Rankovich, the then head of the secret police and Vice-President of Yugoslavia.²⁴ They were also discriminated against in the economic sphere.²⁵ The dismissal of Alexander Rankovic at the Brioni Plenum of the League of Communists of Yugoslavia (LCY) in 1966 and the dissolution of the Serbian led secret police in Kosovo, marked a turning point in the ethnic Albanians struggle for equality.

The Albanians took advantage of the Post-Rankovich euphoria to demand full recognition of their national rights, greater autonomy and policy-making rights and responsibilities for Kosovo. At a session of the socialist Alliance of working people of Serbia in April 1968 Mehmet Hoxha, a distinguished partisan hero from Kosovo, raised very legitimate question that why do 370,000 Montenegrins have their own republic, while 1.2 million Albanians do not even have total autonomy. In November 1968, demonstrations broke out in Pristina and other Kosovo cities, which called for the improvement of ethnic Albanians status, economic and cultural opportunities and the recognition of their human and national rights.²⁶ Under the impact of these demonstrations President Tito decided to loosen the centralized control that was provoking resistance in other regions as well.²⁷

Under 1974 Constitution, President Tito gave Kosovo Albanians a right of an equal voice within the collective federal presidency and a right to enter into bilateral cooperation Agreements with other countries. But the ethnic conflict between Albanians and Serbs became more pronounced during the seventies. The concessions granted by 1974 Constitution to Kosovo Albanians did not address two major problems which increased the sense of antagonism in Serbs. One was demographic, a higher birth rate of Albanians and exodus of Serbs (Serbian Population decreased from 30 per cent in 1948 to less than 15 per cent in 1981). The second was economic. Although Kosovo was rich in mineral resources (such as lignite, lead, coal, zinc, ferronickel ore, silver, bauxite, and magnesite), but it lagged behind the rest of Yugoslavia. Kosovo Albanian resentment

was constantly simmering because of their awareness of the fact that inspite of their ostensible autonomy economic and social problems were still growing.

The demand of ethnic Albanians for political autonomy reached its climax in spring 1981. Though the demonstrations were controlled with the help of federal armed forces, thousand of Albanians arrested. These incidents further widened ethnic schism in Kosovo and strengthened the nationalist aspirations amongst Kosovar Albanians. The Serbs and Montenegrins continue to emigrate from Kosovo complaining systematic harassment involving rape, murder and attacks on their property by Albanians.²⁸ The Serbian Fear of Kosovo Albanians motive to secede from Yugoslav federation increased after President Tito's death who allowed the "Albaniansation" of Kosovo.

Although, President Tito provides virtual veto to all the republics in federal Parliament but the principle of self-determination, including right of secession for constituent Yugoslav peoples was also engraved in constitution. These rights were considered as the safety valves for managing the pressures of national rivalries. But, President Tito's communism, however 'reformed' could not escape from the 'iron law' of its being a dead end system. Yugoslav communism produced a society of diminishing returns, increase malaise and popular rejection. The growing degeneration in the last decades of Tito's rule weakened the system and with his death in 1980, Yugoslav society lost its revered charisma as well as his feared dictatorship. The communist party's monopoly on power had never really smothered ethnic furies and these furies dominated the institutions of state, despite their communist labels. It resulted in the ethno-nationalist feelings amongst various nationalities in Yugoslavia and emergence of Slobodan Milosevic as popular leader of Serbs.²⁹

Milosevic's nationalistic policies and economic brinkmanship³⁰ resulted in the disintegration of Yugoslav society. He badly inflamed nationalist passions and readily resorted war in order to advance his goals. Milosevic began down this path in 1987, when he openly and chauvinistically embraced the cause of Kosovo Serbs and issuing a challenge not just to Albanians but to all the Serb enemies. Slobodan

Milosevic become President of Serbia in 1989. He exploited the hatred between Serbs and Albanians and started practising the age old politics of ehtnocide more vigorously.³¹

MILOSEVIC'S VERSION OF ETHNOCIDE WHICH PSEUDO-SPECIATED KOSVOS SOCIETY

The process of the rise of Slobodan Milosevic was related with the clash of reality with a myth in Kosovo. The Serbs regarded Kosovo as the birthplace of Serbian culture because most of important monasteries of Serbian Orthodox church were located there. The national myth of Serbia as the tragic sentinel of Western civilization stems from the Ottoman victory over the Serbs at the 'Battle of Kosovo in 1389. According to the Myth, Serbian blood has consecrated the soil of Kosovo and the integrity of Serbian nation would be inconceivable without Kosovo. It was this calculated reshaping of that Myth into a political justification for dictatorship, aggression and genocide that defined and fuelled the rise of Slobodan Milosevic. Myth however collides with inconvenient reality in Kosovo i.e. of the province's approximately two million population, over 90 per cent were ethnic Albanians.³² The Serbs constituted only the largest of several tiny minorities. Historical reality that various nationalities fought in 1389 war has largely been abandoned to make way for a mythic interpretation of the battle's significance.

In 1989, on the anniversary of the 'Battle of Kosovo', President Milosevic removed Kosovo's autonomy, established direct Serbian rule over province, expelled the Albanians from the Kosovo Parliament, the state bureaucracy and state owned industries. He closed the state-run schools which gave instructions in Albanian language and also closed most of the medical system for them.³³ It was a Serbian version of apartheid, which enabled President Milosevic to use power of the state to enforce the rule of the small Serbian minority over ethnic Albanians. The policies of President Milosevic provided fertile ground for development of ethno-genesis and ethno-centrism. Ethno-genesis may emerge during a social movement, when people consciously forge (or try to forge) their futures by making specific reference to their common heritage, in order to create or enforce a particular desirable or undesirable

destiny. A desirable destiny may be a 'land without evil' and undesirable destiny may be potential or perceived genocide at the hands of power wielders. Ethno-genesis is complimentary dimension of ethnocide, which is the conscious effort by power wielders within a nation state to obliterate a people's lifeways.³⁴

The complimentary feature of ethnocide and ethnogenesis reflect the historio and contemporary struggle between hegemony and resistance to hegemony. The collision of nation-state nationalist ethnogenesis and ethnic-block ethnogenesis mark critical junctures of cultural histories. The strongest ethnic reaction against nation-state nationalism becomes manifest at the very moment of the consolidation of nation-state power. This is in part because of ethnocidal policies enacted in order to enforce cultural hegemony during the consolidation of such nation-state power. It is also because, at that moment people who did not entirely share nation-state ideologies of culture, consciously began to enact counterhegemonic strategies increasing their own sense of distinct history and altered destiny. Serbian xenophobia³⁵ exploded in Kosovo in 1989 when Serbian nationalists had taken control of the Yugoslav military and federal police. The remnants of self-rule had gradually stamped out between 1989-1991 when Milosevic suppressed the Kosovo assembly and tried to arrest its deputies. Serbian hegemony was maintained by widespread dismissals of Albanians from jobs, general dis-enfranchisement of local Albanian Majority. The tough policing in the province resulted in blockade of Albanian villages. In spite of the fact that less than ten percent of Kosovo's population was Serbian, the Serbo-Croat became the official language of Kosovo.

President Milosevic terminated all secondary schooling in Albanian language and dismissed 6000 ethnic Albanian secondary school teachers. In July 1991, the Serbian assembly passed a law authorizing the distribution of 6000 hectares of land among Serbs wishing to settle in Kosovo. To carry out this plan authorities have confiscated the property of Albanians and turned it over to "colonists" and granted them Albanian land at bargain prices. Even Serbians destroyed ecological resources in Kosovo. The Dense forests in Kosovo had changed in bared stones. This provides the proof of old-Serb adage that "no grass grows where the Turk trod."³⁶

Kosovar Albanians successfully resisted Serbian hegemonic designs to consolidate their power on Kosovo. The strongest reaction manifested in 1992 when Kosovo Albanians boycotted federal elections and elected their own 130 member Assembly (which was declared illegal by the Serbian Assembly). A writer turned politician Ibrahim Rugova leader of Democratic League of Kosovo (LDK) was elected President of self-proclaimed “Republic of Kosovo”.³⁷ The parallel government administered by the LDK had sought to sustain an Albanian civil society³⁸ that had been excluded from all formal interactions with the Serbian administration by establishing and managing clinics, schools and legal services.

Yugoslavia was never a genuine socialist society in the truest sense of the term. Being one of the most favoured states of Stalin among other East European states, it modeled its own federation according to the Soviet pattern. Following the Soviet example,³⁹ “socialist” Yugoslavia did not liberate its non-Slav minorities and incorporated them into a South Slav political scheme called federal Yugoslavia. At some time in the Yugoslavia’s Jerky development, President Tito sought to prevent a resurgence of Serbia’s hegemony by granting autonomy to two of its provinces Kosovo and Vojvodina. An inter-balance achieved did not last long and the Kosovar nationalist upsurge made it totter.⁴⁰ Yugoslavia’s consensus on identity, rights and obligations and peaceful conflict resolution had broken when President Milosevic applied ultranationalist policies in Kosovo. Once the purpose of maintaining a multi-ethnic Yugoslav identity was no longer shared by the Slovenian and Croatian republics, they declared independence in 1991. Yugoslav regime and its constitutional framework lacked the consensus that was required to bind its political community. Serbia’s emphasis on ethnic purity leads toward conflict, war and destruction of economic basis of power that threatened community maintenance by undercutting the legitimacy of rules for the peaceful resolution of conflict.

A multi-ethnic shared identity of Yugoslavia ceased to exist when Serbia deliberately and discriminatory violated the human rights of minority groups such as Kosovar Albanians. The application of rules which violated human rights, aggravated

tensions between the dominant decision-makers and aggrieved out-groups. Similarly, governmental policies that require integration in the form of the acceptance of a particular language or religion in the name of a single national community ironically could destroy political community. And the groups those perceived themselves to be placed outside the community and denied equal rights, were likely to separate themselves into de facto nation-states to form political communities of their own and to seek full independence.⁴¹

The official government brands such rebellious communities as criminally deviant. But their leadership may maintain considerable legitimacy and support among followers. The Serbian rules which allowed forced settlement of Serbian peasants in Kosovo, recognised of Serbo-Croat language as official language and other repressive policies could destroy Serbian political community. Initially Kosovar Albanians demanded republican status for Kosovo in Yugoslavia. They separated themselves as a de facto nation state and demanded independence from Yugoslavia. The authorities branded Albanian community as criminally deviant and subjected it to brutal violations of their human rights and driving some 380,000 into exile.⁴² The Albanians formed an underground community, a parallel Albanian society complete with their own political institutions, education and health care systems, cultural and sports leagues and a tax collection mechanism. This process created the sense of ethno-centrism and ethno-nationalism in Kosovo Albanians.

The elements of ethnicity i.e. common ancestry, language, religion and culture may forge a sufficiently close 'psychological bond' of shared ethnic identity to form a nation. Nations are imagined communities because the members of even the smallest nation will never meet most of their fellow members or even hear of them, yet in the minds of each member lives the image of their own community. Nationalism is the extension of this psychological bond into the political goal of forming a separate, autonomous or independent political community. Ethnic nationalism provides the cultural foundation for the identity and legitimate authority at the core of an ethnically homogenous political community.⁴³

Ethnic identity or ethnic consciousness is the essential independent variable that leads to political assertiveness and militant

separatism regardless of the existence of equality and dominance. Social and economic discrepancies per se create discontent and may incite revolution but the discontent founded on ethnic symbols, such as language, religion, culture and origin lead to separation.⁴⁴ The Albanian language, ancestry, Islamic values forged a psychological bond of shared ethnic identity in Albanian Muslims in Kosovo. The Serbian repression gave extension to this psychological bond and created discontent between Kosovo Albanians. Their discontents which were founded on ethnic symbols (i.e. religion, culture, language, region etc.) led to Kosovo Albanian's demand of separatism from Yugoslavia. This process created and developed ethno-centric and ethno-nationalistic sentiments in Kosovo Albanians.

Ethno-centrism is a rational choice made by members of ethnic groups that is competing for scarce resources, such as political power or territory. The tendency of ethno-centrism usually contributes to tension and hostility whenever groups conflict.⁴⁵ President Tito provided autonomy to Kosovo and Vojvodina in Serbia with a view to reduce Serbian desire of hegemony. This act created ethnocentric sentiments in Serbs. Serbs for the sake of obtaining political power and territorial integration under President Milosevic applied pressure cooker (i.e. forced Assimilation) approach upon Kosovar Albanians. Serbian policies in Kosovo resulted in the development of ethno-nationalism in Kosovar Albanians and latter pseudospiciate the Yugoslav society.

Ethnonationalism refers to the sentiments of belonging to a group identified by ties of ethnicity as well of preference to those of the nation-state. Most states are in fact multinational or multiethnic and in this way ethnic-nationalism may simply be recognized as a fact of political life. It may lead to secession as political goal and can result in a violent movement and political tendency.⁴⁶ President Milosevic exploited Serbian's ethno-centric political discontent and changed it a populist mobilization through mass rallies (called street democracy). He provoked sharp ethno-nationalist backlash not only in Albanian Muslims but also in other republics and ethnic groups. Slovenia, Croatia, Macedonia declared independence. The Kosovo Albanians in a reaction of Serbian repression developed a violent and

secessionist movement. The ethno-nationalists started insurgency for liberation of Kosovo which was operating in the hills of Drenica.⁴⁷

The failure of the international community to manage Kosovo crisis further aggravated the situation in Kosovo. It led to the transformation of non-violent resistance in favour of armed struggle.⁴⁸

The United Nations Security Council adopted three resolutions for the management of Kosovo Crisis through diplomatic efforts in 1998. On the other hand, President Milosevic started exploiting post-Rambouillet drift, confusion and indecision of NATO governments about military offensive in Kosovo. A Last straw came in when NATO started bombing of Serb targets on 24 March 1999. The seventy eight day Kosovo war reflected a cruel and rigorous nature of ethnic conflicts and their impact on international politics. It severely undermined the United Nations authority on the use of force in world affairs. On the contrast, the Kosovo war has further developed the major role of the United Nations in the field of humanitarian and human rights issues.

References:

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2. Michael T. Clare, "The New Challenges to Global Security", *Current History*, Vol. 92 (April 1993), p. 155.
3. Pseudospeciation is that phenomenon by which individuals and groups protect their sense of identity by viewing other groups as less than human and more able to be disregarded and destroyed. See also, Geogory R. Copley, "The New Rome and The New Religious Wars", *Defence and Foreign Affairs Strategic*, Vol. XXVII (March 1999), p. 8.
4. The Axis power had invaded and dismembered Yugoslavia after World War II. It re-emerged as a socialist Republic under Marshal Tito's communist-led National Liberation Movement (Partisans). The South Slavs delay in nation formation may be primarily due to their geo-strategic location within the European international system. They were situated at the crossroads of empires, international politics and war, which distorted the politico-cultural patterns of nation-formation in the Balkans. During 395-1453 AD, they were under Roman Empire, during 1389-1918 under Ottoman Empire and during 1815-1918, under the Austro-Hungarian empire. With the collapse of Austro-Hungarian and Ottoman Empires in the course of the first World War, the allies

at the Versailles decided on the creation of an independent south Slav State. In other words, it was not so much of the will of the South Slaves but an international political intervention that created the first Yugoslav state in 1918 although it was first proposed as a South Slavs in 1866 by a congress of Slavic nationalists in Austro-Hungaria empire. For all 1500 years (395-1918 AD), the history of Yugoslavia is not only the history of stronger powers (which have at one or other controlled the component parts of present state) but also the story of the resistance offered by these component parts against on their independence and individuality. See, Dawa Norbu, "The Serbian Hegemony, Ethnic Heterogeneity and Yugoslav Break-up", *Economic and Political Weekly*, Vol. XXXIV (April 3, 1999), p. 833. See, Sasmita Sinha, "NATO Intervention in Former Yugoslavia : Lessons from the Past", *International Studies*, Vol. 38 (April 2000), p. 5.

5. H.C. Darby *et al.*, *A Short History of Yugoslavia* (Cambridge, 1966), pp. 41-42.
6. Harriet Gitchley, "The Failure of Federalism in Yugoslavia", *International Journal*, Vol. XLVIII, (Summer 1993), p. 436.
7. Dusko Doder, "Yugoslavia : New War, Old Hatreds", *Foreign Policy* (Summer 1993), p. 9. For more details about the Croat nationalism and Croat-Serb Feud, see Stephen Clissold, "Croat Separatism : National, Dissidence and Terrorism", *Conflict Studies* (January 1979), pp. 3-19.
8. Again a Serbian king ruled and attempted to foster a 'Yugoslav nationality' in place of ethnic identities that had so much undermined the previous constitutional order. On the process, the core institutions of the pre-war Serbian state such as the monarchy, army, bureaucracy, Church were extended to and imposed upon other republics and provinces. The objective of assimilation of different nationalities into one reasonably homogeneous society was unsuccessfully pursued by the Marxists in communist Yugoslavia. This rendered the issue of nationalism and ethnicity as always contested. See, Norbu, n. 4, p. 883.
9. The Titoist system had been founded on three core principles i.e. self management (embodied in its well known worker's councils) Brotherhood and unity (the doctrine of ethnic harmony through one party rule), non-alignment in foreign policy. All these principles began to decay in years following Tito's death in 1980. Thus, in former Yugoslavia the dimensions of social transformation were influenced by two processes, first, struggle to control state institutions among different ethnic groups led to origin of claims and counter claims. Second, attempts made by different alien ethnicities to forge the local solidarity led to growth of national consciousness from below. For saving federal institutions, President Tito formed a new constitution in 1974. A more pluralistic and decentralized administration was enshrined in this constitution. With a view to keeping Serbia relatively weak, Tito intended to gradually increase autonomy of the six constituent republics, including two autonomous Serbian provinces of Vojvodina and Kosovo. But the 1974 Yugoslav constitution marked the climax of Tito's decentralization. Although, this latest constitution seemed like a technique to balance domestic politics by ensuring a

- parity of rights as well as grievances but Serbs were resented from these constitutional arrangements. See, Sabrina Patra Ramet, "War in Balkans", *Foreign Affairs*, Vol. 71 (Fall 1992), p. 82. See, Gopal Singh and Prem R. Bhardwaj, "Ethnicities and Ethnic Conflict in Kosovo : Humanitarianism or New Imperialism" (Unpublished Research Paper, Punjabi University, Patiala), pp. 2-3. See, Duncan M. Perry, "Macedonia : Balkan Miracle or Balkan Disaster" *Current History*, Vol. 95, (March 1996), p. 114. See, Narasingha P. Sil, "House of Cards : The Disintegration of Yugoslavia", *India Quarterly*, Vol. 6, (Jan-June 1994), p. 40.
10. S.L. Sharma, "The Salience of Ethnicity in Modernization : Evidence from India", *Sociological Bulletin* (March-September 1990), p. 37.
 11. Feliks Gross, *World Politics and Tension Areas* (NY, 1966), p. 78.
 12. *Ibid.*, p. 79.
 13. Stevan K. Pavlowitch, "Kosovo : An Analysis of Yugoslavia's Albanian Problem", *Conflict Studies* (December 1982), p. 13.
 14. Cyril D'Souza, "The Break up of Yugoslavia", *Economic and Political Weekly*, 26 Nov. 1999, p. 3029.
 15. Kosovo's per capita income in 1988 was 40 percent of the average per capita income of Yugoslavia as a whole. After 1988, it decreased to 30 percent. In 1995, GNP per capita of Kosovo was \$1520 in comparison to Serbia's \$4950 and Slovenia's \$12500. See, Bogomil Ferfila, "Yugoslavia : Confederation or Disintegration", *Problems of Communism*, Vol. XL (July-August 1991), p. 23. See World Geographic Encyclopedia, Sybil P. Parkar, McGraw Hill, New York, 1995, p. 245. See Tara Karath, "Yugoslavia : The Rise of Nationalism and the European Response", *Strategic Analysis*, Vol. XV (August 1992), pp. 451-452.
 16. Gross, n. 11, pp. 110-111.
 17. *Ibid.*, p. 83.
 18. *Ibid.*, p. 84.
 19. *Ibid.*, p. 103.
 20. R.N. Desilva, "Ethnicity and Conflict in South Asia", *International Studies*, Vol. 38 (January-March 2001), pp. 55-56. Dov Ronen, "Ethnicity in Central Europe : Minorities along Borders (Unpublished Research Paper, Punjabi University, Patiala).
 21. The Serbs based their claims on the fact that Kosovo was part of the Medieval Serbian state and that they were forced to emigrate from Kosovo and Albanians moved into the region during the seventeenth and eighteenth centuries. Both Albanians and Serbs claim to be the original inhabitants of Kosovo. Time is the strongest argument of the Western legitimacy. Those who arrive first claim the territory. The late comer is considered to have weakest claim. In continental Europe, the historians and the statesmen were and are constantly lookout for the 'autochthonic argument' to prove that the nation they represent, was the earliest occupant of a given territory. Once the historical evidence, true or false is found, it is usually processed into official memoranda, symbols or rituals and slowly channeled into textbooks. Theories of early arrival becomes arguments

in diplomatic negotiations and are used to reinforce nationalism. When the government wishes to escalate tension, it can manipulate the social myth of autochthonism to intensify emotions. The Albanians claims on the fact that their ancestors, 'Illyrians' inhabited Kosovo long before the Slavs and despite waves of different foreign invasions, they managed to preserve their ethnic identity. Modern Albanian historiography rejects the Serbian argument that the Albanians first settled in Kosovo in seventeenth and eighteenth centuries and claim that the Albanians represents an autochthonous ethnic group, which constituted the majority of Kosovo's population even before the seventeenth century. But Serbs claimed that Albanians settled in Serbian lands vacated by Serbs after the defeat of their two insurrections, in 1690 and 1737. Serbians claim that Albanians invaded and conquered the Kosovo province is not proved true according to Yugoslav history. But, it was the Serbs who first conquered Kosovo toward the end of 12th century. Stefan Nemanja, belonging to Rascian Dynasty of Serbia conquered Kosovo in 1189. Later Stefan Nemanja had founded his own dynasty called Nemanja dynasty. Albanians life under the Serbs was hard. Albanians were subjected to heavy taxes, their leaders and Priests were badly treated. While the Orthodox Serbs built Churches and Monasteries in the region but the religion did not become a central feature of the Serb-Albanian rivalry in Kosovo until the rise of Ottoman Empire. Many more Albanians than converted to Islam for the privileges this brought. In the end of 14th century, the Serbs were defeated by the Turks in the Battle of Kosovo in 1389. Consequently, the occupying Turkish forces forcibly settled Muslim Albanians in Kosovo. But real pressure on Kosovo Serbs increased during the Ottoman centuries, particularly after their support of an Austrian offensive that followed the Turks defeat at Vienna in 1683 and their subsequent victory at the second Battle of Kosovo in 1689. After this, Serbs had suffered the broad reprisals and they fled from the region together with their orthodox patriarch. Albanians suffered reprisals in those areas where Serb power grew but as yet the Albanians lacked a national movement or a national Church to unite them. See, Gross, n. 14, p. 105; Elez Biberaj, "Kosovo : The Struggle for Recognition", *Conflict Studies* (December 1982), p. 24; Miron Rezun, *Europe's Nightmare* (London : Praeger, 2001), pp. 26-27; Vladimir Dedijer *et al.*, *History of Yugoslavia* (NY, 1974), p. 60; O.N. Mehrotra, "The Kosovo Crisis : Perception and Problem", *Strategic Analysis*, Vol. XXII (October 1996), p. 1084.

22. The rise of nationalist ideologies, particularly Serb intellectual's canonization of Kosovo legend of 1389 and demonization of Albanians considered Kosovo as the cradle of their nationalism. The first organised Albanian nationalist movements i.e. the Albanian League of Prizren (1878) and The Leage of Peje (1899) were founded in Kosovo. But, after Ottoman's defeat in the first Balkan war in 1911, Serbia Swiftly conquered Kosovo and took horrific revenge against the Albanians. The 1913 London conference of Ambassadors, which recognised Albania's independence, assigned more than one-third of Albanian nation to Serbia and Montenegro. The Albanian's waged a long, but unsuccessful armed struggle against inclusion in what later become Yugoslavia. The tide turned in World War I, with the defeat of central powers, Serbia

remained successful in the recovery of Kosovo. In just a decade tens of thousands had died on both sides and hundreds of thousands had been displaced. The New Yugoslav state while pledging to observe minority rights forcefully encouraged Albanians to leave Kosovo and launching a program of Serb 'recolonization'. In order to improve agriculture and try to redress the ethnic balance of population, land hungry Orthodox Serbian peasants from the barren mountainous regions began to pour in. It is estimated that prior to 1941, over half a million Albanians were forced to emigrate from Yugoslavia and that about 40,000 Slav colonists were settled in Kosovo. In 1941, with the collapse and partition of Yugoslavia, Kosovo and other Yugoslav and Greek territories which contained ethnic Albanians was annexed to the Italy run kingdom of Albania. Albanians were thankful to Italy and Germany for having brought about the realisation of national union. Once again, numerous Serbian refugees left the area incorporated with Albania. During World War II years, 10,000 Serbs were killed in Pogroms, 100,000 fled their homes while 100,000 Albanians moved into Kosovo from Albania. This pattern would be repeated in World War II, with massacres, expulsions and reimposition of Serbian hegemony following the Axis defeat. Communist party of Yugoslavia, at its fourth Congress held in Dresden in 1928, denounced the harsh persecution of the Albanians and endorsed the return of Kosovo to Albania. But it reversed its previous policy after the fall of Yugoslavia in 1941. In its dealings with Kosovar communists and Communist Party of Albania (CPA), CPY avoided taking a clear stand on the issue of future of Kosovo. Kosovo's union with Albania was also endorsed by the first conference of Provincial People's Council of Kosovo, which was held from 31 December 1943 to 2 January 1944 in Albania. The central committee of the CPY in a letter of 28 March 1944 rejected this resolution of the highest organ of the partisan movement in Kosovo. In late 1944, under the pretext of destroying "enemy" remnants, the Yugoslav army undertook a massive campaign in the Albanian regions. As a result the open revolt broke out in Kosovo. During late 1944, 10,000 Albanians were arrested and thousands executed. Two thousand Albanian recruits, mainly from Macedonia were reportedly killed by poisonous gas near Trieste. Albanian resistance grew with the coming of the Serb-dominated partisan led by Josip Broz Tito because Kosovars fearing that a communist victory would lead to Kosovo's reincorporation into Yugoslavia. An uprising that began in 1944 was not fully suppressed until 1952. And again, the Serb dominated Yugoslavia (Now Socialist) that emerged from World War II began with a vicious crackdown on its Albanian Population because of their alleged cooperation with the invaders and nationalist forces against the partisan movement. The communist authorities perceived the Albanians as politically unreliable and as a possible threat to the stability and territorial integrity of Yugoslavia. See, *Ibid.*, p. 25; Vanita Singh, "Bloodshed in Kosovo", *Mainstream*, Vol. XXXVI (October 31, 1988), p. 18; Joce Kriger, *Oxford Companion to Politics of the World* (NY, 2001), p. 476; Reginald Hibert, *Albania's National Liberation Struggle : The Bitter Victory* (London, 1991), p. 8.

23. The constitutional arrangements concerning Albanian territories were decided

arbitrarily. Kosovo was renamed Kosovo-Metohija (Kosmet) and was proclaimed autonomous region (oblast) within the republic of Serbia. Kosovo did not even have the same status and rights as Vojvodina, the other autonomous unit of Serbia. Vojvodina's governmental structure was similar to republics, it had a Supreme Court, highest governmental body (the people's assembly). In contrast, the governmental structure of autonomous region of Kosovo resembled that of local administrative units. It has no Supreme Court and its highest governmental body was people's council. Belgrade was in charge of all decisions, including those of purely local concern. Kosovo's autonomy was thus restricted primarily to the field of policy-execution rather than policy-making. On the other hand, Serbs argued that it was unfair that Kosovo and Vojvodina had a say in the running of Serbia but Serbia had no say in the running of two provinces. Kosovo and Vojvodina could and generally did vote against Serbia on the federal Presidency. Serbia was powerless to remedy the parlous situation of the Serbs in Kosovo. These emotive issues of Kosovo Albanians and Serbs later sparked a cycle of competitive nationalism which leads to the demise of Yugoslavia and severe ethnic war. See, S. Rajen Singh, "The Kosovo Crisis and the Quest for Diplomatic Solution", *Indian Quarterly*, Vol. LVI, (January-June 2000), p. 3. See, Tim Judah, "Kosovo's Road To War", *Survival*, Vol. 41 (Summer 1999), pp. 10-11.

24. Under the pretext of fighting Albanian nationalism and irredentism, the secret police officials pursued a campaign of intimidation against the Albanians and also put pressure on them to emigrate. Between 1953 and 1957 some 195,000 Albanians emigrated, most of them from Kosovo and Macedonia. By 1966, the number of ethnic Albanians forced to leave Yugoslavia reached 230,000. See, Biberaj, n. 21, p. 29.
25. Following the break with the Soviet block and the exacerbation on relation between Albania and Belgrade, areas bordering on Albania were considered too vulnerable as a site for the construction of industrial projects. Investment per capita in Kosovo was considerably below the Yugoslav average. Thus, during the period 1947-56 Kosovo's gross investment per-capita were 36 per cent of Yugoslavia's average and during 1957-65, 59.1 per cent. Decision on Kosovo's economic policy made in Belgrade, were politically motivated and as a result the region did not develop a diversified economy. Since the region was relatively rich in mineral resources but investments were primarily concentrated into the extractive industry, making Kosovo essentially a raw material supplier for the richer regions of Yugoslavia. Economic problems were compounded by the high birth rate among ethnic Albanians further impeded the already slow-climbing per-capita national income. See, *Ibid.*, p. 30.
26. The demonstrators demanded the creation of Kosovo republic, establishment of Albanian university, equal status for Serbo-Croatian and Albanian languages. But in February 1969, the twelfth plenum of CC of LCY Rejected the demand that Kosovo be granted republican status. Such a demand produced apprehensions in Serbia where the Albanians were suspected of harbouring their cherished dream of merging with neighbouring Albania and thus establishing a "greater Albania." See, *Ibid.*

27. In 1968, a series of concessions were granted i.e. real administrative autonomy for Kosovo, provincial Supreme Court was established, the equality of Albanian, Serbo-Croatian and Turkish languages was recognised and for the elevation of Albanian culture and a new university in Pristina was established. See, *Kruger*, n. 22, p. 476.
28. *Keesing Records of World Events*, Vol. 34 (March 1988), p. 35795.
29. In 1984, Milosevic appointed as the head of the Belgrade Party Committee and in 1986, he succeeded as chief of the Serbian Communist Party. Milosevic reinvigorated the party by forcing it to embrace nationalism. His entry into Yugoslav politics put events on the fast tracks as it were. Yet other leading communists were interested in resolving the Kosovo problem. But from this problem Milosevic found the strength to overcome the fear of the masses. From this problem he understood the power of fear and knew how to use it for his own purpose. The mass movement of Kosovo Serbs developed spontaneously and with the help of party controlled media and the party machinery, he soon dominated the movement. Milosevic seem to have allied himself with the politics of fear. He thrives on it and is always on the lookout for the hostility and conflict that produce it. This is one of the deeper causes of Yugoslav civil war. Milosevic counted on war, the ultimate condition of fear to unite Serbs around him. That is why he refused to look for political solutions to the persecution of Serbs in Croatia after President Tudjman came to power and in Bosnia Herzegovina after Muslim leader Alija Izetbegovic became its president in 1990. Milosevic welcomed the Serb's increased sense of insecurity and was only too glad to plunge them into a war in which they would see him for protection. He organized mass demonstration in Vojvodina, Kosovo and Montenegro, overthrow the regimes there and replace them with his own followers. He thus inspired fear in the leadership of other republics and gave arms to the Serb nationalists in other republics, other republics cite Serbia's rising nationalism as threat to their own people. See, Cvijeto Job, "Yugoslavia's Ethnic Furies", *Foreign Policy* (Fall 1993), p. 58; Aleksa Djilas, "A Profile of Slobodan Milosevic", *Foreign Affairs*, Vol. 72 (Summer 1993), pp. 87-88. See Robert M. Hayden, "Yugoslavia's Collapse : National Suicide with Foreign Assistance", *Economic and Political Weekly*, 4 July 1992, p. 1380; Dusko Doder, "Reflections on a Schizophrenic Peace" in Robert L. Rothstein, *After The Peace : Resistance and Reconciliation* (London, 1994), p. 173.
30. This term describes the condition of a society in which the nationalist policies and demands of an ethnic or religious group become destructive not only for the society it is a part of, but also for the group itself. It describes a situation in which mushrooming demands by ethnic groups paralyze the functioning of economic and political system. Economic and political conflicts with Serbia particularly with Milosevic and his supporter have also pushed Slovenes and Croats toward independence. Serbia effectively used its dominance of federal institutions to thwart economic reform initiatives. In eight member Yugoslav Presidency, Serbia controls the votes of the autonomous provinces of Kosovo and Vojvodina and can generally count on the support of Montenegro and

Macedonia as well. Serbia has also sabotaged those economic policies it deems unfavourable to its interests. One example of Serbia's egregious economic act was the "Great Serbian Bank Robbery" of late 1990. Without the knowledge or approval of the federal government, Serbia's Parliament Printed US \$ 1.8 billion worth of diners to honor election promises made by Milosevic. This action convinced Slovenes and others that Serbia was not to be trusted. See, Milica Zarkovic bookman, *Economic Decline and Nationalism in Balkans* (London, 1994), p. 4; Carole Rogel, "Slovenia's Independence : A Reversal of History", *Problems of Communism*, Vol. XL (July-August 1991), p. 35.

31. Ethnocide is the systematic and deliberatic destruction of one people's culture by other ethnic group especially by powerful group. Ethnocide is distinguished from genocide (Greek genos mean race) which is used to denote the physical destruction of a human group. Although ethnocide has been going on through history and several terms (such as deculturalization, integration, assimilation and cultural genocide) have been used to describe its different aspects. In pre-war Yugoslavia, Albanian Muslims were recognised as a separate ethnic group subjected to deliberate policy of ethnocide. They had expelled from their native lands subjected to persecution and their human rights were systematically violated. The Albanians were denied the right to use their native language and although they inhabited a compact territory. This territory was divided into four administrative sectors. The government followed a policy of 'Serbianisation' designed to assimilate Albanians and to change predominantly the Albanian character of Kosovo and other Albanian territories. Albanians were forced to change their names by adding Serb suffixes such as - vic, -ic and -c. Land were forcefully taken from Albanian farmers and given to Serbian and Montenegerin settlers. See, *Encyclopedia of Cultural Anthropology* (ed.), David Levinson and Melvin Ember, Henry Holt & Company, New York, 1996, p. 405, See *The Oxford English Dictionary*, Edn. 2, Vol. V; John M. Fraser, "Lessons from Yugoslavia", *International Journal*, Vol. LVII, (Autumn 2002), p. 645; Biberaj, n. 21, pp. 24-25.
32. James Hooper, "Kosovo : America's Balkan Problem", *Current History*, Vol. 627 (April 1999), p. 159.
33. Mark Almond, *Europe's Backyard War : The War in Balkans* (London, 1994), p. 190.
34. Levinson and Ember, n. 31, pp. 405-406.
35. The meaning of Xenophobia is fear of foreigners verging on paranoia. It originated from Greek words Xenos (foreigner) and Phobos (fear). It is also also related with a person excessively devoted to his/her race, and showing unreasoning hostility and disdain for others. See Nicholas comfort, "Brewer's Politics : A Phrase and Fable Dictionary (London, 1995, pp. 88, 686.
36. Ramet, n. 9, pp. 88-89. See also, Richard West, *Tito and the Rise and Fall of Yugoslavia* (London, 2001), pp. 354-355.
37. Aleksander Pavkovic, "Recursive Secessions in Former Yugoslavia: To Hard a Case for Theories of Secession?" *Political Studies*, Vol. 48 (2000), p. 491. *Keesing's Record of World Events*, Vol. 38 (September 1992), p. 39103.
38. For detailed study of civil society in Soviet Union and Eastern Europe see Isa

- Blumi, "Kosova : From the Brink and Back Again", *Current History*, Vol. 100 (Nov. 2001), p. 370. Ramashray Roy, *Politics and Beyond* (ND, 2002), pp. 25-26. Larry Diamond, "Toward Democratic Consolidation", *Journal of Democracy*, Vol. 5 (July 1994), p. 5. See also, Michael W. Foley and Bob Edwards, "The Paradoxes of Civil Society", *Journal of Democracy*, Vol. 7 (July 1996), pp. 38, 39, 48, 49. Francis Fukuyama, "The Primacy of Culture", *Journal of Democracy*, Vol. 6 (Jan. 1996), p. 8. Peter Juviler and Sherrill Stroschein, "Missing boundaries of Comparison : The Political Community", *Political Science Quarterly*, Vol. 14 (Fall 1999), pp. 438-439.
39. For analysis of failure of communism and role of ethnic factors in collapse of the USSR see Patrick Cockburn, "Dateline USSR : Ethnic Tremors", *Foreign Policy*, no. 74 (Spring 1989), pp. 169-170. See Arthur H. Miller *et al.*, "Understanding Political Change in Post-Soviet Societies: A Further Commentary on Finifter and Mickiewicz", *American Political Science Review*, Vol. 90 (March 1991), p. 153.
 40. Arshi Pipa, "Serbian Apologetics : Markovic on Kosovo", *Telos* (Spring 1990), p. 176.
 41. Juviler and Stroschein, n. 38, p. 448.
 42. Tihomir Loza, "Kosovo Albanians : Closing the Ranks", *Transitions*, Vol. 5 (May 1998), pp. 16-17.
 43. Juviler and Stroschein, n. 38, p. 449.
 44. Benedict Anderson, *Imagined Communities : Reflections on the Origin and Spread of Nationalism* (NY, 1991 ed.), p. 6. See Juviler and Stroschein, n. 38, p. 440. See also, Alexis Heraclides, *The Self Determination of Minorities in International Politics* (London, 1994), p. 8.
 45. Ethnocentrism means to give one's own race or ethnic group a supreme importance. Evolutionary explanations suggest that ethnocentrism is a biologically determined response to external threats against the group. Sociobiology points to the kin group basis of cultures and ethnocentrism aided the reproductive success of group members when they are in competition with other group for limited resources. These attitudes can undoubtedly be manipulated by elites and political leaders. *Encyclopedia of Cultural Anthropology*, n. 41, pp. 404-405.
 46. See John W. Berry *et al.*, *Cross-Cultural Psychology : Research and Applications* (NY, 1992), p. 293.
 47. Graham Evans and Jeferey Newnham, *The Penguin Dictionary of International Relations* (London, 1998), p. 154. See, Lenard J. Cohen, "The Disintegration of Yugoslavia", *Current History*, Vol. 91 (Nov. 1992), p., 371.
 48. For more details about the efforts of international community for management of Kosovo crisis see *Keesing's Record of World Events*, Vol. 40 (February 1989), p. 39872. Mark Weller, "The Rambouillet Conference on Kosovo", *International Affairs*, Vol. 75 (1999), p. 219; Richard Caplan, "International Diplomacy and The Crisis in Kosovo", *International Affairs*, Vol. 74 (1998), p. 747.

United Nations Role in Kosovo Crisis

The Kosovo crisis showed the severity of ethnic conflicts in international relations. Its escalation, in 1998, created new challenges for the United Nations. As described in the second chapter, the Kosovo crisis was the result of zero-sum ethnic conflict between the Serbs and the Kosovo Albanians. The Serbian Management of Kosovo conflict through the process of pseudospeciation resulted in serious human rights violations of Kosovo Albanians. These violations contained the extensive loss of life, destruction of property and mass exodus of refugees in Kosovo. The potential of humanitarian disaster in Kosovo was so strong that the Western powers attacked Yugoslavia without the mandate of Security Council.

On the other hand, it is argued that the United Nations was silent spectator to the events in Kosovo. The paralysis of the United Nations system was the result of the failure of permanent members of the Security Council to have consensus on the course of action. On the contrary, the United Nations role was more complex in this crisis. It was focused on the humanitarian and human rights issues. The United Nations human rights system is a reflection of the contested status of human rights around the world. Human rights promotion through the charter system has been evolved considerably. Since the adoption of the Universal Declaration, human rights institutions in the United Nations system have both increased in numbers and often evolved beyond a declaratory and promotional status. The human rights system was moving from the 1947 assertion that the Commission on Human Rights (CHR) had “no power to take any action concerning human rights” (ECOSOC Resolution 75, 1947) to the authoritative Security Council’s decisions declaring gross human rights violations as threat to international peace and security. The 1998 Rome compromise on the establishment of a Permanent International Criminal Court indicates growing innovation and strengthening of the United Nations human

rights treaty-based system and focus on crimes against humanity. The establishment of individual responsibility for such crimes represents a major step towards the direct enforcement of specific set of international human rights norms. The UN role in Kosovo indicate dilemma faced by the states i.e. to follow human rights conventions or to contest these norms. Both the reactions indicate an evolutionary process whereby the human rights issues gain growing recognition in the international politics. Thus, for analysing the role of the United Nations in Kosovo crisis, it is necessary to discuss about its evolution, principles, purposes and changes in peace-keeping activities after the end of Cold War which changed its role in international politics.

EVOLUTION OF THE UNITED NATIONS AND THE CONFLICT BETWEEN STATE SOVEREIGNTY AND INTERNATIONAL HUMAN RIGHTS LAWS

The idea for creating the United Nations did not happen all of a sudden at the end of World War II. Some of the most important origins of the idea can be found in the early part of the twentieth century, when many world leaders were heavily influenced by political idealism.² International society approach can be used to describe the creation of the United Nations system. According to this approach, the three concepts i.e. realism, rationalism and revolutionism defined the relations between states.³ This relationship is illustrated in the following Fig. 3.1:

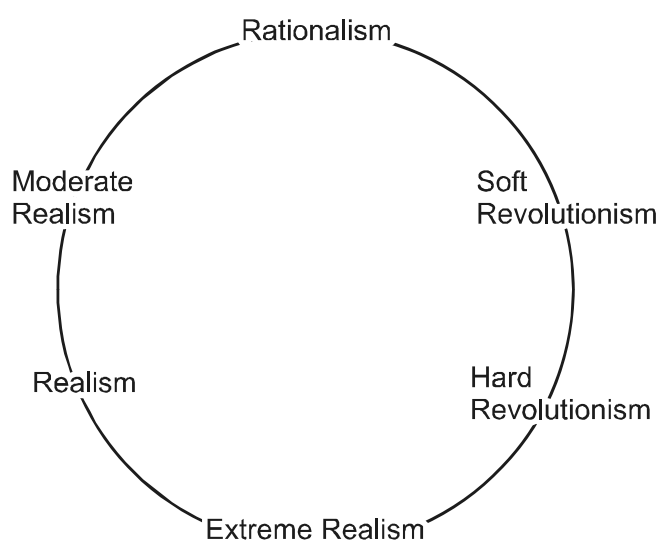


Fig. 3.1 : Proximity of the Realist, Rationalist and Revolutionist Traditions.

Source : Jackson & Sorenson, p. 149.

The Realist and the rationalist ideas are embedded in the United Nations. The United Nations charter gives commanding authority on the questions of peace and security to five great powers. The United Nations Security Council is the example of theoretical concept of moderate realism which holds that international law is based on the interests and responsibilities of the great powers. The states have no right to refuse the commands of the Security Council (which is controlled by five great powers possessing veto power).

The principles of the United Nations i.e. state sovereignty, territorial integrity, political independence and non intervention etc. constitute a substantial body of basic norms on which the United Nations structure and functions are superimposed. The United Nations geographic scope and diverse activities are unmatched by any other international organization. The United Nations is remarkable for two reasons i.e. promotion of cooperation in vast realm of economic, social and ecological interdependence. This may be the most valuable part of the United Nations activities. Its second function is of the highest importance i.e. the production of norms of legitimacy. This task has been carried out through large number of treaties and declarations.⁴ On the other hand, the United Nations was basically designed to prevent and to resolve armed conflicts between states. The delegates at San Francisco sought to create a particular kind of international organization which could contain the immense human misery resulted from World War I and II. They were looking backward rather than the future and defined its main tasks in the light of the events of previous decade.

The United Nations charter is an extension of Westphalian logic par excellence.⁵ The most fundamental principle of the United Nations system is “sovereignty”. During the cold war, sovereignty was usually interpreted by the United Nations members in the manner of traditional hard-line realists.⁶ The intra-state conflicts and forms of diffused violence (i.e. slaughter of civilians, terrorism, genocide) confound international relations after 1989. These ‘decomposing’, degenerate or anarchical conflicts (manifesting themselves as scattered violence) are subject to no rules, thrown up the dilemma of respecting national sovereignty and ensuring respect for human rights.⁷

A cursory glance around the post-cold war world illustrates that the system of the United Nations law, the Hague and Geneva bodies of law is in ruins.⁸ It was not that the state was challenged but its claim as a moral absolute was challenged. This view pointed out that a commitment to applying international human rights law to the right of self-determination reinforces the acknowledgement that the state sovereignty is not absolute at least as far as the treatment of persons and groups on their territory is concerned.⁹ The Kosovo crisis was the apex of this problem in which the United Nations faced dilemma of state sovereignty and intervention, based on the humanitarian issues. The United Nations Secretary-General Kofi Annan obviously described,

State sovereignty, in its most basic sense is being redefined-not least by the forces of globalization and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice-versa. At the same time individual sovereignty, by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.¹⁰

The views of Secretary-General highlighted the fact that international relations involve not only states but also human beings who possess human rights. It represents a transition of human rights issues from purely domestic jurisdiction to increasing international concern. This transition could be complicated by the differences in ideology and standards of human rights with international enforcement and implementation instruments and models of human rights.¹¹ Kosovo pointed out this conflict of basic values of international relations which changed the role of the United Nations in world politics. This conflict challenges the principles of Article 2(4) and Article 2(7) of “territorial integrity”, “political independence” and domestic jurisdiction” of the United Nations. It also shows that the massive killings of civilian people and mass scale violation of their human rights in intra-state conflicts changed the form of the United Nations peace-keeping and peace-enforcement powers vested in chapter VII of the charter.¹² The growing salience

of intra-state conflicts as a threat to world peace has reflected in the United Nations peace-keeping activities. The cascading generations of peace-keeping also reflect the changed role of United Nations in world politics. There are six generations of peace-keeping which differentiate the inter-state peace-keeping from intra-state peace-keeping and its changed structures, tasks and components.¹³

THE UNITED NATIONS PEACE KEEPING ROLE IN KOSVO CRISIS

NATO's intervention in the Kosovo crisis also proved as watershed in the United Nations peacekeeping system. NATO states could not seek the United Nations endorsement for the air strikes launched against FRY (Federal Republic of Yugoslavia) on 24 March 1999. This circumvention was directly related to divisions among the five permanent members of the council on the use of force to resolve the Kosovo crisis. The Secretary-General Kofi Annan described the failure of preventive diplomacy in Kosovo in his annual report,

Early warning is now universally agreed to be a necessary condition for effective preventive diplomacy. It is not, unfortunately, a sufficient condition, as the tragedy in Kosovo has demonstrated. As the crisis unfolded, I twice addressed the Security Council in the hope that consensus could be achieved for effective preventive action. Regrettably, diplomatic efforts failed and the destructive logic of developments on the ground prevailed.¹⁴

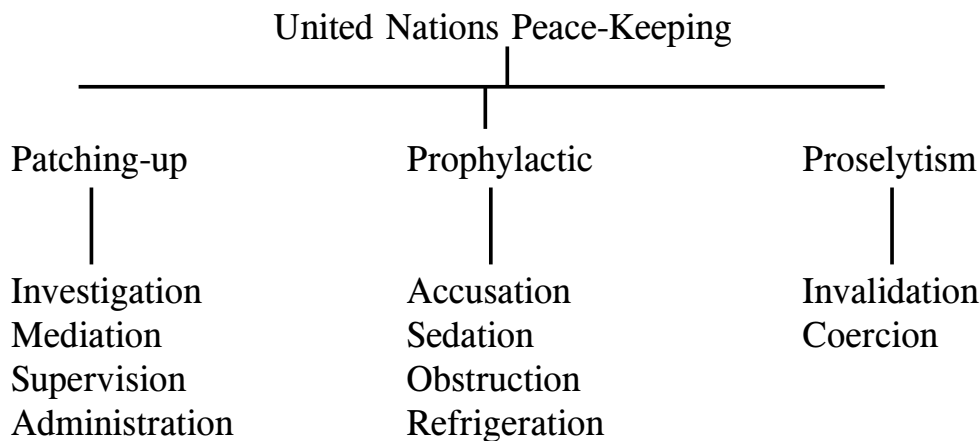
Structural and low-level violence before 1998 was also the important reason of failure of preventive diplomacy in Kosovo. Structural violence may take the form of discriminatory judicial systems or partisan security structures. It may include systemic human rights abuses which are key indicators of the potential for violent conflict. Low-level violence involved hate speeches, protests, intermittent rioting or assassinations of selected individuals. The routine and low-profile nature of this violence may contribute to its invisibility.¹⁵ Since 1981 Kosovo was smouldering. Serbia used its security structures brutally for quelling and prevented Albanians in Kosovo from gaining autonomy.¹⁶ International community had not taken these developments seriously. It is

conceivable that NATO powers which were dealing with the developments in Balkans could have failed to recognize that Kosovo was a “Tinder box”.¹⁷

Since 1992, the United Nations had paid close attention to the situation, particularly the human right situation in Kosovo. The United Nations role in the Kosovo crisis can be divided into two parts i.e.

1. Pre-NATO attack preventive diplomacy for hampering mass scale human rights violations.
2. Post-NATO attack role of peace-building.

The United Nations peace-keeping efforts in Kosovo can be analysed through three peace-keeping categories i.e. patching-up, prophylaxis and proselytism.



Patching-up consists of activity which intends to bring disputants to an agreement or to assist in the execution of a settlement. Peace-keeping efforts of this kind is often like the nature of surgery because the long-term success of which is in some doubt. Any United Nations peace-keeping act comes within patching-up category which encourage and associate with an agreed resolution of tension.

The United Nations often faced conditions which are potentially threatening and failed to offer a realistic prospect of a negotiated settlement. It may therefore adopt a second “prophylactic” approach which is designed to prevent the situation from deteriorating. It may hope that this will provide the basis for a subsequent improvement

in relations between the parties. Its immediate aim in these circumstances is to maintain calm or prevent violence.

The third and final peace-keeping category comprises those UN operations which are neither conciliatory nor preventive but which are instituted for changing certain aspects of the established order of things. In this category called “proselytism”, the United Nations seek to act as an instrument of change in order to enforce the concerned parties or regimes to obey international standards of behaviour.¹⁸

The United Nations various peace-keeping activities do not always contain neatly into this threefold framework. Sometimes the organization has engaged, at the same time and at the same situation, in both patching-up and prophylactic endeavours. The mandate which is given to a mission is usually a good guide of the role of United Nations. The four methods of patching-up, four of prophylaxis and two of proselytism illustrate different ways in which the same goal may be sought. First patching-up route to an agreement lies through an impartial investigation of the facts of the case. The second procedure is mediation and the United Nations used it in number of cases. The United Nations can also help to repair quarrels by assisting in the implementation of an agreement. For this purpose, the United Nations supervises the parties for execution of their promises. The United Nations may go beyond this activity when it plays an administrative role in territorial dispute by enabling the area in question to spend an interim period in international hands.

There are four forms of prophylactic activity. First is the device of accusation. This is based on the assumption that the garnering of facts will expose and so may check the unpopular behaviour of offender states. The United Nations have been using this device in Kosovo since the inception of the crisis. Another way of trying to reach the same end is to make private representations in favour of restraint. Such operations may take place in two ways, firstly by negotiations with the government concerned and secondly through cooling activity at the military level. Such activities may be termed ‘sedation’. A more ambitious task for the United Nations is ‘obstruction’. It means the placing of the United Nations force

between two disputing countries or communities in the hope that it may serve as something of a barrier to the outbreak of violence. It is also open to the United Nations to 'refrigerate' the areas which give rise to tension by taking them over formally or informally. The United Nations take over these areas until tempers have cooled or a settlement can be reached. There are two types of proselytism i.e. 'invalidation' and 'coercion'. The device of invalidation is used as fact-finding mission. It is used in the expectation that its report would be so damaging as to suggest that the regime in question is morally unfit for continued rule. However, the non-responsiveness of the criticized government or party to the United Nations hints that they should give up unacceptable behaviour or make way for more acceptable regimes. It has turned some thoughts toward, 'coercion'. The device of Coercion is a most effective expression of the United Nations proselytizing zeal.¹⁹ Regime change in Haiti is the recent example of this method.

IMPLEMENTATION OF PEACE KEEPING CATEGORIES BY UNITED NATIONS IN KOSOVO CRISIS

The United Nations has been using the mix of patching-up and prophylactic methods in Kosovo. Its role in Kosovo could focus on humanitarian and the human rights. The humanitarian role of the United Nations in Kosovo illustrates the dichotomy between the state sovereignty and human rights. The Kosovo crisis sharpens and highlighted this incompatibility between both fundamental values. Sovereignty is enshrined in Articles 2(1), 2(4) and 2(7) of Charter. It provides internal exclusive jurisdiction within a territory and external freedom from outside interference. On the other hand, the Preamble, Article 1(3) and various declarations, conventions describes that individual rights are inalienable or transcend sovereign frontiers.²⁰

The ascendance of human rights issue in the intra-state wars after the end of cold war offers a paradigmatic challenge to Hobbesian stand of the Westphalian legacy. This legacy is based on horizontal inter-state system which provides equality of states. But the human rights instruments concerned with the matters between states and its populations (vertical approach) rather than inter-state

relations.²¹ The Secretary-General Boutros B. Ghali declared categorically,

It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of states cannot be regarded as protective barrier behind which human rights could be massively or systematically violated with impunity.... The case for not impinging on the Sovereignty, territorial integrity and political independence of state is by itself indubitably strong. But it would only be weakened if it were to carry the implication that Sovereignty, even in this day and age, includes the right of mass slaughter or of launching systematic campaigns of decimation or forced exodus of civilian populations in the name of controlling civil strife or insurrection.²²

The political unrest in Kosovo was simmering from 1981 when the Kosovo Albanian students openly clashed with government authorities in the capital Pristina. This resulted in the severe suppression of Kosovo Albanians by Serbs in the province. But, the tide of nationalism that began to rise in 1989 led to the disintegration of the USSR and collapse of communism in the Eastern Europe. The four of the six republics comprising the Yugoslavia i.e. Bosnia and Herzegovina, Croatia, Macedonia and Slovenia unilaterally declared independence between June and October 1991. The declarations resulted in armed conflict with the Republic of Serbia and ethnic strife within the four republics. The escalating violence was brought to the attention of the Security Council in September 1991. The Australia informed the Secretary-General that the situation in Yugoslavia deteriorated to the point where it needed urgent attention of the United Nations. Latter, the Security Council convened a meeting on 25 September, 1991 in response to consider the requests of Austria, Canada and Hungary about dangerous situation in Yugoslavia. The Security Council unanimously adopted resolution 713 sponsored by Austria, Belgium, France, USSR and United Kingdom in the same meeting. The Security Council acting under chapter VII of the United Nations charter imposed arms embargo upon Yugoslavia.²³

The Security Council adopted two other resolutions 721 and 724 and sent mission to Yugoslavia to bring about all parties to accept cease-fire so that a peace-keeping operation might be deployed for creating the necessary conditions for negotiations on Yugoslavia's

future. The United Nations continued to monitor human rights violations in Yugoslavia including Kosovo through the Office of High Commissioner for Human Rights (OHCHR) and the Special Rapporteur for Former Yugoslavia. It used European powers and regional organizations for investigation, mediation and accusatory purposes. The United Nations intensified its efforts in 1992 to resolve the armed conflict in the former Yugoslavia. The United Nations Security Council and General Assembly adopted number of resolutions related to the conflict in the Yugoslavia in 1992. The International Conference on Former Yugoslavia (ICFY) was organised in 1992 to combine the efforts of the United Nations, European Community (EC), Conference on Security and Cooperation in Europe (CSCE) and the Organisation of Islamic Conference (OIC).²⁴ The ICFY engaged in extensive diplomatic activities to promote peaceful resolution of humanitarian problems in Yugoslavia including Kosovo.

The Serbian and Kosovar Albanian groups in Kosovo were not in direct and open conflict until the last month of 1998. Hence an enquiry may appear to be the most obvious step in this situation. The observers can be sent to an area where potential explosion of violence is likely to occur. This enables the world institution to receive an immediate report about the deteriorating situation. The CSCE sent missions to Yugoslavia in September 1992 to promote dialogue and collect information on human rights violations. At the end of June 1992, Yugoslavia withdrew its acceptance of CSCE missions in Kosovo and other two areas. The Security Council adopted resolution 855 sponsored by France, Hungary, Spain, United Kingdom and United States in August 1993 and called upon Yugoslav authorities to reconsider their refusal to allow the CSCE mission's activities in Kosovo and other two areas.²⁵

The General Assembly in resolution 49/13 (1994) also called for the full implementation of resolution 855 (1993). On 28 April, 1994, Italy for the first time transmitted to the Secretary-General a statement and expressed the CSCE community's deep concern about the deteriorating situation in Kosovo. It urged the Government of Yugoslavia to respect its commitment to the CSCE principles and to facilitate the early and unconditional return of the CSCE missions to

Kosovo. The Hungary as a chairman-in-office of the CSCE transmitted to the Secretary-General a statement and expressed deep concern over suppression of Albanians in Kosovo. It called on the Yugoslav authorities to end the flagrant violations of human rights and respect fundamental freedoms in Kosovo.²⁶

The United Nations used the CSCE mission's reports as 'accusation' method. This method is not embarked upon the immediate hope of putting an end to the dispute but intends to produce a quietening effect. The parent body made an authoritative call for the cessation of hostile acts on the basis of reports received. The assumption was that any such decision emanating from world institution would carry a good deal of weight, by virtue both of its authorship and of the fact that it is the product of an independent enquiry. This causing the states and groups directly involved in the conflict to reconsider their policies. In this way the United Nations place some obstacles in the way of the beginning or continuation of aggressive policies and contribute towards the reduction of tension.²⁷ The United Nations Security Council and the General Assembly adopted various resolutions related with deteriorating situation in Kosovo. These resolutions reflect prophylactic 'accusation' approach, designed to prevent the situation from deteriorating." The Security Council Resolution 855 (1993) stressed Yugoslavia to reconsider its policy toward the CSCE missions. The General Assembly had condemned Federal Republic of Yugoslavia's violations of human rights of ethnic Albanians in Kosovo and urged it to end these violations, re-established democratic institutions and resume dialogue in resolution 48/153 adopted in 1993. In 1995, the Assembly requested the Secretary-General and relevant regional organizations to establish international monitoring presence in Kosovo through resolution 50/190. This request was repeated time and again in resolutions 51/111 in 1996 and 52/139 in 1997.²⁸

On the other hand, the criticized state has different anticipations about report. First, a report will be called by those who are already clear about the fundamental character of the dispute in their mind and support pre-existing views. This leads to second point that the criticized state is most unlikely to welcome the idea of a report being made on its activities. It may not go so far as to refuse entry to the

investigation because it could be more damaging than a critical first hand report. It may even agree with apparent willingness to the proposal that an enquiry should be made.²⁹ But the government of the target state carry on its secret policies unabatedly. The role of the CSCE Mission in Kosovo is the best example of this phenomena. Despite the CSCE missions in Yugoslavia and other regional organizations' activities, the scope and intensity of the conflict in Kosovo grew dramatically in 1998. It resulted in extensive loss of life, destruction of property, a massive exodus of refugees, serious human rights violations and potential humanitarian catastrophes. In this situation, the institution's role which is called upon to secure a report can become more important. During 1998, United Nations with the support of contact group on the former Yugoslavia³⁰ and OSCE directed the parties to solve dispute through mediatory or accusatory methods. The Contact Group's foreign ministers meeting in London on 9 March 1998, declared that the violent repression of non-violent expression of political views in Kosovo was completely indefensible. They called on Belgrade authorities to invite independent forensic experts to investigate allegations.

The OSCE permanent council, in its 11 March, 1998 decision, authorised operational measures to allow adequate observation of borders with Kosovo and the prevention of possible spillover effects of Kosovo conflict.³¹ On 31st March 1998, the Security Council met to consider the situation in Kosovo and the reports of contact group. The Security Council adopted resolution 1160 and imposed arms embargo on Yugoslavia.³² In his first report on implementation of the Security Council resolution 1160 (1998), the Secretary-General stated that a sanctions committee had been established to monitor the implementation of the arms embargo on Yugoslavia. The Secretary-General transmitted the reports of the OSCE and EU on the situation in Kosovo. In June and July respectively, the Secretary-General reported that the situation in Kosovo remained tense and the security conditions steadily deteriorating. On 5 August, the Secretary-General also reported that the situation in Kosovo continued to deteriorate with heavy fighting in several areas. According to UNHCR, more than 100,000 people had been driven from their homes and between 70,000 and 80,000 were internally displaced in

Kosovo by the end of July. Kosovo had the potential to becoming a humanitarian disaster with the increasing number of displaced persons. On 24 August, the Security Council President made call for ceasefire in Kosovo. On 4 September, the Secretary-General reported that the human rights situation in Kosovo was marked by widespread violations. The Office of the High Commissioner for Human Rights (OHCHR) was receiving lot of reports regarding human rights violations.³³

The United Nations Security Council adopted resolution 1199 on 23 September 1998 and repeated that the deterioration of situation in Kosovo constitute a threat to peace and security in the region. The Security Council demanded the effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic mission accredited to the FRY.³⁴ In October 1998, the Secretary-General reported that the fighting in Kosovo continued unabated. Here, the United Nations used the second prophylactic method called 'sedation'. Sedation consists of direct endeavours to exert a calming influence on inflammable situations. It requires the direct dealings of United Nations representatives with the officials of the involved states. The main hope of this method is that the on-the-spot exhortations in the name of world organisation would prevent the dispute from getting out of hand. Such operations take place in two ways, firstly, by negotiations with the governments concerned and secondly, through cooling activity at the military level. The sedation at the diplomatic level does not necessarily require that an agent of the United Nations visit the country concerned. It can be attempted by means of resolutions of the United Nations political organs, through the Secretary-General's private representations to the heads of the disputant's United Nations missions. The prophylactic measures of this kind used at periods of considerable tension. These are not only used for avoiding loss of time but also designed to maximise the effects of the United Nations intervention.³⁵

The United Nations Secretary-General, in his October 1998 report endorsed the efforts of the Contact Group and Christopher Hill's (United State Ambassador to FYROM and peace envoy) agreement with the Belgrade authorities and Kosovo Albanians on

the future of Kosovo. The United States special envoy Richard Holbrooke, negotiated with Serbian President Slobodan Milosevic and reached an accord. This effort of sedation resulted in an agreement that all the problems in Kosovo and Metohija could be solved through dialogue and peaceful means.³⁶

As a way of keeping peace, the mobilization of world opinion or the issue of cooling injunctions has obvious limitations. Thus, the third prophylactic possibility called 'obstruction' may be open to the United Nations where a dispute finds expression in a dangerous flashpoint. The obstruction is the placing of non-combatant force or verifiers with the consent of host state for preventing the situation from deterioration. The North Atlantic Treaty Organization (NATO) and the Yugoslavia signed Kosovo Verification Mission (KVM) on 15 October 1998. The agreement provided for an air surveillance system. The Yugoslavia and OSCE signed another agreement which allowed the OSCE mission to verify maintenance of the ceasefire by all elements. The mission comprised 2000 unarmed verifiers from the OSCE member countries and was intended to be headquartered in Pristina, capital of Kosovo.³⁷ The United Nations Security Council Resolution 1203 (1998) endorsed the establishment of these verification missions. This resolution called for prompt and complete investigation, international supervision of atrocities committed against civilians since 1991 and full cooperation with International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law.³⁸

The Secretary-General sent an interdepartmental mission, headed by 'Staffan de Mistura' to Yugoslavia. The members of mission met governmental and local officials, representatives of the Kosovo Albanian Community, international organizations, international and local NGO's and members of diplomatic community. The mission also assessed the modalities for coordination of activities between the OSCE and the United Nations agencies on the ground. The United Nations High Commissioner for Refugees (UNHCR) and OHCHR had established close coordination with Kosovo verification mission in field and close liaison with the OSCE in Vienna. These efforts had some positive effects on the situation and the Secretary-General reported in November that the

crisis situation in Kosovo were diffusing. It had created more favourable conditions for political settlement. In December report, the Secretary-General informed the Security Council that no major combat between military forces occurred in Kosovo but the situation on the ground was far from peaceful.³⁹

According to the Secretary-General report to Security Council in January 1999 that the humanitarian and human right situation in Kosovo remained grave and the violence including the violations of October 1998 ceasefire continued. The human rights situation had further deteriorated and culminated in the massacre of the Kosovo Albanians in Racak village. The Security Council President condemned the Racak Massacre in Kosovo.⁴⁰ In March, the OSCE reported that the situation in Kosovo remained grave with localized clashes between Kosovo Liberation Army (KLA) and Serbian forces. The NATO Secretary-General informed the United Nations Secretary-General that its senior military authorities visited President Milosevic on 19 January and reinforced the need for him to honour his obligations but he had failed to do so. On 23 March, the NATO Secretary-General reported that following the withdrawal of KVM on 20 March, Yugoslavia had increased its military activities and using excessive and disproportionate force in Kosovo.⁴¹ Under the auspices of the Contact Group on former Yugoslavia, the representatives of the Federal Yugoslav and the Serbian Government and Kosovo Albanians met in Rambouillet, France, on 6 February. On 18 March, the Kosovo Albanian representatives signed the Rambouillet accords. This accord provided three year interim self-government in Kosovo and peace and security for everyone living in Kosovo.⁴² However, the delegation of the Republic of Serbia refused to sign the accord. It signed its own text, "Agreement for Self-Government in Kosmet." The talks were adjourned on 19 March, on that day, the OSCE withdrew KVM. On 23 March, Yugoslavia declared a state of imminent danger of war. The European council on 25 March expressed that the last ditch mediation mission of US Ambassador Holbrooke and three other Rambouillet negotiators to persuade President Milosevic to accept ceasefire failed.⁴³

The above mentioned process showed that the states are

certainly sensitive to criticism but it does not follow that they would alter their policies just to accommodate world opinion. Governments generally do not regard it as consonant with their dignity or perhaps with their domestic stability. International body's demands may increase the state's determination to stand firm and receive comfort and support from its friends. The successful outcome of international opinion is based on two factors. Firstly, if the criticized state knows that certain powerful friends would stand by it then it could afford to take little notice of decisions taken by organized international community. The Federal Republic of Yugoslavia knew that Russia and China, two permanent Security Council members could veto any Western resolution regarding use of force on its territory. The main driver behind Belgrade's expectations about Russian support led Milosevic to bet that NATO would strike weakly. He was almost certainly encouraged the gambit by the prospect that Russia would "hold the ring". It deflected or minimized NATO air-strikes by threatening to sever many important aspects of its relations with the United States and NATO. The Yugoslavia misperceived Russia's influence with the United States and its ability to cushion it from NATO's wrath.⁴⁴ Thus, President Milosevic refused to sign Rambouillet accords and did not accept the ceasefire in Kosovo.

Secondly, in this situation, the efficacy of international action would largely turn on the attitude of major powers. If they are agreed on the desirability of preventing violent change and maintaining a peaceful international atmosphere then it would be possible for the United Nations to have prophylactic effects on troubled situation. NATO's air campaign started on 24 March 1999 is the example of this situation. NATO started its air campaign without the United Nations endorsement against Yugoslavia. This circumvention was directly stated to the divisions among the five permanent members of Security Council on the use of force to resolve the Kosovo crisis and the commitment of China and Russia to veto military intervention in Kosovo.

The Russia and China strongly reacted against NATO action. The Russia convened meetings on 24 and 26 March to discuss the action, at which NATO members defended their position by pointing to Yugoslavia's violation of Security Council Resolutions 1199 and

1203. A Russian-sponsored resolution identifying the NATO action as a threat to international peace and security and calling for an immediate end to the use of force, which garnered support only from Namibia and China. Following the bombing of its Belgrade embassy on 7 May, China requested that Security Council meeting be convened to issue a formal protest to the NATO action.⁴⁵ On 14 May, the Security Council Condemned NATO's attack on Chinese diplomatic property.⁴⁶ The United Nations Security Council adopted Resolution 1239 for averting the humanitarian catastrophe in the region particularly in Kosovo. The Security Council instructed the UNHCR and other relief organizations to provide assistance to refugees.⁴⁷ Latter, the United Nations Secretary-General with Yugoslavia's agreement, dispatched the United Nations inter-agency Needs Assessment Mission to Yugoslavia from 16 to 27 May 1998. This mission provided an initial assessment of the emergency needs of civilian populations and the rehabilitation requirements in Kosovo.

The United Nations Secretary-General appointed Carl Bildt (Sweden) and Edward Kukan (Slovakia) as special envoys for Balkans to assist in restoring peace and security and establishing conditions conducive to the voluntary return of refugees and displaced persons. On 6 May, the G-8 Foreign Ministers, met in Bonn (Germany) and adopted general principles on the political solution of the Kosovo crisis. The Yugoslavia conveyed to the Secretary-General, on 4 June, that it accepted the G-8 peace plan (principles). On 10 June, the Security Council adopted the resolution 1244, which marked the end of conflict and the establishment of the United Nations interim administration in Kosovo. NATO military authorities and Federal Republic of Yugoslavia concluded the Military-Technical Agreement (Kumanovo agreement) on the procedures and modalities of the withdrawal of the Federal Republic of Yugoslavia's (FRY) Security Forces from Kosovo. By that agreement, it agreed to the deployment of the international security force called KFOR in Kosovo. With the confirmation of Yugoslavia's withdrawal of its forces from Kosovo, NATO suspended its air campaign.

The final way in which the United Nations can help to patch-up

situations is by engaging in an administrative activity. In this set up, a disputed area may be handed over to the United Nations to permit the opening of negotiations regarding its future. The United Nations acting as its government until the conflicting parties may agree that the question at issue should be decided at a latter date by the inhabitants of the region concerned. A further possibility is that the international rule may be the means of transferring an area from one authority to another.⁴⁸ The United Nations finally tried to solve the Kosovo crisis through the implementation of resolution 1244 and established an Interim Administration Mission (UNMIK) in Kosovo.

CAUSES OF THE UNITED NATIONS FAILURE TO HALT GROSS HUMAN RIGHTS VIOLATIONS IN PRE-UNMIK CONTROLLED KOSOVO

The analysis of humanitarian role of the United Nations in the Kosovo crisis showed that the world body inspite of its efforts failed to avert and halt upsurge of violence in Kosovo and this failure led to the NATO attack without prior authorization of the Security Council. There are several factors which accounts for the initial hesitancy of the Security Council Permanent Members i.e.

Firstly, there were divisions among the major powers e.g. Russia refused to support many sanctions. Russia opposed not only the use of military power but also the economic sanctions that were imposed by the EU and the United States. Russia tried to preserve its controlling role in the further administration of the Kosovo Crisis. Russia retained this role by having involvement in the crisis of collective bodies which it was representing and was able to block decisions requiring consensus. These bodies were Contact Group, OSCE and the United Nations Security Council where Russia enjoyed Veto Power. France too was trying to preserve its role as a leading international power. It also attempted to undermine the United States attempt to locate further decision-making on Kosovo away from the Security Council and towards NATO, which the United States dominated. Italy also played similar role to protect its influence on events through the Contact Group. The EU's role in the Kosovo crisis made the matter more difficult because it was intended to symbolize the ability of the Europeans to sort out their own backyard problems without the need to rely on the decisive United

States action. The attempt to achieve a settlement for Kosovo also reopened the struggle for pre-eminence between the OSCE (Russia consider it principal focus of authority in relation to peace and security in Europe), The EU and the United States and the United Kingdom which wanted to preserve the dominant role of NATO.⁴⁹

Some states were wishing to temper punitive measures imposed by the Security Council with positive incentives. That's why, the one consequence of international diplomacy over the past decade was to radicalize the Kosovo Albanians and another to embolden President Milosevic's actions in Kosovo. Since November 1995, the United Nations has maintained an 'outer wall' of sanctions against Belgrade. But, through the Security Council Resolution 1022 (22 November 1995) suspended some sanctions against Yugoslavia for inducing President Milosevic to assume more conciliatory stance towards Kosovo. The United Nations Security Council, on the other hand, barred Yugoslavia's membership in major international organizations including International Monetary Fund (IMF) and World Bank (WB). But President Milosevic successfully managed to offset many of the effects of these measures. The sale of 49 percent of Telecom Serbia to Telecom Italia and Greece in 1997 brought enormous relief to Belgrade's strained treasury. While the European Commission decided not to renew trade preferences for Yugoslavia in December 1997 but Britain and Italy were engaged in efforts to finance the setting up a stock exchange in Belgrade. The British embassy was using the services of an investment Bank to promote business. Italy opened a trade office in Belgrade and German, French and Greek companies were busy to negotiate business deals.⁵⁰

Secondly, the United States unwillingness to follow through its threat of air strikes against the Serbian Military targets conveyed the impression of softness towards Yugoslavia. The United States President George Bush delivered a warning to Milosevic in December 1992 during Bosnian war. President Bush feared that the spillover effect of Bosnian genocide reached Kosovo if President Milosevic cracked down on Albanians. President Clinton also reaffirmed this threat after took office in 1993. These threats helped to keep peace in Kosovo for five years but did not relieve the

apartheid-like repression endured by the ethnic Albanians. On February 1998, the US envoy Gelbard Praised Milosevic for his constructive attitude towards Dayton process and signalled America's readiness to several sanction against Yugoslavia. Envoy Gelbard declared Kosovo Liberation Army (KLA) a terrorist organization for pressurising Belgrade to adopt a more constructive and positive approach towards Kosovo.⁵¹ It was shortly thereafter that President Milosevic launched large scale attacks against local population and killed 2000 people, displaced 500,000 from their homes, collapsed number of villages.⁵²

The third factor which inhibited the major powers to act decisively in the Kosovo crisis was Serbian sovereignty. Although, the Serbian behaviour in Kosovo was not, as Belgrade claimed, strictly its internal affair. The grave breaches of international humanitarian law in Yugoslavia were a legitimate concern of international community as established by various international covenants to which Yugoslavia was also a signatory and the statute of the UN's International Criminal Tribunal for the Former Yugoslavia. But, the major powers could not reach on consensus to intervene or use forcible measures in defence of humanitarian principles (which were lawful or desirable in Kosovo) due to the violation of Serbian sovereignty and its possible ramifications for world order.

Fourthly, the failure of the international community to lend effective support to the Kosovar Albanians in their struggle for self-determination (notwithstanding evidents concern for their plight) has led growing numbers of the latter to abandon non-violent resistance in favour of armed struggle.⁵³

In addition, the federal republics were entitled to claim statehood on the basis of a right to self determination which was not located in general international law but in Yugoslavia's constitution law. The Yugoslavia's Constitution of 1974 had provided the possibility of secession of its constituent republics. The legal management of the creation of the new states within the Former Yugoslavia made clear that the concept of self-determination based in the constitutional status of a republic within a federation was not free from danger. This was made evident by the example of

Chechnya. Chechnya was an autonomous territory within Russia which was a federal unit of USSR. Russia achieved statehood after USSR's demise in 1991. The new Russian constitution in turn promoted Chechnya to the status of a republic within the Russian Federation. Chechnya engaged in an armed struggle for independence when it found that the Russian Federation was not accorded it the legal protection available under doctrine of self-determination. The Russian state used brutal repressive force against rebel Chechnya and changed it into a rubble. But international community, instead of insisting on a cessation of repressive measures, withdrawal of Russian troops and the maintenance of territorial integrity of Chechnya, merely demanded compliance by Russia with human rights and humanitarian law for management of the crisis. The Kosovo fell between the precedent of the Yugoslav republics and of the Chechnya.⁵⁴

A fifth factor was related with some fundamental but paradoxical aims shared by major powers and President Milosevic. The major powers adamantly opposed the Kosovo's independence like President Milosevic but for very different reasons. The United States and the West European states were concerned that the establishment of independent Kosovo would shatter the fragile peace in Bosnia and stimulate the Kosovo Albanian minority in neighbouring Macedonia to join Kosovar state. The major powers also feared that an independent Kosovo would seek to unite with Albania. The major concern of international community was that an independent Kosovo would serve as a positive example for the numerous self-determination movements bent on separation elsewhere in the Europe.⁵⁵ Although, the major powers and President Milosevic had common interests to defeat separatism in Kosovo but they have disagreed about the means to be employed and the framework of the possible solution. Due to these reasons, the major powers and the Contact Group were no longer insisted on the withdrawal of Yugoslavia's special forces from Kosovo but modestly demanded to halt Belgrade's attacks against the civilian people.

The United Nations Mission in Kosovo successfully worked with comprehensive authority in all aspects of Kosovar society until

the final settlement of Kosovo's status in international relations. While the Kosovo crisis reflected the sound and strong peace-building role of the United Nations in the post-Cold War intrastate conflicts but it also shows the impact of changed world power relations on the United Nations system. Even the political solution of Kosovo war did not take place in the Security Council but rather in the Group of Eight (G-8) industrialized countries forum.⁵⁶ This further undermined the Security Council's position as the principal actor in the management of international peace and security. Before analysis of the United Nations role in building of Kosovo's shattered society, the analysis of the role of the United States and NATO in the Kosovo crisis is necessary because both powerful actors strongly effected the working of the United Nations system in world affairs.

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1. Hans Peter Schmitz and Kathryn Sikkinic, "International Human Rights" in Walter Carlsnaes *et al.*, *Handbook of International Relations* (London, 2002), pp. 528-529.
2. The deeper roots actually go back much further e.g. Jean-Jacques Rousseau argued that the principle of state sovereignty (as recognized by the treaty of westphalia) was partially responsible for wars. These influences generated the idea that there needed to be curbs on sovereignty for increased international cooperation. At the start of the twentieth century, many political leaders sought to create a cooperative community of nation-states that would ensure the collective security of member states. The notion of collective security, combined with the harsh lessons of World War I, led to the formation of the League of Nations in 1918. The League of Nations was almost completely ineffective and did not prevent the outbreak of World War II. The United Nations is the world's second attempt at creating an intergovernmental organization (IGO) to ensure world peace and to establish the economic, social and political foundations through which this can be realized. Chapter - I of the United Nations Charter lists purposes and Principles of the organization. The Preamble makes a logical distinction between ends and means while chapter I distinguished between purposes and principles. Article I formulates four purposes of the United Nations which cover both ends and means. Article 2 defines the seven principles which guide the actions of the members of the United Nations. The logical relationship between Articles 1 and 2 seems to be that Article 1 defines ends and means while Article 2 lays down the general standards of action which observed with regard to those ends means. For more details of Historical evolution of the United Nations. See W. Raymond Duncan *et al.*, *Power Politics in 21st Century* (NY, 2002), p. 213. See, Graham Evans

and Jeffry Newnham, *The Penguin Dictionary of International Relations* (London, 1998), p. 552. Charles W. Kegley, Jr. & Eugene R. Wittkopf, *World Politics : Trends and Transformation* (NY, 1999), edn. VIII, p. 750. Yearbook of United Nations, 1994-95 (NY : United Nations Publications, 1994-95), p. 15. See Hans J. Morganthau, *The Impasse of American Foreign Policy* (Chicago, 1962), p. 113. A. Leroy Bennett, *International Organizations : Principles and Issues* (New Jersey, 1991), p. 55. See Chapter VII of United Nations Charter related to regional arrangements.

3. These three concepts are represented the views of Machiavalli, Hugo Grotius and immanuel kant respectively. The first concept views states as power agencies that pursue their own interests. It can be distinguished between extreme realism and moderate realism. Extreme realists deny the existence of an international society. The society is possible within states but not between states. No sovereign state has a authority to command any other sovereign state. No sovereign state has obligation to obey any other state. Moderate realists are closer to rationalists in international law. But they see international law as based on the interests and responsibilities of the great powers. Rationalists views states as legal organizations that operate in accordance with international law and diplomatic practice. It thus conceives of international relations as rule governed activities based on the mutually recognized authority of sovereign states. The third concept downplays the importance of states and places the emphasis on human beings. There are two 'hard' and soft versions of revolutionism. Duncan, n. 2, p. 215.
4. Stanley Hoffman, *World Disorders : Troubled Peace in the Post-Cold War Era* (NY, 1998), p. 180.
5. Only states can become members of the organization. Membership requirements are, a commitment to the principles of the charter which sustains the territorial sovereignty principle and a declaration of being peace loving. There are no entrance requirements that refer to the internal arrangements of states. The charter prohibits actions dealing with member's domestic politics and concern with the conditions of populations within states is secondary, perhaps only negligible. The only constraint on sovereignty is the prohibition against the threat or use of force except for self-defense or when ordered by the Security Council. The civil and intra-state wars erupted after end of cold war had not been anticipated by the drafters of the charter. The Kosovo crisis is the extreme which presented new intellectual challenges to almost every principle of the United Nations. See Richard A. Falk, "Democratizing, Internationalizing, and Globalizing" in Yosirkazu Sakamoto, ed., *Global Transformation : Challenges to the State System* (NY, 1994), p. See, Kalevi J. Holsti, *The State, War and the State of the War* (NY, 1996), p. 189.
6. The rule of non-intervention was to be rigidly applied in international relations and what happened within states was no concern of outsiders. The predominant view of governments was that the sovereignty was a private world into which the outside world was not permitted to enter. The only exception was operations under the charter rules. The principle of domestic jurisdiction shall not prejudice the application of enforcement measures under VII. The security

council justified intervention within a state only when there was a threat to international peace and security (Article 2 para 7), and when there are gross infringements of human rights. Subsequent secessions and irredentist enlargements were ruled out. This meant that criteria for state creation and recognition (other than in context of decolonisation) were never examined. Authoritarian regimes replaced democratically elected ones without affecting in any way their membership of international society. Article 2 (7) of the charter did not discriminate in the protection it provided to regimes from interference in their domestic affairs. See Robert Jackson and Georg Sorenson, *Introduction to International Relations* (Oxford, 1999), pp. 143, 148, 150, 151. James Mayall (ed.), *The New Internationalism : 1991-1994* (Cambridge, 1996), p. 6.

7. This phenomenon reflect the 'postinternational' relations in which the world system can no longer be solely or primarily categorized as consisting of relations between nations. 'Fragmagration' is the speciality of this phenomenon because it is marked by various structures of systemic cooperation and subsystemic conflicts. In subsystemic conflicts, there are no declarations of wars, classical-type campaigns, and organized armies. This create dilemma for the United Nations Security Council because there are not threat to peace, breach of peace and act of aggression occur. The victims are civil population, minority groups and indigenous people etc. This phenomenon referred to the fractious relations between distinct ethno-cultural groups that undermined national and regional stability. Rwanda, Somalia, Kosovo, Bosnia, East Timor and various other problems represented this phenomenon. See Alexandra Novosseloff, "Revitalizing the United Nations : Anticipation and Prevention as Primary Goal", *Strategic Analysis*, Vol. XXV (Nov. 2001), p. 947. See, William F. Felice, "The Viability of the United Nations Approach to Economic and Social Human Right in Globalized Economy", *International Affairs*, Vol. 75 (1999), p. 586. For detailed study of post-cold war world order see James N. Rosenau, *Along the Domestic-Foreign Frontier : Exploring Governance in a Turbulent World* (Cambridge, 1997), p. 35-39. For detailed study of Minority Protection System see Liann Thio, "Battling Balkanization : Regional Approaches Toward Minority Protection Beyond Europe", *Harvard International Law Journal*, Vol. 43 (Summer 2002), pp. 409-468.
8. Christopher Lord, *Prague to Pretoria* (Prague, 2000), p. 18.
9. Paul Taylor, "The United Nations in the 1990s : Positive Cosmopolitanism and the Issue of Sovereignty", *Political Studies*, Vol. XLVII (1999), p. 545.
10. Kofi Annan, "Two Concepts of Sovereignty", *The Economist*, 18th Sep. 1999, p. 49.
11. Bennett, n. 2, p. 380.
12. The post-cold war peace-keeping used for the prevention, containment, moderation, and termination of hostilities between or within states through the medium of peaceful third party intervention organised and directed internationally, using multinational forces of soldiers, police and civilians to restore and maintain peace. It also include the tasks of assisting humanitarian agencies to deliver aid and protect displaced persons, stabilized failed or collapsed states, developing democratic institutions that respect monitor human

rights and ultimately administrating territories and their entire populations. The operations in this category are not differ substantially from which fall in first category in their make-up and activity. The distinction between two is not based on the specific mandates which the United Nations gives to its missions, but on the wider purposes which their establishment is intended to serve. The allocation of operations to first and second categories is based on the majority member states, particularly on their interests in keeping the disputant quit or in preventing the weaker party from being overrun. For detail study of Meaning, Legal System and Transformation of UN Peacekeeping, see, Espen Barth, "Peacekeeping Past and Present", *NATO Review*, Vol. 49 (Summer 2001), p. 6. See, Secretary-General's report on the Work of Organization, 1993 (NY : United Nations, 1993), para 278. See, Michael Pugh, "Peacekeeping and Humanitarian International", in Brain White *et al.*, See Article 40, 41, 42 of United Nations Charter. See also Eric G. Berman and Katie E. Sams, Legal assessment of United Nations peacekeeping see A. Cassesse (ed.), *United Nations Peace-keeping : Legal Essays* (Netherland, 1978). For more information about *Peacekeeping in Africa : Capabilities and Culpabilities* (NY, 2000), pp. 26, 29.

13. For detailed study of Changed Structures, Tasks and Components of Post-Cold War Peacekeeping, see, C.S.R. Murthy, "United Nations Peacekeeping in Intrastate Conflicts: Emerging Trends", *International Studies*, Vol. 38 (July-Sep. 2001), p. 214. See, Boutros B. Ghali, "Empowering the United Nations", *Foreign Affairs*, Vol. 71, Winter 1992/1993, p. 89. See also Boutras B. Ghali, "An Agenda for Peace : One Year later", *Orbis*, Vol. 37 (Summer 1993), p. 323. See, Michael T. Klare, *Peace and World Security Studies* (London, 1994), p. 21. See, Mark Thomson and Monroe E. Price, "International, Media and Human Rights", *Survival*, Vol. 45 (Spring 2003), p. 183. See Gregory Copley, "Keeping the Peace or Postponing Resolution", *Defense and Foreign Affairs Strategic Policy*, Vol. XXV (Oct. 1997), p. 9. See, David M. Malone and Karin Wermester, "Boom and Bust : The Changing Nature of UN Peacekeeping" in Adekeye Adebajo and Chandra Bokha Sriram (ed.), *Managing Armed Conflicts in the 21st Century* (London, 2001), p. 37-53. See, Ramesh Thakur ad Albrecht Schnabel, *United Nations Peacekeeping Operations : Adhoc Missions Permanent Engagement* (NY, 2001), p. 9. See, Abiodun Alau *et al.*, *Peacekeeping Politicians and Warlords* (NY, 1999), pp. 5-6. See, M.W. Doyle *et al.* (ed.) *Keeping the Peace : Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge, 1991), p. 2. Philip Wilkinson, "The Doctrinal Basis of Peace Support Operations" in Christopher Lord, n. 8, p. 203.
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29. James, n. 18, pp. 179-180.
30. The Contact Group established in 1994 by the Steering Committee of the International Conference on Yugoslavia on Former Yugoslavia, comprised France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.
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32. See UN Security Council Resolution 1160, UN DOCS/RES/1160, March 31, 1998.
33. Yearbook of United Nations, 1998, n. 31, pp. 371-377.
34. See UN Security Council Resolution 1199, UN DOCS/RES/1199, September 23, 1998.
35. James, n. 18, pp. 260, 261.
36. Yearbook of United Nations 1998, n. 31, pp. 379, 380.
37. *Ibid.*, p. 381.
38. UN Security Resolution 1203, UN DOCS/RES/1203, October 24, 1998.
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52. Kessing's Record of World Events, Vol. 44 (June 1998), p. 42157.
53. The Kosovar Albanian's desire to break free from Serbia has deep roots which predates Yugoslavia's collapse in 1991. The international community generally took little interest in Kosovo affair because minority rights were until fairly recently regarded as the province of domestic politics and the interference in a state's domestic affairs is prohibited under international law. But, Yugoslavia's disintegration forced the question of self-determination of all Yugoslav nations on the international agenda. However, several actions by international community (European community in particular) ensured that the question of Kosovo would be effectively removed from that agenda. The Badinter Commission, which was established by European community in September 1991, issued a number of important opinions concerning the legal status of Yugoslavia and its constituent units. Although these were non-binding opinions but they provided rationalization for subsequent state practice which had important ramifications for Kosovo. In November 1991, the Commission concluded that Yugoslavia was in the process of dissolution and that the republics seeking independence were not rebel entities but new states created on the territory of the former SFRY (Socialist Federal Republic of Yugoslavia). This opinion is important because the "dissolution of Yugoslavia" meant that international support for the former republics would not be tantamount to support for secession, which is an act arguably in the contravention of the UN charter. See, Weller, n. 42, p. 215.
54. The Kosovo Albanians were clearly one of the target populations whose status the EC was seeking to enhance. Indeed, the version of Carrington draft convention contained the further requirement that the republics shall apply fully and in good faith the provisions existing prior to 1990 for autonomous provinces. This was obvious reference to the autonomy of Kosovo and

Vojvodina which Serbia had revoked. Yet in an effort to gain Serbian President Milosevic's acceptance of the convention, Carrington's team made an extraordinary concessions and eliminated this requirement from the subsequent version of the convention. When EC in April 1996 (Now European Union) decided finally to extend recognition to the federal republic of Yugoslavia consisting of Serbia and Montenegro, it dispensed with the weaker requirement of a special status for the Kosovar Albanians altogether. The EU merely observed at the time that it 'consider' the improved relations between the Yugoslavia and the international community would depend *inter alia* on a 'constructive approach' by the Yugoslavia to the granting of autonomy for Kosovo. These concessions were a profound disappointment for the Kosovar Albanians. But the gravest disappointment came with the 'Dayton negotiations which formally settled the Bosnian conflict in 1996. Nevertheless, the conclusion many Albanians drew from Dayton proceedings was that the ethnic territories have legitimacy and the international attention can only be obtained through war. In a manner reminiscent of the commencement of the 'intifada' in 1987 when the Palestinians in the 'occupied territories' perceived that they, too, were slipping from the agenda of regional and international concerns. The Kosovo's Albanians increasingly lost faith in the patient ways of their leadership and gravitated toward armed struggle. It was this reservoir of disillusionment and sense of betrayal that explained the growing support among Albanians for the militant separatist Kosovo Liberation Army or UCK (Ushtria Clirimtare Kosoves). The KLA has become such a prominent feature of the Kosovo landscape that it is easy to forget that only one year ago it was a tiny force with little public visibility. The Islamic fundamentalism and Jihad factor gave it further strength through weapons and moral help. Caplan, n. 50, p. 149; Hooper, n. 51, p. 160; Yossef Bodansky, "Italy becomes Iran's New Base for Terrorist Operations", *Defense and Foreign Affairs Strategic Policy*, Vol. XXVI (April/May 1998), p. 5-9.

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Limitations and Constraints on United Nations for Action in Kosovo

PART I : ROLE OF NORTH ATLANTIC TREATY ORGANIZATION (NATO)

NATO's intervention in Kosovo crisis has put the United Nations ability to maintain international order to a real test. The Kosovo crisis highlighted the dilemma of legitimacy for a group of states to act in order to prevent or halt humanitarian emergency where the Security Council is deadlocked in disagreement. NATO's role in Kosovo highly affected the relevance of the United Nations in the world affairs. The analysis of political, legal and philosophical issues raised by the Kosovo crisis is necessary for understanding the diminished United Nations position regarding use of force.

NATO was the result of the outbreak of the Cold War. It marginalized the security role of the United Nations and thwarted President Roosevelt's strategy based on the policy of securing sustained the United States involvement in world affairs through universal security organization. President Harry Truman soon discovered that the cold war provided an even more effective substitute. By invoking the communist menace, the Truman doctrine had clearly put the United States into power politics. It facilitated its institutionalized involvement in Europe. At the same time, the European involvement took on a peculiarly American form. It was neither based on the old-fashioned system of bilateral alliances with several West European countries nor only based on "dumb-bell model" with the United States and Canada on one side and Western Europe on other and the Great Britain linking the two. Instead, it assumed the form of imagined yet indivisible North Atlantic Community in which attack on one would be considered attack on all. NATO founded in 1949, played a collective defence role for its

member allied states. It became an essential part of a new European security order that aimed to contain the Soviet Union and curb its expansionist tendencies. It is an arc which symbolized the West's political strength and supported by two pillars i.e. North America and Western Europe.

Since the signing of North Atlantic Treaty, it has faced a number of storms which put its resolve, cohesion and even the ground of its existence to the test. It also faced the possibility of gradual, spontaneous disintegration after period of incoherence.¹ With the end of cold war, it was expected that NATO's demise would soon follow and even if it did not disappear altogether, it would become empty shell, no longer performing any useful function. NATO in contrast to these pessimistic expectations has not become moribund. It has not only survived but elaborated its organizational bodies and undertook new activities. The allies have updated their common strategic concept. They have developed new policies and fora for promoting dialogue and security cooperation with the former communist states of Central and Eastern Europe.²

NATO's highly institutionalized character facilitated its ability to survive after the disappearance of the Soviet Union. The new strategic concept (adopted in 1991 and further expanded in 1999) has shifted its primary mission from deterrence or defense from external attack towards potential source of instability. These sources include ethnic conflicts, terrorism and weapons of mass destruction etc.³ NATO as a defensive alliance was obliged to take action only if foreign power attacked one of its member directly. Problems arising beyond its territory were not its responsibility. But the new strategic concept makes it impossible for NATO to not ignore events in neighbouring area even if they lie outside its formal boundaries.⁴ NATO's attack on Serbia in 1999 was the example of its outside functioning from North Atlantic areas. NATO's war in Kosovo illustrated its claim to be the main guarantor of regional stability and its relevance in European Security Paradigm.

IMPACT OF NATO'S ATTACK ON YUGOSLAVIA ON THE LEGAL STRUCTURE OF THE UN CHARTER'S USE OF FORCE IN WORLD POLITICS

NATO's Kosovo intervention, on the other hand, has raised

large number of issues. This may sound to consider that the United Nations was virtually sidelined by NATO in the management of the Kosovo crisis. NATO action in Serbia represents an obvious erosion of the United Nations authority on use of force in international affairs. NATO justified its intervention on humanitarian grounds. This raised, philosophical, legal and political debates about humanitarian intervention, the role of powerful states and regional organizations in internal crises. For understanding NATO's intervention in Kosovo crisis, it is necessary to analyse the international law regarding use of force under the United Nations Charter. The attempt to control the use of force falls broadly into two categories i.e. *jus ad bellum* (the circumstances in which force may properly be used). Second is *jus ad bella* (the manner in which hostilities are conducted). With regard to *jus ad bellum*, various international treaties prescribed limitations on conduct of hostilities.⁵ The league of Nations Covenant attempted further modest limitations on the unilateral use of force. But it has been the United Nations Charter that provides a comprehensive set of prescriptions on conflict resolution and use of force. The structure of the UN Charter is complex so far as the use of force is concerned. The interesting Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of a state. The only unilateral use of force permitted to a state is that of individual or collective self-defence under Article 51. This too has been commonly accepted that the prohibition of intervention applies regardless of the political ideology or the moral virtue of government of target state. There was general agreement that the charter prohibits intervention by any state even for humanitarian purposes.⁶

The Article 2(7) is forbidding intervention within the “domestic jurisdiction” of a member state except by the decision of the Security Council under chapter VII. The strict limitation on the use of force in the Charter is dependent upon the provision of the Collective Security. The UN Charter's collective security system is constructed in chapter VII (Articles 39 to 51) which authorizes Security Council to use force under the Collective Security system. The functions of the Security Council are described in Article 24-26 of the Charter.

The specific powers for the discharge of these functions are laid down in chapters VI, VII, VIII and XII of the UN Charter. The chapter VI of the charter provides some functions to the Security Council which are related to the pacific settlement of disputes those likely to endanger international peace and security. The chapter VII provides the means for fulfilment of the Security Council's functions other than those under chapter VI relating to the pacific settlement of disputes.⁷ The Table 4.1 provides a "threshold ladder of intervention" which corresponds to the three authorising Article i.e. Articles 40-42 found in the United Nations Charter.

Levels of Enforcement	Response Options
1. Preventive/Humanitarian (UN Charter, Article 40)	<ul style="list-style-type: none"> a) Preventive Diplomacy. b) Withdrawal of diplomatic recognition. c) Provision of medical and food relief supplies to non-combatants, as well as troupes necessary to ensure proper distribution of supplies.
2. Non-forcible (UN Charter, Article 41)	<ul style="list-style-type: none"> a) Economic sanctions. b) Suspensions of foreign aid. c) Arms embargo. d) UN Peacekeeping Missions (use of troupes to guarantee cease-fire or mutually agreed truce).
3. Direct-forcible (UN Charter, Article 42)	<ul style="list-style-type: none"> a) Threat of Military force to restore internationally acceptable level of standards. b) Establishment and enforcement of no-fly zones. c) Direct intervention.

Table4.1 : Threshold Ladder of intervention into situations of Human Rights violations by states.⁸

Source : Christopher M. Ryan, Millennium Journal of International Studies, p. 98.

The important function of the Security Council under Article 39 is to decide or recommend measures in order to maintain or restore international peace and security. Any action taken by the Security Council is contingent on the adoption of an enabling resolution. This resolution can only be carried by an affirmative vote of at least nine of the Security Council's fifteen members. Moreover, a resolution must obtain the concurring votes of five permanent members and one negative vote of one of the permanent member (i.e. China, France, Russia, United Kingdom United States) would prevent adoption of the proposed resolution. A permanent member may bar the adoption of any resolution even under Chapter VII or which pointed at itself and its closely associated state. Thus, the collective security system of the UN Charter is only geared to handle minor disturbers of peace.⁹ The internal conflicts (Kosovo, Chechnya, Tibet etc.) are practically excluded from the reach of charter's collective security system.

In the post-cold war scenario, the dangerous and organizationally challenging nature of interventions in internal conflicts led the United Nations Security Council to subcontract the military requirements with coalition forces. The 1990 Gulf war, operation Restore Hope in Somalia and the Implementation Force in Bosnia were examples of these subcontracted operations. The political leadership and determination of intervention had largely provided by the United States in these interventions. The powerful element of the military forces was drawn from NATO countries. The serious humanitarian crises during civil conflicts after the end of cold war also provided important role to regional organizations. The United Nations Charter envisaged that regional organizations would have a role to play in maintenance of peace and security during complex emergencies. This role is reflected in chapter VIII of the UN Charter. The charter provided that the regional arrangements act only under individual or collection security or where the United Nations Security Council had authorised a regional organization to use force in dealing with a threat to international peace and security.¹⁰ NATO, on the other hand, attacked Serbia without prior authorization of the Security Council in 1999 to compel it to accept a settlement of the Kosovo crisis. The analysis of legal issues regarding NATO's action in the Kosovo is necessary

to understand the consequent erosion of the United Nations authority on the use of force in world politics.

The prohibition of the threat or use of force under Article 2(4) of the UN Charter forms the very basis for the maintenance of international peace and security. The only two exceptions are the right of self-defence codified in Article 51¹¹ and Collective Security measures under Chapter VII of the United Nations Charter. It is important to note that NATO did justify its attack on Serbia on the ground of self-defence. Article 51 permits the exercise of right of self-defence only “if an armed attack occurs against a member state.” The phrase “armed attack” included within its ambit, the action by regular forces across on international border, action by armed bands or groups on behalf of state which amount to actual armed attack.¹² These categories indicate that only physical act of aggression will qualify as “armed attack”. NATO cannot allege that Yugoslavia had launched an “armed attack” against another state.

NATO justified its threat and subsequent use of force against Serbia on two broad grounds. Firstly, that the Security Council had determined by Resolution 1199 that the situation in Kosovo constituted a threat to peace and security in the region. Secondly, that there was large scale human suffering in the region (Specifically the repression of Albanians in Kosovo and consequent spillover effect of exodus of thousands of refugees threaten the region). The important issues arise from this justification i.e. whether the mere determination by the Security Council (that a situation constitutes a threat to peace and security) gives member state a right to use force to deal with it. The other main important issue is about the recognition of the right of unilateral humanitarian intervention in international law.¹³ The Security Council adopted three resolutions under chapter VII of Charter prior to NATO bombing campaign. The Resolution 1199 concluded by stating “if Federal Republic of Yugoslavia (FRY) did not implement the measures optioned in Resolutions 1160 and 1199, the Security Council will consider further action.” And it would take further additional measures to maintain or restore peace and stability in the region. It is evident from Resolution 1199 that the Security Council gave an opportunity to Federal Republic of Yugoslavia to comply with its wishes. It

reserved the right to determine further “action and additional measures” to be taken in the evidence of the fact that Yugoslavia comply with the resolutions 1160 and 1190. It was not left to other states to determine what further actions and additional measure could be taken.¹⁴ This Resolution did not even remotely imply that any state or regional organization could apply the use of force to deal with the situation.

The Articles 41-42 of the United Nations Charter provides that the Security Council may be authorized the use of force only after determining that the non-lethal measures under Article 41 would be exhausted. Article 33 of the UN Charter provides that the parties to any dispute must first seek a resolution by peaceful means. Article 42 only allowed use of force as a last resort. It means that the Security Council must determine the use of military means.¹⁵ The Security Council in Resolution 1199 could not determine that non-lethal measures had failed to deal with the threat posed by the Kosovo crisis. On the other hand, the Resolution 1199 merely imposed certain demands on Yugoslavia and warned it that non-compliance with same would necessitate a consideration of further action. NATO’s justification of use of force in Kosovo was further weakened by Resolution 1203. This Resolution emphasized that the “primary responsibility for the maintenance of international peace and security is conferred on the Security Council. The Resolution also called upon the Yugoslavia, Kosovo Liberation Force (KLA) and all other states and organizations to stop using force and called for a halt to the violations of human rights. Both resolutions 1199, 1203 did not authorize the use of force by any outside entity. Rather, they reaffirmed the sovereignty and territorial integrity of the Yugoslavia.¹⁶ In this situation, outside entity i.e. NATO had no right to take forcible action. It is evident that no state or group of states is entitled to the use of force in response to mere threat to international peace and security. The use of forcible measures by NATO is also illegal because it had not the specific authorisation of the Security Council to take enforcement action. The legal state of affairs would have been entirely different if the Security Council decided that there was a breach of peace. NATO could then have exercised the right of self-defence.¹⁷ But in the Resolutions 1199,

1203, the Security Council could not use the word “breach of peace”. Thus, NATO’s interpretation to construe it as an authorization for the use of force is to conflate the two steps described by the Article 41-42 of the UN Charter.

In a letter to the permanent representatives to the North Atlantic Council, dated 9 October 1998, the Secretary-General of NATO, Javier Solana sought to justify the threat of the force against Yugoslavia. He referred the Security Council’s view through Resolution 1199 that the conflict in Kosovo constituted a threat to the peace and security in the region. But the Yugoslavia had not yet complied with Resolutions 1160 and 1199. He concluded by saying;

Because of the unfolding crisis in Kosovo and the impossibility of obtaining a Security Council authorisation for the use of force to end the same due to Russian opposition, the NATO Allies believe that in the particular circumstances with respect to the present crisis in Kosovo as described in UNSC Resolution 1199, there are legitimate grounds for Alliance to threaten, and if necessary, to use force.¹⁸

The above quoted lines of NATO’s Secretary-General Solana’s letter mentions the improbability of obtaining a Security Council’s resolution containing an explicit mandate for enforcement action. He admitted that such a resolution was necessary. NATO proceeded to threaten and use force knowing fully well that it was doing so without authorisation of the Security Council.¹⁹ It makes the violation of the UN Charter all the more flagrant.

NATO ATTACK AND AN INCOMPATIBILITY BETWEEN TWO PRINCIPLES OF SOVEREIGN EQUALITY AND HUMAN RIGHTS OF UN SYSTEM

The other most important justification given by NATO was “Humanitarian intervention” for the use of force in Kosovo. It is important to examine that whether such a right existed in international law. The “treaty of Westphalia” in 1648 divided the powers of Church and State. It lent to the state the characters of immutability and inviolability and reserved “perfection” and transcendence to the Church. Thus, from the initiation of the nation-state system, the independent states enjoy sovereignty over a given territory. They pursue their interests free from outside interference

in their internal affairs. This customary principle of sovereign equality of states survived from three centuries.²⁰ This right is also incorporated in Article 2(1) in the United Nations Charter.

Since 1945, the debate has been focused on the alleged incompatibility of two principles of the United Nations system i.e. sovereign equality and human rights. The former is enshrined in Articles 2(1), 2(4) and 2(7) of the UN Charter. Under these Articles, the states enjoy sovereign equality defined internally as exclusive jurisdiction within a territory and externally as freedom from outside intervention. The human rights identified in preamble Article 1(3) of the UN Charter. This right is further elaborated in subsequent declarations and conventions.²¹ As the UN Charter is firmly upholding the sovereignty and integrity of states, a parallel but contradictory trend developed in international law since 1945. This trend is giving priority to human rights. Human rights instruments got multiplied and 'states' have undertaken legal commitments to uphold these rights. The process has reached even more advanced legal stage in the Europe. All members of Organization of Security and Cooperation in Europe (OSCE) have accepted that "the commitments in the field of human dimensions are matter of direct and legitimate concern to all members and do not belong exclusively to the internal affairs of the state concerned." Although such a far-reaching recognition of human-rights obligations does not exist at the universal level but the trend goes in same direction. The international human rights law is considered as entailing *erga omnes* obligation (i.e. obligations that states respect in all circumstances without any contractual exception or requirement of reciprocity).²²

From a legal point of view, it is essential to distinguish between international human-rights law and humanitarian law. International human-rights law is an offshoot of UN's Declaration of Human Rights and consists of a body of rules adopted at the universal level. It includes, the 1966 covenants on international civil, political, economic and social rights, the 1984 convention on human rights and 1999 European convention on human rights. These provide a set of political and judicial procedures to monitor respect for the rights involved. Some of these rights such as the prohibition of torture have been confirmed as *erga omnes* quality.

International humanitarian law is much more ancient and evolved from incremental efforts by theologians, lawyers and politicians to humanise war by defining rules for *jus in bello*. Its fullest expression can be found in the Geneva Conventions (1949) and their additional protocols (1977). International humanitarian law set the rules for prosecution of war crimes. The post-second World War tribunals at Nuremberg and Tokyo, Law Lords ruling in Pinochet case in England and the adhoc tribunals for Rwanda and Yugoslavia constitute a quite remarkable challenge to the norms of Westphalian system. Yugoslavia's former President Milosevic held during the course of his trial held at the Hague for the indictment of offences, allegedly committed by him in Kosovo. This eventual trial is a turning point in the development of international human rights norms and also changed the notion of the Sovereign immunity. Under this principle, the individuals who happen to be the head of a particular state or members of its government cannot be held personally responsible for the conduct of its official duty.²³ But the decision of the Law Lords in Pinochet case and President Milosevic's indictment consciously undermined this principle. It set the ground that individuals could be held to account for their actions in accordance with international standards. They are not immune from actions perceived by them to be necessary for the exercise of their official functions.

There is a major difference between international human rights law and humanitarian law. The respect for the former is considered the responsibility of states whereas violations of latter entailed the criminal prosecution of individuals. Both laws tend more and more to intersect conditions which combines civil war with massive violations of human rights or genocide. These two bodies of rules provide precise sanctions for their violation. These are slowly but surely accepted universally. The creation of international tribunals of Former Yugoslavia (1993) and Rwanda (1994) and the International Criminal Court (1998) are cases in point. All these courts based their work on a combination of the material law laid out in the Geneva Conventions, the Conventions against genocide and the codification of war crimes and crimes against humanity.²⁴ However, these are becoming sophisticated sanctions but silent on preventive measures.

Yet, it is precisely the prevention of massive human rights violations or humanitarian catastrophes which have become the basis of “humanitarian intervention” practice in recent years.

The United Nations Charter and other human rights instruments do not provide the right of “humanitarian intervention”. The intervention is defined as,

The activity undertaken by a state, a group of states or an international organizations which interferes collectively in the domestic affairs of another state...it is not necessarily lawful or unlawful, but it does break conventional pattern of international relations.²⁵

Article 2(7) of the United Nations Charter prohibits intervention in matters relating to “domestic jurisdiction”. This article shall not prejudice the application of enforcement measures under chapter VII. Various General Assembly Resolutions reiterated the principles of non-intervention in international affairs.²⁶

Non-intervention is a logical corollary of territorial sovereignty. It has traditionally underpinned interstate relations and the United Nations charter. It is a sort of arrangement that was supposed to protect weaker states from the powerful. On the other hand, it also serves frequently as a last line of defense for autocratic governments. The dictator and totalitarian regimes used it to fend off outside criticism and intrusion in their domestic repression.²⁷ Although the non-intervention principle was breached frequently in practice, but the states seemed markedly reluctant to cite the protection of human rights as their reason for invading other country. There are three familiar examples of this reluctance to rely on humanitarian case for intervention. First, the Indian invasion of East Pakistan in 1971, second, Vietnamese invasion of Cambodia in 1978 and third is the Tanzanian invasion of Uganda in 1979. The hideous repression within the target state and consequent refugee flows would have seemed to provide a ready-made justification for doing so. In all above discussed cases, the intervening governments could not used “humanitarian intervention” as a reason for their invasion.²⁸ They used the principle of self-defence under Article 51 as an easier and better means to relate their claim to the United Nations Charter. Thus, the right of “humanitarian intervention” has found little support in international relations.

Yet after the end of Cold War, the attitude toward the aberrant interpretation of “domestic jurisdiction” has changed. From 1945 to until the end of Cold War, human rights remained subordinate to state sovereignty within the framework of the United Nations Charter. The states are encouraged to promote human rights but not commanded to do so. The United Nations bias against intervention reflected in the European history. The drafting powers had been under the dramatic effects of World War II in 1945. The drafters were preoccupied by Hitler as a warmonger not as a architect of European extermination. For them, the aggressive war across national frontiers was more salient risk then the extermination of people within states.²⁹ This fact illuminated by the conspiratorial silence of states about the “Holocaust” and the “Red Terror” existed in 1970s.

The demise of the Soviet Union resulted in the end of bipolarity in 1990s. It had changed several features of contemporary international relations. The end of East-West conflict changed the form of war. It led to a fragmentation of societies undergoing civil wars. The weakness or complete failures of state structures in many conflict-ridden societies provide opportunity for mass scale violence and terrorism. This increased the vulnerability of civilians in the context of civil conflict.³⁰ The “CNN effect” in which global and instantaneous access to information heightens the popular awareness of human suffering and the fear of refugee flows strengthened the human rights norms, led to the proliferation of human rights organizations. In this scenario, the “interventionism” on the basis of humanitarian ground becomes the new form of “political legitimacy” for Western powers. The use of force for humanitarian purposes has become a familiar pattern in the post-Cold War international politics.³¹ NATO’s war in Kosovo has provoked extremely divergent interpretations of “humanitarian intervention. The United Nations Secretary-General Kofi Anan stated,

if humanitarian intervention is, indeed, an acceptable assault on sovereignty, how should be respond to Rwanda, to Serbrenica-to gross and systematic violations of human rights that offend every percept of our common humanity? In essence the problem is one of responsibility, in circumstances in which universally accepted human rights are being violated on a massive scale we have a responsibility to act.³²

The United States and NATO leaders repeatedly explained that the political objective of NATO's air campaign in Kosovo was to avert a humanitarian disaster. They acted to prevent this crisis from becoming a catastrophe.³³ The United States Secretary of State Madeleine Albright pointed,

NATO was forged in the aftermath of "holocaust" and war by the survivors of war to prevent war. It reflected our predecessor's determination to defend hard-won freedoms and their understanding that while weakness invites aggression, strength is parent to peace. By acting on behalf of justice and peace in Kosovo, we are reaffirming NATO's core purpose as a defender of democracy, stability and basic human decency on European soil.³⁴

Czech Republic's President also stated, this is probably the first war that has not been waged in the name of "national interests", but rather in the name of principles and values...Kosovo has no oil fields to be coveted, no member nation in the alliance has any territorial demands on Kosovo. Milosevic does not threaten the territorial integrity of any member of alliance. And yet the alliance is at war...it is fighting because no decent person can stand by and watch the systematic, state directed murder of other people.³⁵

Italian Foreign Minister noted that the Kosovo crisis demonstrated the primacy of human rights in international politics. NATO Secretary General Solana also stated, "for the first time, NATO a defensive alliance, launched a military campaign to avoid a humanitarian tragedy outside its borders. It fought in Kosovo not to conquer or preserve territory, but to protect the values on which the alliance was founded." The pro-interventionists argued that the defects of international law were responsible for Kosovo action. This action did not happen in isolation but after the United Nations failures in Rwanda and Bosnia. The failures of the United Nations in Civil Conflicts were the result of the veto of the Security Council's permanent members. They often threw a monkey wrench on the machinery of collective security. The expected vetoes by Russia and China in Kosovo case compelled NATO leaders to avoid explicit authorisation of the Security Council. This created legitimacy crisis for the Kosovo action. The pro-interventionists further argued that the legitimacy no doubt enhanced the legal

credibility of actions which involved use of force. But the legitimacy and legality represent a complex process that is not confined to the Security Council chambers.³⁶ The state practice on the international level remained key to the shaping of legal norms. The majority of states are likely to shape a legal justification for political actions that deemed morally urgent even involving the use of force. NATO's invoking of legal justification of humanitarian intervention for legitimising Kosovo's action helped international law's proceeding towards mere progressive direction.

The anti-interventionists, on the other hand, take the fundamental view that NATO's recourse to war was legally unacceptable without explicit authorisation of the Security Council. The Security Council controlled all uses of force in international relations and to bypass its authority on the basis of prospective vetoes is illegal. Indeed, the function of the veto is precisely to prevent use of force in the absence of a consensus among permanent members. Thus, NATO's bypassing of the United Nations authority is seen as a devastating constitutional blow to the authority of the organization.³⁷ It also blurred the most basic prohibition inscribed in the international law governing recourse to force, Secretary-General Kofi Annan clearly stated in his 1999 report,

Earlier this year, the Security Council was precluded from intervening in the Kosovo crisis by profound disagreements between council members over whether such an intervention was legitimate. Differences within the council reflected the lack of consensus in the wider international community. Defenders of interpretations of international law stressed the inviolability of state sovereignty, other stressed the moral imperatives to act forcefully in the face of gross violations of human rights...but what is clear is that enforcement actions without Security Council authorization threaten the very core of the international security system founded on the charter of the United Nations. Only the charter provides a universally accepted legal basis for the use of force.³⁸

It is clear that international law has not yet recognized the right of humanitarian intervention. On the other hand, some jurists argued that such a right may exist or is at least evolving. It can only be justified in a extreme and very particular circumstances. The first thing to note is that despite the proliferation of the use of word

‘humanitarian’ there is little clarity about its meaning. It is linked to activities as diverse as the pursuit of universal human rights, the prosecution of those guilty of offending the ‘conscience of mankind.’ It also includes the delivery of emergency aid for human subsistence and the use of military force in a variety of circumstances.

It is argued that intervention in ‘extreme humanitarian emergency’ can be justified the notion of ‘supreme emergency’ first coined by Michael Walzer. It has two components. The first is immediacy of the danger and second is its nature. A supreme emergency occurs where the danger is very close and it must be of an unusual and horrifying kind. But the crucial considerations regarding ‘supreme emergency’ are,

- (i) whether an urgent and compelling situation of extreme and large scale humanitarian distress occurs which demand immediate relief.
- (ii) whether the territorial state is itself capable of meeting the needs of the situation unwilling to do so or perhaps itself the cause of it.³⁹

This legal opinion gave NATO’s action a measure of legitimacy. But this legal opinion concludes that the “intervention would have to be peaceful action (which need not exclude it being carried out by military personal) in a compelling emergency. It is clear that the nature contemplated by this expanded consideration of the right of humanitarian intervention is very different from that undertaken by NATO. It is also argued that the prohibition on the use of force codified in Article 2(4) of the UN Charter is “Jus Cogens” norm. This norm is related with emergence of new peremptory norm of general international law. Article 64 of the Vienna convention described that “if a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.”⁴⁰ The right of “humanitarian intervention” has not attained the status of “Jus Cogens” norm. It cannot be eroded the UN Charter norm of use of force under Article 2(4). Thus, the use of force cannot be justified on the basis of humanitarian intervention.

NATO's intervention in Kosovo also raised political and philosophical debate about the concept of humanitarian intervention. The horrors of Rwanda and other various ethnic wars changed the form and meaning of this concept. In current and new form, it means external interference in the internal affairs of a country with a view to ending or at least reducing the suffering caused by such events as civil war, genocide and starvation. It respects the integrity of state and committed to preserve its territorial boundaries. Paradoxically, it also insists on common humanity and concomitant duty under certain circumstances to disregard state's autonomy.⁴¹ The present actions particularly NATO's intervention in Kosovo has effectively abandoned the old charter rules. These rules strictly limit international intervention in local conflicts. These actions have been undertaken in favour of a vague new system that is much more tolerant of military intervention. This phenomenon has few hard and fast rules. The end of cold war starkly shows that the anti-intervention regimes has fallen out of sync with modern notion of justice.⁴²

PHILOSOPHICAL DEBATE ABOUT NATO ATTACK ON YUGOSLAVIA ON THE BASIS OF HUMANITARIAN INTERVENTION

In international politics, there are two most fundamental values i.e. international order and international justice. The international order is a pattern or disposition of international activity i.e. state sovereignty. International justice contains moral rules which confer rights and duties upon the states and nations. These rules are the right of self-determination, the right of non-intervention and the right of all sovereign states to be treated as equal entities. The state sovereignty and human rights are closely related to order and justice in international relations. On the one hand, the states respect each other's independence i.e. value of sovereignty and non-intervention. On the other hand, international relations not only involve states but also human beings. These human beings possess human rights regardless of state which they happen to be a citizen.⁴³ After the end of Cold War, there is a conflict between these two values. Consequently, it raised various issues i.e. if human rights are massively violated within the state then that state retain its right of

non-intervention? Is the sovereignty sacrosanct in Rwanda and Somalia like situations? In such circumstances, Is there a right of humanitarian intervention to rescue people? How should the two rights be balanced?

The international society approach presents two views for balancing the issue of human rights and non-intervention in international politics. First is “Pluralist” view which stresses that the rights and duties in international society are conferred upon the sovereign states. The individuals have only rights given to them by their own states. Therefore, the principles of sovereignty and non-intervention are sacrosanct. The states have no right to intervene in other state’s for humanitarian reasons. Second is “Solidarist” view which stressed the importance of individuals as the ultimate members of international society. Thus, the states have both right and duty to conduct intervention in order to mitigate extreme cases of human sufferings. The statist, on the other hand, distinguished two accounts of international relations. First is purposive association in which international relations promote specific goals like global principles of justice. Second is ‘practical association’ in which states tolerate each other and refrain from trying to impose their own particular ends on others. In this association, justice requires the independence and legal equality of states, right of self-defense, the duty of non-intervention. The obligation to observe treaties and restrictions on the conduct of war is also part of practical association’s justice. Thus, the “practical conception” of international relations is corollary of the right of non-intervention. The norm of non-intervention protect the right of states to govern as they please and no longer provides protection to cultural, religious, ethnic or national communities which do not possess statehood.⁴⁴ This notion rejects the ‘purposive’ conception.

The pluralists further contend that heterogeneity and difference be respected and tolerated in international politics. The reason of this conception is based on profound disagreements throughout the world on religious, moral, economic and political issues. The states should allow people to go their own different ways and not suppress cultural diversity. The theory of cosmopolitanism describes that states have authority only insofar as they respect interests and rights of citizens

or non-citizens. The states have only instrumental value as a way of furthering the interests of human beings.⁴⁵ This theory further raises debate about humanitarian intervention in post-structuralist, foundationalist and pragmatist views. The post-structuralist views involve a repoliticisation of humanitarianism so that its relationship with sovereignty can be problematized. The repoliticization has to be aimed at both the role played by sovereignty in the technologies of humanitarianism and the pivotal place occupied by sovereignty of human beings (victims of ethnic violence). The first involves understanding of humanitarianism as an instrument and rationality of statecraft rather than challenge to it. The second is based on an account of subjectivity constituted as 'victims', 'devastated populations' and 'populations in distress' through representational media and administrative practices.⁴⁶ Michael Foucault's views reflects this repoliticization which describe,

There exist an 'international citizenry' which has its rights, which has its duties, and which promise to raise itself up against every abuse of power, no matter who the author or victims. After all, we are all governed and, to that extent, in solidarity...people's misfortune must never be the silent remainder of politics. It founds an absolute right to rise up and to address those who hold power...Amnesty international, Terre des Hommes, Medecins du Monde are initiatives which have created a new right that is the right of private individuals to intervene in the order of politics and international strategies. This will of individuals must inscribe itself in a reality over which governments have wanted to reserve a monopoly for themselves - a monopoly which we must uproot little by little everyday.⁴⁷

Foucault's argument speaks to the idea of a political bond enabled by governments continuing power and the practices of governmentality that traverse human life. This political bond is similar to Jacques Derrida's 'new international' which describes,

There is today an aspiration towards a bond between singularities (not 'political subjects' nor even 'human beings') all over the world. This bond not only extends beyond nations and states, such as they are composed today or such as they are in the process of decomposition, but extends beyond the every concepts of nation state. For example I feel in solidarity with this particular Algerian...Croat, Serbian or Bosnian...it's not a feeling of one citizen toward another, it's not a feeling peculiar to a citizen of the world, as if we were all potentially

or imaginary citizens of a great state...what binds me to them - and this is a point, there is a bond, but this bond cannot be contained within traditional concepts of community, obligation or responsibility - is a protest against citizenship, a protest against membership of a political configuration as such. This bond is, for example a form of political solidarity opposed to the political qua a politics tied to the nation-state.⁴⁸

These views might offer a more productive predicate for 'humanitarianism', articulate dimensions of ethico-political character of post structuralist attitude and their connection to international politics. Foundationalists justified humanitarian intervention on the notion of "human solidarity". This predicates the idea that there is a 'core self' which is transhistorical and transcultural. The self is like Hegel's 'concrete' universal whose humanity is articulated in and realised through its social relations. Individuals are constituted by their social identities and interactions. But they have a unique capacity for self reflection which differentiates them from animals. The historical experiences, cultural norms, and social interactions in multiplicity of social life shaped the moral principles and beliefs of individuals. It is argued that moral reality is depending upon the reflection of complex duality between universalism and particularism in any society. Any human society is 'universal' due to its human composition and 'particular' because it is a society. Particular moral communities create shared way of life which gives meaning to individuals in their daily lives. By contrast, the humanity has members but no memory, no history, culture and customary practices. It has no familiar life way, festivals and shared understanding of social goods.⁴⁹ Thus, all humans can acknowledge each other's different ways and respond to each other's cries for help. According to foundationalists, the moral solidarity of human beings provides support to humanitarian intervention.

This view creates dilemma in post-cold war international relations. NATO states argued that massive human rights abuses created a legitimacy exception to the non-intervention rule in the case of Kosovo. In other similar case of East Timor, the same states argued that sovereign prerogatives deny the possibility of armed intervention. The United Nations Secretary-General Kofi Annan raised this issue and noted,

It has cast in stark relief the dilemma of so called “humanitarian intervention.” On the one hand, is it legitimate for a regional organization to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences continues unchecked? The inability of the international community to reconcile these two compelling in the case of Kosovo can be viewed only as a tragedy.⁵⁰

This shows the weakness of foundationalist claims of human solidarity. It raised most important issue i.e. if the human agency or public opinion forced the Western leaders to use force in Kosovo, why not in Rwanda, Sudan or various other civil wars? Pragmatism provided important considerations about this issue. A solidarism rooted in “pragmatism” holds that human solidarity is based on sentimentality rather than “common humanity”. Pragmatists contend that humanitarian intervention ought to be seen not in terms of upholding of universal moral principles. On the other hand, it is theory informed practice based upon the extension of values created within particular communities.⁵¹

Pragmatism must respect the fallibility of past decisions and dominant forms of knowledge. It is based on the observable outcomes of particular action. The inquiry and observation produce knowledge which in turn construct the beliefs about reality. The key problem with the use of force for humanitarian purposes is that it is blunt and unpredictable instrument. The observable outcome of NATO’s air strikes in Kosovo was that it could not accomplish the declared aim of preventing humanitarian catastrophe. Then NATO leaders changed their objective towards “halting and reversing” the catastrophe.⁵² Pragmatism addressed this unpredicted instrumentality of use of force through the concept of “pragmatic solidarism.”

The pragmatic solidarism provide three aspects for establishing legitimacy criteria for the use of force. These aspects are, an anti-representationalist epistemology, the concept of fallibilism and the notion of the priority of democracy to philosophy. The anti-representationalism opposed the representationalism logic. The latter described that ‘knowledge claims’ are evaluated according to their reality. The accuracy of representation of reality is judged by

cognitive processes. The aim of representationalism is to discover the world by establishing languages and practices that accurately represent the world as it actually is. Anti-representationalism sees knowledge as a web of constructed beliefs that helps to make sense of the world. It argues that there is no independent test of accuracy of representation. This raises a question that what type of competing 'knowledge claims' make sense of humanitarian intervention? The claims and counter-claims about humanitarian intervention are or should not be evaluated according to their correspondence with reality of international society. These claims and counter-claims are bounded and given value by "regimes of truth". The "regimes of truth" delimit the boundaries and legitimized the types of knowledge claims, subject matters and system of validation.⁵³ The very term "humanitarian intervention" is made possible by an international 'regime of truth' that the intervention in terms of human rights violations is a useful way of protecting the international order.

The knowledge claims about intervention are evaluated according to their representation of reality. All individuals within a community perceive knowledge claims through their own prejudices. Thus, anti-representationalism permits to think in terms of justifications for intervention and human rights. The critical assessment of this justification takes place within a community based on the perceived or expected consequences of particular action. The communities construct knowledge about international norms in order to facilitate the achievement of what they perceive useful purposes. This knowledge between communities creates overlap between their communal beliefs and desires. This view clarifies the divergent views about intervention in world politics. The pragmatic solidarism provides the solution of this problem through 'communicative ethics'. It is based on the view that the communal beliefs cannot be justified by comparison with other beliefs. The communicative ethics insists that moral knowledge can only claim to be valid if it is approved of and has a potential to be approved of by all affected by this knowledge or norm.⁵⁴ The more approval such claims have, more valid and legitimate they are.

For the justification and validity of 'humanitarian intervention', it is necessary for those using force to persuade others about its

instrumental necessity to achieve an ethical end. This persuasion needs to be developed through ‘Socratic dialogue’ and critical intelligence. The Socratic dialogue means a situation where agents construct knowledge through free and open dialogue based on critical intelligence. Agents reach better forms of knowledge by assuming different positions as a result of this dialogue. This means that the veracity of knowledge claim is dependent upon the possibility of dialogic consensus. But the problem with this position is that what practical steps should agents take when confronted with supreme humanitarian emergency and an absence of such consensus?⁵⁵ The NATO intervention in Kosovo without authorisation of the Security Council was also the result of absence of dialogic consensus between permanent members.

The pragmatic ideas of fallibility and the priority of democracy to philosophy are used for validating knowledge claims. Fallibilism based on the idea that there is no necessary correspondence between knowledge and reality. There is no guarantee that the most firmly held beliefs would never need revision. Fallibilism does not require to doubt everything instead it demands to doubt anything when given good reason to do so by dialogic encounters. This concept is wedded to the idea that to know is not to enjoy a ‘god’s eye view’ of the thing in itself. Rather, it comes to agreement with others about the nature of things through discursive practice. This concept is based on two views. First is to prepare to accept that the beliefs one holds are malleable. Second view relates to the awareness that the frames that validate knowledge can themselves be changed through discourse or practice.⁵⁶ For instance, if one believes that there is no legitimate practice of humanitarian intervention in international society at present one must also accept the possibility of such practice emerging. The emerging notion of ‘sovereignty as responsibility’ describes this view. This notion may reshape international discourse in such a way that states are legitimising human rights norms.

The idea of the priority of democracy to philosophy viewed that the pragmatists do not justify beliefs by arguing that they correspond to something approximating human nature. Instead it offers justification on the basis of comparison with alternative views.

These views based on pragmatic idea that “human intellectual and spiritual growth arrived by considering and contrasting constantly new or alternative ways of describing reality.⁵⁷ For instance, there are good grounds to believe that genocide is imminent. The beliefs that an early and decisive use of force or using force against imminent perpetrators of genocide is effective strategies for overcoming this problem are validated on the basis of widespread intersubjective agreement. But this knowledge is not infallible because there may be grounds for revision within this discourse e.g. the use of force by NATO in Kosovo prompt genocidal type practices. The validation of knowledge in this way depends upon the priority of democracy. It means that agents are free to justify their actions in way that appear appropriate to them as well as others are free to interrogate those claims and participate in the process of reconstituting methods of validations. Thus, it is argued that the values such as humanitarian intervention may be legitimate if their revision takes place through Socratic dialogue between as many individuals and groups as possible. It may also be legitimate by an appreciation that even the most dearly held values may be revised and by a commitment of preserving the priority of democracy.

While there is no doubt that NATO’s attack on Yugoslavia violated International Law but it justified this intervention on the basis of supreme humanitarian emergency. On the one hand, “when the Kosovo conflict is studied in context of human rights violations the NATO’s violations of international law appears somewhat less egregious. On the other hand, if NATO’s action can be seen as in the context of evolving relationship with the United Nations, it poses a grave threat to its authority and relevance in world politics. This point can be described through the analyses of relationship between the United Nations and NATO.

POLITICAL RELATIONS BETWEEN THE UN AND NATO AND IMPACTS OF NON-ARTICLES NATO MISSIONS ON THE UN SYSTEM

The NATO was established by North Atlantic Treaty in 1949 as carefully circumscribed uni-dimensional security organization which complements the multi-dimensional security framework of the United Nations. Article 5 of the North Atlantic Treaty expressly

based itself on Article 51 of The United Nations Charter and conceived it to remain subordinate to the United Nations.⁵⁸ The Article 51 of UN Charter recognize the inherent right of member states to act in individual or collective self-defence in response to an armed attack until the Security Council has taken measures to maintain international peace and security.⁵⁹ The subordination of NATO to the UN also acknowledged by Preamble of North Atlantic Treaty. Article 1 of this Treaty accepts that NATO refrain from use of force in any manner inconsistent with the purposes of the UN. Article 7 of Treaty clarify that it does not affect the right and obligations (under the Charter) of the parties which are members of the United Nations. This reiterates Article 103 of the UN Charter which provides that in the event of conflict between member's obligations under Charter and its obligations under any other treaty, the former will prevail.⁶⁰ NATO's subordination to the UN was also acknowledged by its architects from its inception. The US Secretary of State Dean Acheson tactfully said,

The Pact is carefully and conscientiously designed to conform in every particular with the Charter of United Nations. It is an essential measure for strengthening the United Nations. It is the firm intention of the parties to carry out the Pact in accordance with the provisions of the United Nations Charter and in manner which will advance its purposes and provisions.⁶¹

This subordinate relation of NATO with the UN has flawed on two occasions when NATO enforced heavy weapons exclusion zones without the Security Council authorization in Bosnia. The key officials in NATO governments particularly the US Government have asserted unambiguously that they do not consider the point of view that the NATO is subordinate to the UN. The US Deputy Secretary of State Strobe Talbott said,

We believe NATO's missions and tasks must always be consistent with the purposes and principles of the UN and OSCE.... At the same time we must be careful not to subordinate NATO to any other international body or compromise the integrity of its command structure. We will try to act in concert with other organizations and with respect for their principles and purposes. But the alliance must reserve the right and the freedom to act when its member, by consensus, deem it necessary.⁶²

In this statement the UN is equated with and given no more importance than regional organization such as OSCE. In a similar vein, Senator William Roth, the Chairman of the North Atlantic Assembly said, "Even Though all NATO member states would prefer to act with the UN mandate, they must not limit themselves to acting only when such a mandate can be agreed." This statement imply that the Security Council authorization for the use of force would be politically desirable.⁶³ Kosovo crisis is illustration of this evolving relation between NATO, the US and the UN.

NATO's bombing of Yugoslavia raises another issue of the delegation of UN authority over use of force to regional arrangements. The UN Charter gives distinct sphere of activity to collective self-defence organizations and regional arrangements. Article 51 of the UN Charter gives the right to use force to collective self-defence organizations established under this Article. It gives this right in response to an armed attack against one or more members of collective self-defence organization without securing the Security Council authorization.⁶⁴ The scope of activities of a regional organization envisaged under Chapter VIII of the UN Charter. Article 52 provides that regional arrangements or agencies cannot be precluded if they deal with matters relating with international peace and security provided that these are consistent with the purposes and principles of the UN. Article 53 provided that the Security Council utilizes these regional agencies for enforcement action under its authority but no regional enforcement action shall be taken without authorization of the Security Council. Article 54 provides that the Security Council is to be kept fully informed at all times of activities undertaken or under contemplation by regional organization.⁶⁵ It is proved by the plain reading of the UN Charter that only the Security Council may authorize enforcement action.

The reporting requirement under Article 54 significantly distinguishes the collective defence organization and regional organization. An organization established under Article 51 may use force without the Security Council authorization and is not obliged to report its actions to the Security Council before such action is taken. An organization established under Chapter VIII use force even when not acting in collective self-defense but only with prior

authorisation of the Security Council. It is not obliged to report its actions to the Council under Article 54 even those actions are under contemplation of the Security Council. Thus it is clear that even inaction of Security Council does not prevent collective self-defense organization to act in self-defence but precludes regional organization from initiating any action involving the use of force.⁶⁶

The North Atlantic Treaty expressly basing itself on Article 51 and makes no reference to Chapter VIII. This confined scope of NATO's actions to collective self-defence and barred from other kind of operations. Even the US Secretary of State Dean Acheson and British Foreign Secretary Bevin Categorically described that The North Atlantic Treaty is not a regional arrangement under Chapter VIII of The UN Charter.⁶⁷ Thus, if NATO wants to evade authorization and reporting requirements of the Security Council, it must limit its use of force to self-defense in response to an armed attack. But NATO used force in Kosovo when it was not acting in self-defence. The Yugoslavia did not attack NATO member state. Under Article 51, NATO cannot use force when it is not acting in self-defence and evade the scrutiny of the Security Council. The distinction between collective self-defense organization and regional organization has blurred in practice. The Security Council used NATO for enforcement of its resolutions in Bosnia as regional organization under Chapter VIII. By authorising NATO to enforce resolutions 770(1992), 781(1992), 816, 819, 824, 836, 844 in 1993 and 1031 (1995), the Security Council recognized NATO as regional arrangement under Article 53.⁶⁸

Even recognised as regional organization under Chapter VIII, NATO's bombing of Yugoslavia was illegal because it was not authorised by the Security Council under Article 53.. This action further raises the issue of inconsistency and incompatibility between regional organization and universal organization. Compatibility is defined as the relationship between international and regional organizations by which the activities of one do not undermine those of other or vice-versa. The antagonism between regionalism and universalism occurs only when the jurisdiction and functions of organizations at the two levels are incompatible. The basis for a compatible relationship exists (in case of conflict) if universal

obligation prevail over regional obligation and the regional agencies submit to supervision by global agencies or respond positively to their request for supportive action.⁶⁹ In case of Kosovo, NATO acts without the authorisation of the Security Council and undermine the jurisdiction and functions of the United Nations.

It is argued that NATO bombed Serbia because it wanted to justify its relevance in post-cold war scenario. The demise of USSR had receded the fear of external attack on Europe. It made collective self-defence commitment of NATO redundant. Thus, NATO adopted new strategic concept in 1991 and further expand it in 1999. The principal challenges highlighted by NATO in its strategic concept are, ethnic conflicts, terrorism and Weapons of Mass destruction (WMD).⁷⁰ Although the eruption of ethnic conflicts, proliferation of WMD and terrorism has created dangerous security concerns in the world but NATO's decision to deal with these issues raise serious problems of jurisdiction. The proliferation of WMD is global problem and all international treaty regimes which controlling WMD created under the UN and the Security Council is responsible for their enforcement. NATO's assessment of the nature of security challenges is not clear. It's intervention in ethnic conflicts in Eastern Europe is more or less justified but how the possession of WMD by Asian or African country threaten and invite its action?. Thus, the Kosovo action indicate that NATO need not always act in self-defence but it may take remedial action even it does not threatened. The Resolution on Recasting Euro-Atlantic Security adopted by North Atlantic Assembly in 1998 justifies the Missions undertaking outside the scope of Article 5 of Atlantic Treaty. The Paragraph (d) of this resolution enjoined member states,

to seek to ensure the widest international legitimacy for non-Article 5 missions and also to stand ready to act should the UN Security Council be prevented from discharging its purpose of maintaining international peace and security.⁷¹

NATO's Kosovo action was non-Article 5 Mission which violated the UN Charter and international law. The UN Charter recognize and gives scope for initiatives by regional organization for maintenance of international peace and security. It does not permit these organizations to act in place of the Security Council even if it

prevented from discharging its function of maintaining international peace and security. However, it may be desirable in a given context.⁷² NATO bombed Serbia according the codification of Paragraph (d) of North Atlantic Assembly Resolution. But the UN Charter and international law do not permit it to act without the Security Council's authorization. Although, this action demonstrated Security Council weariness to act decisively in intra-state conflicts but it also eroded its monopoly on the use of force. Simultaneously, it undermined the United Nations efficiency as an international organization.

NATO's action in Kosovo has myriad effects on international politics. It raises legal, political and philosophical debate about humanitarian intervention in world politics. This action seriously affected the authority of the United Nations Security Council regarding use of force. Although, NATO successfully regain its important the place in post-Cold War European security paradigm but it eroded the United Nations relevance in world affairs. But the post-war peace-building role of the United Nations in Kosovo indicates that it has a continuous relevance in international politics.

PART II : ROLE OF UNITED STATES

The Kosovo crisis was a watershed in international relations and exhibited the severity of ethnic conflicts in world politics. The crisis was a result of zero-sum ethnic conflict between the Serbs and Kosovo Albanians.⁷³ The Kosovo Albanians demanded independence of Kosovo from Yugoslavia. The Serbian management of this conflict through violent means resulted in serious human rights violations of the Kosovo Albanians. The spill-over effect of humanitarian catastrophe in Kosovo compelled international community to intervene in this crisis. The lack of consensus between permanent members of the United Nations further complicated the situation. Consequently, NATO attacked Yugoslavia without the mandate of the Security Council. NATO's intervention in Kosovo not only diminished the United Nations effectiveness and prestige in world politics but also pointed towards the role and impact of the United States as world power on the functioning of the United Nations system.

POLITICAL RELATIONS BETWEEN THE UNITED STATES AND THE UNITED NATIONS

The United States Complex relations with the United Nations are best understood in terms of four international roles played by it in world politics. These are,

1. Prophetic and reformist role
2. Infra-organizational role
3. Custodial role
4. Domestic-Pressure role

Since the late nineteenth century, the focus of the United States reformist foreign policy has been shifted from the choice of a role within an existing system to a role of innovative architect and

redesigner of that system. The distinctive characteristics of the United States participation in international politics in the past century has been to engage in major social engineering, to design and create new institutions which transform the essential nature and procedures of international politics. Although the content of these restructuring policies varied from time to time but the common objective has been to change the world politics so that it could take on the character of American political beliefs. The multi-lateral international institutions in the world necessarily incorporate the values and demands of the most politically relevant actors. These institutions also reflect the relative power positions of actors (that formed them) in their constitutions and prescribed procedures.⁷⁴ The birth of United Nations by an international act on American soil was the result of its reformist role. The United States like other states always has been defending, its rights and position within the United Nations decision-making procedures since the establishment of world body. Although the United States behaviour gets magnified by the virtue of its preponderant power, but there are many instances when even at the cost of its specific interests it acted in consistent with the United Nations aims and objectives.

This pro and infra organisational role of the United States is based on its wish to use the authority of the United Nations rather than “go it alone” in international relations. The “uniting for peace” resolution was an example of the United States infra-organisational role. This resolution authorised the General Assembly to exercise some powers of the Security Council with regard to international peace and security when the Security Council gets blocked by the use of the Veto power of any of the permanent member. The United States always used this resolution for its own convenience. It could have easily used this resolution for obtaining authority for military action in Kosovo if the Security Council failed to adopt a resolution because of the expected veto of Russia and China. But, it eschewed this option because of the presumable and precedential implications of constitutional change which could have enhanced the power of the General Assembly vis-a-vis the Security Council. Thus, the United States did not use this alternative in Kosovo and used NATO for military attack on Yugoslavia.⁷⁵

The United States, as the strongest power in the world community, functions as the ultimate custodian of world order. It is the actor of last resort in matters of fundamental importance to contemporary international politics. The custodian role may involve the usurping of ordinary decision-making procedures of the United Nations in order to vouchsafe the fundamental goals of larger system. The United States, sometimes, acts extra-legally or supra-legally with respect to the United Nations when an urgent issue of international order is at stake. This role may generate acute conflicts with other members of the United Nations when military action is required to stop severe human rights violations. The domestic pressures widely affected the United States roles in international relations. The transfer of foreign affairs power from a specialist professional class to much wider slice of community is characteristic of modern democracies. The United States as a robustly effective democracy must respond to the demands of its domestic pressures which are generated, refracted and amplified by the Mass Media.⁷⁶

The above mentioned roles collectively reflect the United States grand strategy in world politics. The United States grand strategy has been continuously developing and evolving since two centuries. The new grand strategy of each period build on the strategy it supersedes. The United States revised or expanded it to fit the altered realities and opportunities created by its victories in successive wars. The United States grand strategy included security objectives and economic objectives as well as particular approaches to achieve these ends at particular times. It also supported the development of rather sophisticated international institutions according to its reformist role. During Cold War, it developed sophisticated ideology that gained wide international appeal and comprised both political and economic ideals. This was liberal internationalism whose political and economic ideals were liberal democracy and free markets. Other important elements of this strategy were containment, nuclear deterrence and promotion of open economic society.

The United States modified, revised and expanded the elements from its earlier grand strategy after the end of Cold War and collapse of the Soviet Union. It showed not only the new realities

and opportunities created by the United States victory in the Cold War but also reflected particular transformations occurred in the last decade of twentieth century. The United States economic and social realities in this decade were no longer centered on industrial power and classic liberalism like the Cold War years. The process of globalization, communication revolution and diminished power of nation-state changed old strategy of the United States. These transformations have been most pronounced in the United States but their impact has been global in scope. The United States policy makers, redesigned their grand strategy to fit it in new global era.⁷⁷ The Kosovo war was the first fruit of that revised strategy and a prototype of twenty first century way of war.

THE UNITED STATES CONDUCT IN THE POST-COLD WAR WORLD AND NATURE OF ITS INVOLVEMENT IN KOSVO CRISIS

The United States involvement in Kosovo began in December 1992 when President George W. Bush warned President Milosevic to employ United States military force in Kosovo against Serbian repressive policies. Beside realist strategies, humanitarian concerns in Kosovo dominated foreign policy agenda of the United States through media in a global information Age. The United States claimed that the humanitarian concerns regarding the fate of the Kosovo Albanians could have motivated it to initiate the Kosovo war. In President Clinton's words, the reasons of Kosovo war were

to save the lives of innocent civilians in Kosovo from a brutal military offensive, to diffuse a power keg at the heart of Europe that has exploded twice before in this century with catastrophic results, to prevent a wider war we would have to confront later only at far greater risk and cost, to stand with our NATO allies for peace.⁷⁸

Kosovo and Iraq war 2003 pose the question mark on international law governing the use of force. It dangerously affected the future of the United Nations Security Council. The American Commentators also proclaimed that the military interventions led by the United States in both places amounted to the "death" of the United Nations Charter. They further pointed out that the grand attempt to use force in Kosovo resulted in substituting the rule of law

to the use of force.⁷⁹ Michael J. Glennon claimed :

At this point it was easy to conclude, as President Bush, that the UN's failure to confront Iraq would cause the world body to "fade into history as an ineffective, irrelevant debating society." In reality, however, the council's fate had long since been sealed. The problem was not the second Persian Gulf War but rather an earlier shift in world power toward a configuration that was simply incompatible with the way UN was meant to function. It was the rise in American unipolarity-not the Iraq Crisis-that along with cultural clashes and different attitudes toward the use of force, gradually eroded the council's credibility. Although the body had managed to limp along and function adequately in more tranquil times, it proved incapable of performing under periods of great stress.⁸⁰

The Kosovo crisis and Iraq war compelled many scholars of international law to proclaim that the charter norm of non-use of force might be dead or at least mortally wounded. If humanitarian factors were insufficient to explain the United States conduct in the Kosovo war then what were the reasons behind the involvement of the United States in the war? The theories of "liberal internationalism" and "neoliberal cosmopolitanism" explained the United States conduct in world affairs. Liberal internationalism is based on vision of a single human race peacefully united by free trade and common legal norms, led by states featuring civic liberties and representative institutions. It sought to create a global order that could enforce a code of conduct on the external relations between states. But it still essentially accepted the Westphalian system that granted states jurisdiction over their own territories.

The neoliberal cosmopolitanism in contrast seeks to overcome the limits of national sovereignty by constructing a global order. This global order would govern important political and economic aspects of both the internal and external behaviour of states. This is not a conception which advocating any world government empowered to decide the great international issues of the day. Rather, it proposes a set of disciplinary regimes characteristically dubbed as "global governance." In this system, sovereignty is reconceived as a partial and conditional licence granted by the "international community". It can be withdrawn if any state failed to meet the domestic or foreign standards laid down by the

requirements of liberal governance. This theory, on the other hand, provides justification of intervention in internal affairs of states. It has also projected a new world order that requires the subordination of all states to some form of supra-state planetary authority. This argument of neoliberal cosmopolitan theory misrepresents the relationship between the United States and the various institutions of “global governance”.⁸¹ There is no evidence in the post-Cold War period that these institutions have strengthened their jurisdiction over the dominant power in the international system. The basic argument is that the United States has grown accustomed to its position as the world’s dominant power.⁸² The Kosovo war reflected that the United States strategy in world politics no longer adhered to classic liberalism. The great economic and social transformations after the end of Cold War have displaced the old realities and resulted in the birth of the ‘global era.’ These great transformations were:

1. The emergence of global economy which replaced international economy.
2. The development of an information economy i.e. communication revolution.
3. The development of postmodern society.
4. The decline of the nation-state which superseded by a multicultural society.⁸³

These four transformations had changed the major ideas, ideology and identity of the United States. The global economy and information economy favours openness. The ideology of openness (most American elites endorse it) challenged the traditional conceptions of international relations. The development of postmodern society eroded the great pillars of modern society i.e. government bureaucracies, military services and business corporations. These are replaced by the ideas of expressive individualism and universal human rights. The development of multi-cultural society also promotes the idea of human rights. The ideology of human rights further pointed toward the limitations of state sovereignty and decline of the nation-state. The traditional American ideology advocated liberal democracy and free markets. The above discussed transformation expanded traditional ideology

with more emphasis on promoting human rights.⁸⁴ The modified version of “liberal globalism” (recently propagated by President Bill Clinton and Secretary of State Madeleine Albright) provides the justification to a new kind of the United States military interventionism. The military interventions in Somalia, Haiti and Bosnia were the examples of this phenomenon. The United States led war against Serbia over Kosovo also represented the culmination of this trend.

The United States role in Kosovo crisis is also described through four categories of military intervention. These are,

1. Intervention for security
2. Intervention to influence events i.e. Realpolitik
3. Ideological intervention
4. Moral intervention.⁸⁵

Every country applied above categories to obtain political and military objectives through intervention. Although the Kosovo crisis presented no direct threat to the United States national security but the failure to contain this conflict could have eroded its credibility as sole superpower in the world. The United States, on the other hand, used military force in Kosovo for shaping political events in the Europe. It not only preserved its influence in the region but also strengthened long-term economic and political relationship with NATO powers. The United States interventions in Nicaragua, El Salvador and Afghanistan were examples of military interventions for ideological reasons i.e. to contain communism and defending democracy. The United States policy to spread democracy⁸⁶ through promoting free markets was another ideological reason to intervene in Kosovo. The post-Kosovo war policies of the United Nations Mission (UNMIK) to consolidate democracy in Kosovo are also a reflection of the United States ideological position.

The United States role in Kosovo can also be defined through category of ‘moral intervention’. The moral intervention in another state’s affairs occurred because of its actions which “shocked the conscience of mankind” or violated “community standards”. There are two objectives of moral intervention i.e. peace and justice. The peace in this context can be defined as to avoid death and destruction

that wreaked on weak or unprotected people. It becomes morally imperative for all those who can take steps to maintain peace. The United States role in Kosovo symbolized that it must be a main enforcer of global peace as the world's sole super power. The other pursuit of moral intervention is 'Justice'. In post-Cold War ethnic conflicts, justice means to punish war criminals and perpetrators of genocide. There are three military objectives of justice i.e. retribution, specific deterrence and general deterrence. The policy of retribution would not just be required for the defeat of an offending nation's armed forces or recovery of any territory and wealth but for some additional punitive measures. The specific deterrence is required not only for reversing any gain by any offending state but also for damaging its personnel and equipment so badly that it would not repeat its crime. The general deterrence has same elements as specific deterrence except that the offending nations punishment must be so obvious that other potentially errant nations would be contained from such type of aggressions.⁸⁷ The United States led NATO attack on Serbia not only reversed its gains in Kosovo but heavily damaged Serbia's military and economic power. The United States policy of specific deterrence in Kosovo got significant success with the arrest of the Serbian President Solobodan Milosevic by war crime tribunal authorities in June 2001.

THE UNITED STATES' INVOLVEMENT IN KOSVO CRISIS AS A REFLECTION OF ITS HEGEMONY IN WORLD POLITICS

The Kosovo war also exhibited the hegemonic design of the United States in world politics. The United States has acquired absolute military dominance over every other state or combination of states on the entire planet. It has sought to preserve this status which provides major political and economic benefits for the United States. Concomitantly, the United States has sought to contain rival capitalist states that threaten its predominance. During the Cold War, the threat of communism served to legitimate United States hegemony over other capitalist states.⁸⁷ With the end of cold war, the United States has sought to use humanitarian intervention as one of the principal means to reassert its hegemony. An American commentator argued,

“Someday in the next we will acknowledge that there can be no global human rights without global laws and no way to write and enforce the laws without a global congress, courts and cops... as the lion in the jungle of nations, the United States is obviously not ready to yield to a higher authority.... the time will come when Americans recognize that anarchy among nations, constitute a threat to our interests and welfare. We would then take the lead in creating a canopy of law across the globe.⁸⁹

The ascendance of ethnic conflicts in international scenario provides a context in which the most striking advantage of the United States (i.e. its overwhelming military superiority) can be emphasized. The last decade of twentieth century is evidence of the assertive United States hegemony. In this decade, most of international organizations are able to function effectively only in so far as they correspond to the perceived policy priorities of the United States or at least do not contradict them. In many instances they should rather be viewed as lightly disguised instruments of the United States policy. The United Nations is a striking case in point. It may sound brutal but is unfortunately true that the utility of the United Nations to the United States is based on its ability to sanction the United States sponsored policies. The United States always showed extreme flexibility in dealing with the United Nations. It will either control the system and find ways to use it or ignore it.⁹⁰ During the last fifty years of the United Nations existence, the three pillars of the United Nations i.e. the Security Council, the General Assembly and the Secretary General have fallen to its onslaught one after the other.

The United States became the foremost nation among the victorious of the World War II. The United Nations Charter adopted in San Francisco, and at that time most Americans felt that they were showing new path to the new global system. Senator John Foster Dulles praised the UN Charter as “a great Magna Carta”. Americans treated it as an extension of their own constitutional framework. President Harry Truman Commended that this charter, like our own Bill of Rights is a part of our constitution. Even the former secretary of state during President Reagan years noted, “the ideals of the United Nations are also American ideals. The Charter embodies American Principles. It will always be a major objective

of our statecraft to make the United Nations an instrument of peace.” The institutional infrastructure of the United Nations is heavily influenced by the United States model of federal democracy. The General Assembly is a kind of House of Representatives while the Security Council is a kind of Senate and Presidency rolled into one. Each body operates by free exchanges of views leading to vote. Each represents different interests and different responsibilities. Both the General Assembly and the Security Council represent equality of sovereign states and political hierarchy of power respectively. The Presidency is collective and a veto of any one of its permanent members is sufficient to stop an international action.⁹¹

The United States exercised control over the United Nations through its military strength, dollar diplomacy and overwhelming support in the General Assembly. The United States tackled the General Assembly by two ways, Firstly, to influence the voting behaviour of member states by financial threats and inducements, Secondly, to starve the United Nations by not paying its dues. The United States used financial blackmail to discipline economically weaker states of third world to vote the American way in the General Assembly. It also used money power, Americans controlled markets, terms of trade, CIA influenced politicians, economists, academics, and media men and women for offsetting the loss of control in the General Assembly.⁹²

The United States also curbed and controlled the United Nations through withholding its dues assigned to it. The Article 19 of the United Nations Charter (deprives any state not paying arrears of its voting right) could never deter the United States. Peacekeeping has become an extremely sensitive and delicate responsibility of the United Nations after collapse of the USSR. This has tremendously increased expenditure of the organization and given a handle to rich states like the United States to tighten control over the United Nations. There was a striking convergence of the goals of the United States and the United Nations during initial years of Clinton’s Presidency. The adverse course of Somalia and Haiti affected the perfect harmony between the United States and the World Organization. It badly affected Presidential Decision Directive-13 policy formulations and reserved the active participation of the United States in the peacekeeping operations.⁹³

The Clinton Administration adopted an increasingly hostile view towards the United Nations. The new Presidential Decision Directive 25 (PDD-25) laid down changed criteria for the United States involvement in the United Nations operations. The PDD-25 was designed to provide greater possible flexibility to address international crises. It included the need for the clear United States interests to be at stake in a situation and a limited period for each engagement. The United States also decided unilaterally to reduce its assessed share of the peacekeeping costs from just over 30 per cent to 25 per cent of the global cost with this decision. Although the cost of the United Nations peacekeeping has less than the annual expenditure of the New York fire department, the United States deliberately weakened the United Nations ability to continue with existing tasks.⁹⁴ Thus, the United States exercised a quadruple veto i.e. its Security Council veto for denying political leadership, intelligence and material assistance for operations. The United States used its financial veto through refusal to pay contributions. The chairman of the foreign relations committee of senate, Jesse Helms envisaged that the United Nations is just one aspect of America's diplomatic arsenal. It provides a forum with channels of communication in times of crisis and render services such as peacekeeping, weapons inspections and humanitarian relief. He further warned,

The American people will not countenance if the United Nations attempts to establish itself as the central authority and power over nation states. If the United Nations was to survive into the twenty-first century, it must recognise its limitations and stop trying to impose utopian vision on America and the world, failing which it begs for confrontation and...eventual US withdrawal.⁹⁵

The major powers used the United Nations Secretary-Generals for their own interests. The United States could never tolerate a Secretary-General who will stand for the United Nations as a whole and "embody the principles of charter." The charter enjoins the Secretary-General to function independently of the "instruction from any government." The United States as supreme power after World War II naturally considered United Nations as its preserve. The Secretary-General was considered as pliable chief executive who should acknowledge the real masters.⁹⁶

The Kosovo war led to the emergence of debate between the unilateralist and multilateralist views in the United States. Unilateralism based on realism shaped the United States policy toward the world organization. Realism's primary objection to the multilateralist world order vision is precisely the latter's more principled and aspirational basis for organizing international relations. Thus, unilateralists dislike the United States participation in multilateral arrangements. They consider them to be unnecessary constraints on the United States degree of freedom. Such arrangements could make impossible for the United States to act when it should. They could, on the other hand, compel the United States to act when its cost-benefit calculus dictates that it should not.⁹⁷ The neo-conservatives are committed above all to the United States global leadership. They are ready to make common cause with the United Nations when doing so will serve the US interests.⁹⁸ Condoleezza Rice argued,

'Multilateral agreements and institutions should not be ends in themselves. US Interests are served by having strong alliances and can be promoted within the UN and other multilateral organization, as well as through well crafted international agreements....Neither is it isolationist to suggest that the United States has a special role in the world and should not adhere to every international convention and agreement that someone think to propose.'⁹⁹

After September 11, the United States articulated a new concept of preventive self-defence that is designed to preclude emerging threats. This document flatly contradicts the perceptions of the United Nations Charter. Article 51 of the UN Charter permits the use of force only in self defence and only "if an armed attack occurs against a member of the United Nations. On the other hand, the United States policy proceeds from the premise that "United States cannot let enemies strike first." In his National Security strategy, President Bush promised to,

Disrupt and destroy terrorist organisations by defending the United States, the American people, and interests at home and abroad by identifying and destroying the threat before it reaches our borders. While the United States strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists.¹⁰⁰

The preventive approach of the United States national security is intended to respond to new threats posed by mega-terrorism and weapons of mass destruction. The goal of this policy is to prevent more generalised threats from materializing rather than trying to pre-empt specific, eminent threats.¹⁰¹ The Bush administration has acted on the basis of doctrine of preventive war in Iraq. Indeed, the concept provided the main political justification for its decision to resort to war.

The Kosovo and Iraq war represented a circumvention of the collective procedures of the UN Charter system. In both cases the United States and NATO could violate the procedure related to use of force under the United Nations Charter. The Bush administration insisted that the traditional interpretation of international law can be reexamined in the face of new dangers of catastrophic terrorism. Both situations of Kosovo and Iraq raised the United States views about the United Nations that the world body turn out to be irrelevant. It fails to endorse recourse to war against the dictators of Serbia and Iraq. Even President George W. Bush justified this view when he historically challenged the United Nations Security Council in September 12, 2002 through memorable words “will the United Nations serve the purpose of its founding, or will it be irrelevant.”¹⁰²

KOSOVO CRISIS SHOWS THE TENDENCY OF UNITED STATES TO USE THE UN AS ITS INSTRUMENT OF FOREIGN POLICY

Kosovo and Iraq are illustrations and not an aberration in the United States foreign policy. The United States history reveals two dominant traits in its national character. First is liberty and utter hostility to interference by any other nation in its domestic affairs and other is expansionism. Presidents Washington, Jefferson, Lincoln, Wilson and Roosevelt felt deeply about human freedom and spread it across oceans and frontiers. They resisted all the efforts of bullies, tyrants and fascists.¹⁰³ On the other hand, the trait of empire building is also a part of American psyche. President Lyndon Johnson pursued Vietnam war and wished to proliferate it. President Clinton maintained that the United States has aggressive foreign

policy because of its great power status. This trend showed that Pax Americana did not need physical occupation of foreign territories like its predecessor Pax Britannica. It is a high-tech behind-the-scenes pulling of strings which makes puppets of and pushing out of regimes those unwilling to join the band-wagon.¹⁰⁴ Kosovo and Iraq simply pointed that the United States temptation to work outside the United Nations is obviously difficult to resist. The United States capabilities are too great to be counter balanced and it enjoys a preponderance of power that is historically unprecedented. Its hegemony in world affairs is intact because it has world's largest and most productive economy. Its Military power has no peers and it spends more on defense than the next five powers combined. It possesses a clear lead in the advanced technologies on which power is likely to rest in future.¹⁰⁵

The Kosovo war also reflects the United States hegemonic foreign policy goals in Europe. The United States hegemony in Europe has been maintained through forceful behaviour. This policy had entailed a measure of "double containment." During the Cold War, the United States contained communism and its capitalist allies simultaneously. The common ideological enemy of 'Communism' served to unite the capitalist European powers during the Cold War. The agent that facilitated cooperation among these states was of course the United States hegemony. The main objective of the United States policy, during this time, was to establish a liberal international order led by itself. During the Cold War, the emerging United States hegemon faced opposition in the Europe from two principal sources, firstly, from the political left parties, which enjoyed unprecedented popularity and were major forces in the political systems of Italy and France (in Japan as well). A second major impediment to the United States aspirations in Europe was the political right which had a long tradition of protectionist measures, state regulation and colonial sphere of influence.¹⁰⁶ This generated a significant degree of friction between the United States and its European allies e.g. French President Charles De Gaulle criticized the United States domination of NATO which led to French departure from the Joint Military Command and permanent removal of NATO headquarters from Paris to Brussels.

The international role of the dollar and the alleged United States abuse of its privileged monetary position also raised objections in the European countries. Not a single European country, openly support the United States war in Vietnam. The Nixon-Kissinger's tendency to undertake unilateralist actions e.g. devaluation of the dollar in 1971 become additional source of resentment. The United States unilateralist actions during energy crisis in 1973 –1975 also generalised recriminations. But, the United States contained these frictions through three factors,

1. The United States presented free security against the possibility of Soviet invasion.
2. The United States was reliable bulwark against the possibility of radical social change in Europe. This aspect of cold war represented a tacit alliance between European elites and the United States foreign policy.
3. The United States hegemony was associated with economic prosperity and full employment. The economic growth in Europe during the early period of the Cold War was far above historical average and was beneficial to every segment of society with major improvements in the material conditions of the working classes.¹⁰⁷

But after the Cold War, the United States could not face any imminent threat to its vital interests. During this time, the United States faced two options i.e. to become the global policeman, enforced sufficient world order to protect its long-term political, economic and security interests. The other option would have been to withdraw to an isolationist posture but various stress and strains upon its economic and military policies due to globalization limited this option. The United States Congress and administration alike accepted that economically, politically and militarily interdependent world is a global reality and the United States policies must be related with it. The Bosnian debacle, on the other hand, emphasized that no organization of the sovereign states can function effectively without the consensus among its members. The United States and its European allies took lesson from this debacle that no bureaucratic arrangements would produce concerted action without the knowledge of collective values or interests, which they are willing

to defend. This community security approach gave rationale to NATO in the post-Cold War Europe. NATO's wide arrangements for political consultations, the integrated Military Command Structure, US troop deployments in Europe, and common defence infrastructure also enhanced its importance for both the United States and European countries.¹⁰⁸ The United States, through Kosovo's experience, found that without the NATO framework, it would have no legal or practical infrastructure for its continued military interaction with NATO members.

It is argued that the continued dominance of NATO is vital for the United States dominance in Europe but increased importance of the European union's structures effected the US hegemony, in the region. The EU's threat was fourfold,

1. The EU is one of the largest single economic unit in the world equal to the United States.
2. The dominant powers within the EU i.e. Germany and France openly advocate European independence. Due to their close cooperation, they became an advocate for increased European autonomy.
3. The European powers adopted specific policy officially termed as the European Security and Defense Identity (ESDI). This offered the European a chance to establish an independent world role, commensurate with the size and economic weight of the Combined European Nations. The Western European Union (WEU) became the official military arm of the EU. In addition, France and Germany form a France- German Army "The Euro-Corps" and it became a fully operational in 1995.
4. The financial integration of Europe also create contention in the US-European integration. The single European Currency 'Euro' was advanced as a technical means to achieve an integrated European Market. Various US analysts argued that the 'Euro' would have political implications and it would pose a threat to the US dollar's status as the international reserve currency.¹⁰⁹

The United State, as a reaction of the EU's policies, aimed to

protect NATO by its expansion towards the Eastern Europe. Although Secretary of State Madeleine Albright implied that this extension reflected shared political and cultural values but it also contained element of realpolitik. It also served four purposes :

1. It gave NATO a new function of preserving order in Eastern Europe.
2. It is argued that this expansion has been reinforce the dominant role of the United States and precluded the prospects of independent Europe.
3. The expansion of NATO also enhanced the United States business interests in Eastern Europe. The Military-Industrial Complex remains a significant economic actor which favours the continuous United States hegemony in Europe.
4. The eastward expansion of NATO consolidated the United States position in a new spheres of influence. It diluted the influence of Germany on various East-European Countries.¹¹⁰

Thus, the United States successfully obtained its central objective of the containment of its European allies after the demise of the USSR. It overwhelmingly reasserted its power in Europe through revitalization of the Cold War institutional structures. The NATO could be used for this purpose in Kosovo.

The Kosovo crisis was a turning point in international relations. The United States claimed that the humanitarian issues compelled it to fight this war. The Kosovo war, on the other hand, fought for the new ideology of cultural diversity and global society. It was also fought for the enlargement of NATO in Europe. The United States and NATO bypassed the United Nations Security Council and attacked Serbia without the Security Council mandate. NATO bombing of Serbia severely affected the United Nations position in the world affairs. The Kosovo war demonstrated that the United States used the United Nations for its own purposes and interests. The United States bypasses or restricts the functioning of the United Nations if latter does not serve its interests in world politics.

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91. *Ibid.*, p. 23, James Mayall, "Democracy and International Society", *International Affairs*, Vol. 76 (2000) p. 64.
92. Within less than two years of the United Nations charter being signed and then ratified by the United States in August 1945, President Harry Truman has invoked the principles of the charter. He deliberately and explicitly ruled out a role for the United Nations in the Balkans and Near East. The Marshall Plan was proposed and adopted in Western Europe despite the work of the United Nations Economic Commission for Europe. The creation of "interim

committee” in the General Assembly in late 1947 was also an American initiative to bypassing Soviet veto on the Security Council. Thus, the American process of working within and without the United Nations continued whether in establishment of OAU in 1948 and NATO in 1949. The classic case of the use of the United Nations to pursue the United States interests came with the Korean war. During the Korean crisis, the Security Council was the hurdle because of USSR. State Department in collusion with the United Nations Secretary General empowered the General Assembly to side-step the Security Council by famous resolution called “uniting for peace”. The United Nations Secretary General Trygve Lie described it as the “Acheson Plan” because the United States Secretary of States Mooted it. He had advocated that the Assembly should not allow Soviet veto to paralyse the United Nations action. It had equal responsibility with the Security Council in Matters related to international peace and security. The State Department considered it a personal triumph to circumvent Soviet veto. The Clever British diplomats warned the state department of this resolution’s future damage. Once the Assembly added members from the third world, west could in that case no longer take for granted two-third majority in Assembly. The State Department remained perturbed. See Michael Dunn, “The United States, United Nations and Iraq : Multiculturalism of a kind”, *International Affairs*, Vol. 79 (2003) p. 272. Prashar, n. 90, p. 31.

93. In 1993, President Clinton sought policy review about the United Nations Peacekeeping under Presidential Decision Directive-13 (PDD-13). The basic elements of policy review were, the objectives of an operation must be clearly defined in the United States “National interests” and assurance of continuing public and congress support. The commitment of the United States troops cannot be open-ended and an exist strategy must be necessary part of operation. The operations involving the United States forces must have effective command and control arrangements. Ultimately this policy review addressed the central dilemma of the United States foreign policy after cold war. This dilemma was that in the absence of direct threat to the United States strategic interests, how a moral foundation for policy can be maintain and articulate interests. The convergence of goals between the United States and the United Nations in this period seen from the identical phrases used by both President Clinton and Secretary-General Boutros Boutros-Ghali. In his address to the United Nations General Assembly in September 1993, President Clinton indicated the United States national interests and stated, “In a new era of Peril and opportunity, our overriding purpose in use to expand and strengthen the world’s community of market-based democracies...And we seek to foster the practices of good government that distribute the benefits of democracy and economic growth fairly to all people...Let us ensure that the tide of freedom and democracy is not pushed back by the fierce winds of ethnic hatred. Let us ensure that the world’s most dangerous weapons are safely reduced and denied to dangerous hands.” Boutras Ghali also stated, “without development...societies will fall into conflict, without democracy, no sustainable development can occur and peace cannot long be maintained.” Thus, it appeared that there was emergence of an alliance between the world organization and world’s sole superpower. See

- Mats R. Berdal, "Fateful Encounter : The United States and United Nations Peace Keeping", *Survival*, Vol. 36 (Spring 1994), p. 35. Anirudh Gupta, "Way to World Disorder", *Economic And Political Weekly*, Vol. 11 (Dec. 1993), p. 2713.
94. Chirstopher S. Raj, "United States and United Nations Peacekeeping in Post Cold war era", In Lalima Verma, *United Nations in The Changing World*, ed. (ND, 1997), p. 57. Micheal Pugh, "Peacekeeping and Humanitarian Intervention" in Brain White, et al, ed. (NY, 2001). pp. 126-127. See Fareed Zakaria, "The Challenges for American Hegemony", *International Journal*, Vol. LIV (Winter 1998-9), p. 22.
 95. Quoted in C.S.R. Murthy, "US and The Third World at the UN", *International Studies*, Vol. 40 (2003), pp. 3-4 See also. James M. Lindray, "The New Apathy : How an uninterested Public is Reshaping Foreign Policy", *Foreign Affairs*, Vol. 79 (Sep/Oct. 2000), p. 12.
 96. The first Secretary-General Trygve Lie was understanding the United States policies but his successor Dag Hammarskjold offended the United States over Congo. The Next Secretary-General U Thant has earned extreme displeasure of the United States regarding policies over Middle East and Vietnam. Secretary-General Kurt Waldheim refrained from speaking since he felt that what he says may be easily distorted. The non-aligned strength in the General Assembly neutralized the United States influence over it. The United States administration felt sore on the Secretary-Generals Kurt Waldheim and Perez de Cuellar because of their positive policies toward third-world. Boutras Boutras Ghali took over when the only superpower bestrode the world. He saw the United States concerns through the United Nations eye. He tried to act as an independent chief executive which reflected his position as an international official responsible only to the United Nations. But the United States did not tolerate him. Bosnia and Somalia fuelled the United States anger against him. The enactment of Kofi Annan as the United Nations Secretary-General by the United States exhibited the power of other states i.e. Russia, China and France in new world order. Fourteen out of fifteen members of the Security Council had voted for Ghali's second term. The United States coolly vetoed it. This was in total contrast to what had happened for the second term of the Pro-United States first Secretary-General Trygve Lie. Beside USSR's open opposition, the United States successfully extend his term through the General Assembly resolution. Trygve Lie was awarded for Pro-United States stand but in case of Ghali, the United States did not have bother. No other member dared to take the matter to the General Assembly. This showed Russia, France and China their place in "New World Order". The present Secretary-General Kofi Annan emerged as the choice of the United States. But he merely represents a trend. After collpase of USSR, Russia has no voice in international affairs. France and China are too weak to compete United States as economically and militarily. The United States with a largest single share in major international financial institutions (i.e. IMF and World Bank) controls the whole world economy. Even the World Trade Organization (WTO) is under the United States influence. See Prashar, n. 90, p. 45.

97. The unilateralists claimed that American military power is so overwhelming that there is no need for the assistance of others. Equally important, they see the United States purposes as so noble and the perspectives of other governments so narrow. Thus, it is not only possible but necessary for the United States to ignore their views. The involvement of other nations in decision-making about the United States use of force is unwise. It risks diluting the clarity of American purposes. The involvement of other nations in operations is pointless because they can add nothing significant to the United States capabilities. Unilateralists condemn multilateral world views and the promise of the United Nations as guarantor of a new post-Cold War order. In their view, the United Nations is guarantor of nothing and it can hardly be existing except in a formal sense. The events of 11 September and aftermath linked indirectly with the domestic debacle regarding Iraq in March 2003 and the continuing uncertainty surrounding the UN-US relations. This raised the salience and influence of a group of officials inside and outside the Bush administration commonly referred as 'Neo-Conservatives.' They can share two broad views. The first is that the United States has been "too timid in its exercise of global leadership. Secondly, neo-conservatives are instinctively sceptical of multilateral institutions including the UN. They are deeply suspicious of the United Nations which they fear is animated by Anti-Americanism. See John Gerard Ruggie, "Third Try at World Order? America and Multilateralism After the cold war", *Political Science Quarterly*, Vol. 109 (1994), p. 561. See Walter B. Solocombe, "Force, Pre-emption and Legitimacy", *Survival*, Vol. 45 (Spring 2003), p. 119.
98. Charles Krauthamer, "The Unipolar Moment", *Foreign Affairs*, Vol. 70 (1990-91), p. 25 See Mats Berdal, "The UN Security Council : Ineffective but Indispensable", *Survival*, Vol. 45 (Summer 2003), p. 16. See also Max Boot, "NeoCons", *Foreign Policy* (Jan/Feb 2004), p. 26.
99. Condoleezza Rice, "Promoting the National interest", *Foreign Affairs*, Vol. 79 (January/February 2000), p. 48.
100. The national security strategy of the United States of America (Sep. 17, 2002) available at <<http://www.whitehouse.gov/nsc/nss.pdf>> .
101. Miriam Sapiro, "Iraq : The Shifting sand of Preemptive Self-Defense", *American Journal of International Law*, Vol.97 (July 2003), p. 599.
102. Quoted in Richard A Falk, "What Future For The UN Charter System of War Prevention?", *American Journal of International Law*, Vol. 97 (July 2003). p. 590.
103. Parashar, n. 90, p. 54.
104. Ibid. p. 55.
105. Stephen M. Walt, "NATO's Future (in Theory) in Pierre Martin and Mark R. Brawley, *Alliance Politics, Kosovo and NATO's War : Allied Force or Forced Allies?* (NY, 2000), p. 14. See IVO H. Dalder, "The end of Atlantcism", *Survival*, Vol. 45 (Summer 2003), p. 151. See Henery Kissinger, *American Foreign Policy* (NY, 1968), edn. 3 p. 71. See also Gazmen Xhudo, *Diplomacy and Crisis Management in the Balkans : A US Foreign Policy Perspective* (London, 1996), p. 5. See Richard N. Hass, *The Reluctant Sharrif : The*

- United States After The Cold War* (NY, 1997), p. 52. For contradictory views about United States Power in the world affairs See. Michael Cox, "The Empire back in Town : or America's Empirical Temptation again", *Millennium Journal of International Studies*, Vol. 32 (2003), pp. 1-27. See Immanuel Wallerstein, "The Eagle has crash Landed," *Foreign Policy* (July/August 2002), pp. 60-68.
106. Gibbs, n.88, pp. 16, 17. See Robert J. Art, "Why Western Europe Needs The United States And NATO", *Political Science Quarterly*, Vol. III (1996), pp. 10-13. See also Joseph S. Nye Jr., "The US and Europe: Continental drift?", *International Affairs*, Vol. 76 (2000), p. 54.
107. *Ibid.*, p. 18.
108. For detailed Study of Continuous relevance of NATO for US See Stanley R. Solan, "US Perspectives on NATO's Future," *International Affairs*, Vol. 73 (1997), pp. 216-231. For the Changing US-Europe Relations See. Christina M. Schwiss, "Sharing Hegemony : The Future of Transatlantic Security", *Cooperation and Conflict* (London) Vol. 38 (2003), pp. 211-234. See Henry Kissinger, *Diplomacy* (NY, 1994), pp. 818-826.
109. Gibbs, n. 88, p. 22.
110. *Ibid.*, p. 26.

Role of United Nations Aftermath of Kosovo War

The United Nations has exercised authority in significant new ways to address various aspects of resolving conflicts and dealing with their consequences after the end of Cold War.¹ The role of United Nations has substantially expanded during this period so far as governance of societies affected by conflicts are concerned. This new role has included the use of force to end internal violence and the prosecution of violations of international humanitarian law. The growing focus on intrastate conflicts which considered within the domestic jurisdiction of states have brought humanitarian and human rights law closer to the modern conflict resolution process.² The analysis of United Nations role in Kosovo described this development of law and practice concerning the United Nations governance of post conflict societies.

THE UN RESOLUTION 1244 AS A ROADMAP FOR THE GOVERNANCE OF POST-CONFLICT KOSOVO

The United Nations actions in Kosovo illustrate its vastly expanded responsibilities regarding the new purpose of state restoration. In addition to the usual peacekeeping functions, the United Nations took on a vast programme of state reconstruction. This included police activities, engineering (road and bridge building), health and sanitation, organizing and monitoring elections. It acts as de facto government and maintained some semblance of authority until the warring factions negotiated an arrangement that approximated Western concepts of popular government.³ On 6 May 1999, the G-8 (group of rich countries i.e. Canada, France, Germany, Italy, Japan, the Russian Federation, The United Kingdom and The United States) met in Germany and adopted general principles for the political solution of the Kosovo

crisis. They instructed their Political Directorate to prepare elements of a UN resolution which drew up a roadmap for solution of Kosovo conflict. The Russian Federation and the United States ensured the cooperation for implementation of the international community's conditions to end the Kosovo conflict. On 31 May, 1999, the EU announced a mission to Belgrade which was led by Finnish President Martti Ahtisaari in close cooperation with the United States, the Russian Federation and the United Nations. On 4 June, Yugoslavia conveyed to the Secretary-General about its and Serbia's acceptance of the G-8 peace plan presented by President Ahtisaari and Victor Chernomyrdin, the Russian Federation President's personal envoy.⁴

On 10 June 1999, the United Nations Security Council adopted resolution 1244 by Vote (14-0-1). Although the Russian Federation generally supports this resolution because it was based on the G-8 principles but China abstained from voting on resolution 1244. China stated that it had great difficulty with draft resolution but because Yugoslavia had accepted the peace plan and NATO had suspended its bombing, it would not block the resolution's adoption. On 28 July, the General Assembly adopted resolution 53/241 and authorized the Secretary-General for financing of the United Nations Interim Administration Mission in Kosovo. The General Assembly granted \$200 million inclusive of the amount of \$50 million granted by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the operation of the Mission under the terms of section IV of the General Assembly resolution 49/233 A of 23 December 1994.⁵ The important paras of resolution 1244 which described the formation and functioning of international civil and security presence are, (see whole text of resolution 1244 in Appendix I)

...demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

...decides on the deployment in Kosovo, under United Nation auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

....requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner.

....authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex II with all necessary means to fulfil its responsibilities under paragraph 9 below;

....decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

- (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and para-military forces, except as provided for in point 6 of annex II;
- (b) Demilitarizing the Kosovo Liberation Army and other armed Kosovo Albanian groups, as required in paragraph 15 below;
- (c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
- (d) Ensuring public safety and order until the international civil presence can take responsibility for this task;
- (e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
- (f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;
- (g) Conducting border monitoring duties as required.
- (h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

....authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia and which will provide

transitional administration while establishing and overseeing the development of provisional democratic self-government institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

...decides that the main responsibilities of the international civil presence will include:

- (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex II and of the Rambouillet Accords;
 - (b) Performing basic civilian administrative functions where and as long as required.
 - (c) Organizing and overseeing the development of provisional institution for democratic and autonomous self-government pending a political settlement, including the holding of elections.
 - (d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;
 - (e) Facilitating a political process designed to determine the future status of Kosovo, taking into account the Rambouillet Accords;
 - (f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
 - (g) Supporting the reconstruction of key infrastructure and other economic reconstruction;
 - (h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;
 - (i) Maintaining civil law and order, including establishing local police forces and in the meantime through the deployment of international police personnel to serve in Kosovo;
 - (j) Protecting and promoting human rights;
 - (k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.
19. Decides that the international civil and security presences are established for an initial period of twelve months, to continue thereafter unless the Security Council decides otherwise.⁶

The Security Council envisaged the withdrawal of all Yugoslavia Military, Police and Paramilitary forces from Kosovo. It

further authorized NATO Military deployment called Kosovo Force (KFOR) and created a UN Civil administration called the United Nations Mission in Kosovo (UNMIK) to develop provisional institutions for democratic and autonomous self government including holding of elections. It also envisaged the appointment of a Special Representative of the UN Secretary-General (SRSG) to administer Kosovo. He was asked to coordinate closely with KFOR to ensure that both UNMIK and KFOR worked towards the attainment of same goals in a mutually supportive manner. The Resolution 1244 was the product of unique geopolitical circumstances. It involved the military intervention of NATO in Yugoslavia and an extraordinary international consensus on a way out of an increasingly unpredictable military confrontation with destabilising consequences. The important objectives of the agreement that produced Resolution 1244 were, to end the NATO air campaign against Yugoslavia, to reverse the effects of ethnic cleansing against Kosovo Albanians, to end the surging humanitarian disaster in the region, to lay the ground work for a political settlement of the Kosovo crisis. The peace plan given by G-8 foreign ministers for resolution of the Kosovo crisis and latter incorporated in Annex 2 of resolution 1244 clearly showed these objectives.

Although the Resolution 1244 finished an open conflict in Kosovo but was neither a product of an agreement between Serbs and Kosovo Albanians with clear road map for political settlement and nor an agreement between exhausted opponents rocking compromise and end to their conflict. It did not foresee any definitive political solution and determine the future status of Kosovo but imposed a peace treaty on Yugoslavia because it was mandatory under Chapter VII of the Charter. It was yet another case-by-case response to crisis produced by the unfinished process of disintegration of Yugoslavia that had begun a decade ago.⁷ The Resolution 1244 imposed a regime on Kosovo for a period of twelve months and indefinitely thereafter until a Majority of the Council Members agreed to terminate it.

While Resolution 1244 ritually reaffirmed the sovereignty, independence and territorial integrity of Yugoslavia but it significantly revised and diminished the traditional attribute of

statehood. The Resolution 1244 vested the United Nations with a comprehensive mandate empowering it to exercise all legislative, executive, and judicial authority in Kosovo. The United Nations which traditionally promotes international law actually mandated in Kosovo to create new laws in areas that normally fell within the competence of Yugoslav legislature. The United Nations Interim Mission in Kosovo (UNMIK), established by resolution 1244 (1999) acting pursuant to the authority given to it under the above mentioned resolution, and for the purpose of establishing and maintaining the interim administration in Kosovo promulgated the Regulation No. 1999/1 in July 1999. This regulation is also known as the Mother of all Regulations promulgated the following,

Section 1

Authority of the interim administration

....all legislative and executive with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General.

....the Special Representative of the Secretary-General may appoint any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person. Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations issued by UNMIK.

Section 2

Observance of international recognized standards

....in exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards and shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.

Section 3

Applicable law in kosovo

....the laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with standards referred to in section 2, the fulfillment of the mandate given to UNMIK under United Nations Security Council resolution 1244 (1999), or the present or any other regulation issued by UNMIK.

Section 4

Regulations issued by UNMIK

...in the performance of the duties entrusted to the interim administration under United Nations Security Council resolution 1244 (1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued to by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999).⁸

The head of the UNMIK becomes the exclusive legislator of Kosovo by promulgating UNMIK Regulations that had the status of laws. It superseded any other law on the regulated matter at issue. In addition the UN mission in Kosovo had to rebuild the entire public sector including the reconstruction and operation of public utilities, ports, airports and public transport system. It established the functioning Civil Services, created a network of Social Services including rehabilitation and employment offices. It ensures the provision of primary, secondary and higher education. It created the necessary conditions for economic development which included the establishment of banking system, formulation of budgetary and currency policies. The UN mission also worked for attraction of foreign investment and the establishment of a comprehensive tax, customs and levies scheme and developed Public-broadcasting and Mass-Media Capabilities in Kosovo. The United Nations needed to create a legal framework within which these activities could be carried out. The legislative powers granted by the Security Council could not be exercised until each mission took steps to draft, promulgate and enforce a range of the United Nations Regulations. These Regulations would have the force of law in an administrated territory.

The powers of international administration and the SRSG to fulfil these tasks emanating from resolution 1244 and various UNMIK Regulations virtually led to suspending Yugoslavia's sovereignty over Kosovo. The term "Suspended Sovereignty" has been employed in legal and political discourse on sovereignty in order to describe different situations in which internal sovereignty can be perceived to be an empty legal proposition and not matching

political realities. In such situations sovereignty is no longer an applicable legal concept. The NATO intervention in Kosovo led to the withdrawal of the Political and administrative cadres in entirety that had previously governed its territory including the security and law enforcement apparatus.⁹ The only presence of Yugoslav authorities in Kosovo was the establishment of Committee for Co-operation with the United Nations in Pristina in accordance with Resolution 1244.¹⁰ Its Mandate was limited merely to liaison with the international presence. In reality it ended up as resembling a diplomatic mission inside its own state.

The Legal status of UNMIK and KFOR created an additional exceptional situation in Kosovo. The international administration had full administrative authority over Kosovo. The assets, property, funds of UNMIK and KFOR were immune from any form of Legal process. It was the first time the United Nations was entrusted with such a broad mandate to assume full responsibility for the administration of a territory. East Timor followed only few months later.¹¹ The organisational, and juridical status and the legal powers of the SRSG in Kosovo were equally comparable with a pre-constitutional monarch in sovereign kingdom. The United Nations not only undertook the unprecedented responsibility of plenary authority over Kosovo but it had also given the exceptional task to administer it without a clear road map for its final status.¹² The conceptual fiction of sovereignty as an absolute and invisible condition inhibited the solution of thorny issue of authority in Kosovo. The Kosovo Albanians were unlikely to accept Serbian sovereignty because of the fears of future exploitation. Independence for Kosovo remained unacceptable to Serbia which regard Kosovo its ethnic homeland. Neither side was likely to settle the issue if full sovereignty was the only conceptual category on the negotiation table.¹³ Thus, on the ground the hard realities of the Kosovo conflict were even more demanding and frustrating.

THE UNITED NATIONS AND THE CHALLENGE OF POST-CONFLICT PEACE-BUILDING IN KOSOVO

Kosovo posed another important challenge for the international community regarding the rebuilding of unstable polities in the

aftermath of war. The United Nations had accepted the responsibility for post-conflict peace building. Peace-building was an attempt after a peace had been negotiated or imposed to address the sources of current hostility and build local capacities for conflicts resolution. Conflict Resolution has a task for achieving a change in the direction of the flow of events so that escalation is turned into de-escalation and polarisation into positive interaction. This process can be explained through Fig. 5.1.

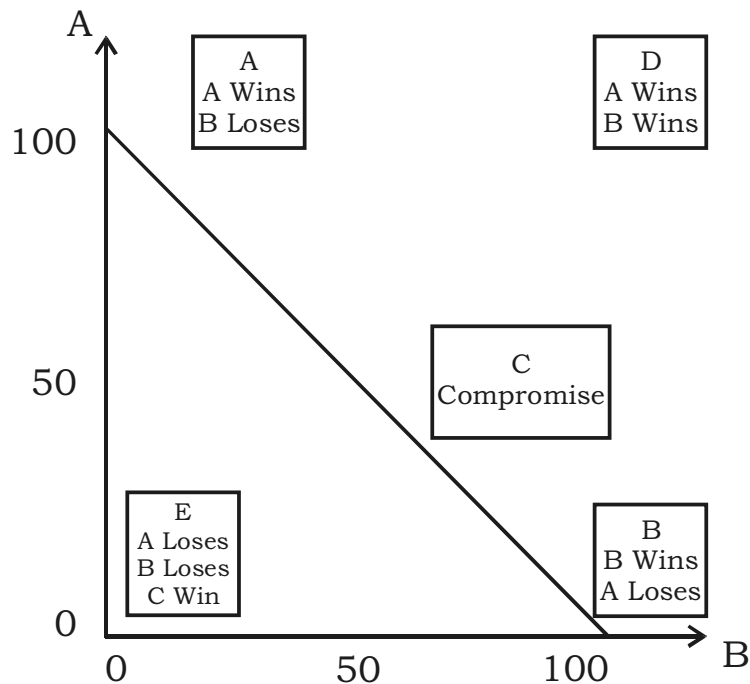


Fig. 5.1 : Analysis of Incompatibility.

Source : Peter Wallensteen, *Understanding Conflict Resolution*, p. 7.

This shows two actors A and B with contradictory goals. These goals are related with piece of territory, government posts or other valuables. If A gets 100 per cent of the available resources, there is nothing left for B or vice versa. If either one wins the situation finds itself at point A or B respectively and it means complete victory for one actor and complete defeat for other. This outcome is not likely abide by easily and voluntarily by any actor. Anything beyond these points be more acceptable and possible. The point C marks a classical point where the parties divide the resources half-half equally much or little for each side. The Parties may also agree on going to point E in which none of them take anything but instead

valuables are handed over to actor C.¹⁴ In Kosovo conflict, The use of force by NATO led to the withdrawal of Yugoslavia's forces from Kosovo. Both conflict parties i.e. Serbs and Kosovar Albanian agreed to deploy NATO force under the UN auspices. The UNMIK control the organizational, legal and judicial authority in Kosovo.

There is a point at the right and above the line D where both parties get what they want at the same time. The conflicts transformed through transcendence where goals are met fully for conflict parties. This outcome indicates the challenge of finding solutions beyond established rules and thinking. The need for such type of outcome becomes problematic for the United Nations. The political battle reduces the options perceived by the actors. The atrocities committed by Serbs in Kosovo created fears in Kosovar Albanians. This fear barred the transcendence and restricted the amicable solutions of Kosovo conflict.

Kosovo's problems and hatreds were so endemic that the international mission shifted to a large scale, long term efforts. Given the continuing presence of distrust, bitterness and demonization of the other, the need for reconciliation was greatest.¹⁵ For this purpose, the United Nations has been negotiated or imposed peacebuilding efforts to address the sources of current hostility and build local capacities for conflict resolution. The political strategy of a peacebuilding mandate is the concept of operations embodied in its design. It can defuse potential and actual hostilities and assist societies in conditions and processes. It can occur at the micro level through aid to rebuild links between communities to restore authority structures and local decision making capacities. It encourages municipal authorities to allow displaced persons to return. At the macro-level the conditionalities on delivery of assistance can be used to encourage the parties to negotiate their differences seriously.¹⁶ But in many civil wars, the contest is over who or what ideology controls a single polity. In some ethnic wars the costs of 'cleansing' seems too high that combatants in these circumstances still have continuing disputes over material interest, sovereignty and disputed territory. Each has experienced devastating destruction in varying degrees and both leaders and followers are likely to harbour deep resentment for losses sustained particularly to

family and funds. They also experience the costs of war and may come to a “hurting stalemate” in which no faction see that it can win and perceives the high costs of continuing strife. In these circumstances, sustainable peace needs state authority as a starting point to overcome security concerns.

The increased hostility due to the experience of war makes reconciliation more difficult. To achieve peace and reconciliation, four types of efforts are required.. Firstly, is to reconcentrate central power (The powerful must be recognised be legitimate). Second is to increase state legitimacy through participation i.e. elections, powersharing. Third is to raise and allocate economic resources in support of peace. Given the devastation of civil war, all three require, the fourth-one i.e. external, international assistance or authority in a transitional period (Although not every country would benefit from external intervention).¹⁷ In sum there should be a relation between the depth of hostility, the number and character of the factions and the level of economic development with external assistance or authority needed to build peace. This observation can be applied on the post war situation in Kosovo.

The main tasks of UNMIK according to Resolution 1244 were, to establish a functioning interim civil administration including the maintenance of law and order. Second task was to promote the establishment of substantial autonomy and self-government including holding of election. Third was to facilitate political process to determine Kosovo’s future status and all these three efforts took the support of the fourth-one i.e. external assistance from the United Nations. The initial strategic framework of the international administration outlined in the report of the UN Secretary General on UNMIK is divided into five integrated phases.¹⁸ The first phase focused on the establishment and consolidation of UNMIK’s authority, the creation of interim UNMIK administrative structures including a phased plan for economic recovery and development for maintenance of a viable self sustaining economy. The Second Phase would be directed towards the administration of social services, utilities and consolidation of rule of law. The Third Phase would emphasize the finalization of preparations for election for Kosovo’s Transitional Authority. During the fourth Phase, UNMIK would

oversee and assist elected Kosovo representatives to organize and establish the provisional institutions for democratic and autonomous self government. A concluding fifth phase would depend on a final settlement during which UNMIK would oversee the transfer of authority from Kosovo's provisional institutions to those established under a political settlement.

The structure of UNMIK was created to provide the necessary instruments to fulfil its vast tasks. It has divided into four pillars run by different international organizations presided over by the SRSG. The two from the four pillars of UNMIK are the Humanitarian Assistance Component led by UNHCR and the Civil Administration Component led by the United Nations itself . The other two are Democratisation and Institution building components led by the Organisation for Security and Cooperation in Europe (OSCE) and the Reconstruction and Economic Development Component led by the European Union.

The real task of UNMIK and KFOR in Kosovo was to preserve the peace by skillfully navigating between the immediate objectives of Resolution 1244 that established a civil administration and the adverse political realities on the ground that favoured continuous conflict. The challenge was to use the former to address the latter. The international administration had addressed three inter-related priorities to tackle the challenges and realities of Kosovo. These priorities were to establish not only the law and order, security and freedom of Movement throughout Kosovo but also to establish a functioning administration involving the local population particularly the Kosovo Albanians who formed majority population, protect and build the confidence of the serbs in their future in Kosovo. The common denominator of these political priorities was to preserve peace and build confidence of both Kosovo Albanians and Serbs and other communities in the international administration. The main objective of these priorities was to help to build new Kosovo in which all communities could coexist peacefully. In summer 1999 this seemed to be a battle against all odds.¹⁹

The International administration in Kosovo had completed its four phases. From the beginning the uncertainty over the final status of Kosovo has been a Major handicap for UNMIK and KFOR. It

exacerbated the inherent difficulties of a conflict in which both the Albanian Kosovars and Serbs sought exclusively zero-sum solutions. Any policy or decision by the international administration was interpreted by Serbs as promoting independence or the Kosovo Albanians as the return to Serb rule. This shows the complexities of ethnic conflict resolution. These difficulties occurred because the participants in ethnic conflict fight about the details of history, the rules that applied to them, the laws from which they were deprived of, demanded special status and future guarantees from the past injustices.²⁰ In this situation, the approaches to end conflict should be sensitized the needs of the systematically excluded community. It should enable communities in conflict to progress from an exclusionary position to a universal position. This universal position does not depend on social engineering and assimilation on which the political, social and economic framework of mutual coexistence is built. This position needs to be democratically arrived at and requires a level of democracy in the international system. Despite all their procedural messiness and sluggishness democracies nevertheless protect the integrity, freedom of conscience and expression of the person.²¹ Such Protection is essential to end the threat felt by individuals in situations of intergroup conflict and establishing interethnic peace.

The UNMIK and KFOR made significant progress toward developing provisional institutions for democratic and autonomous self government in Kosovo for implementation of the Security Council resolution, 1244. Throughout the first phase of international administration, the UNMIK managed to shift the focus of the attention of the Kosovo Albanians to additional issues. These issues included the establishment of a functioning civil administration with the participation of local representatives and the establishment of local structures of governance with the external holding of municipal elections in October 2000. The international administration's commitment for general elections sometime soon after municipal elections becomes additional issue for the beginning of development of democratic institutions of self-government and substantial autonomy, economic reconstruction and development. The Kosovo Albanians swiftly emerged as constructive interlocutors for the international administration.

The first critical initiative of UNMIK that build the confidence of the Kosovo Albanians was the early establishment of Kosovo Traditional Council (KTC) as supreme local consultative body of UNMIK. A Major achievement of KTC was that it provided the forum for the reconciliation and beginning of cooperation between two main Kosovo Albanian leaders i.e. Ibrahim Rugova and Hashim Thaci. This paved the way between UNMIK and the key Kosovo Albanian leaders. The agreement for the demilitarisation of the Kosovo liberation Army and its transformation into Kosovo protection corps in September 1999 was another landmark in the process of building confidence. The establishment of the joint Interim Administrative Structure (JIAS) was another cardinal success of UNMIK in December 1999.²² This agreement ensured the representation of Kosovo Albanians in some of the key policy making mechanisms of UNMIK. It consolidated the cooperation between UNMIK and the overwhelming Majority of local population. This agreement was criticized because it provided the means for transformation of existing parallel governments competing with the UNMIK. The agreement stipulated,

“current Kosovo structures, be they executive, legislative, or judicial (Such as, “Provisional Governments of Kosovo’ led by Hashim Thaci, “Presidency of the Republic of Kosovo” led by Ibrahim Rugova) shall be transformed and Progressively integrated, to the extent possible and in conformity with this agreement, into the joint interim administrative structure.²³

The UNMIK adopted the regulation on self-government of municipalities of Kosovo in August 2000.²⁴ It was the first step towards establishment of a legal framework for substantial autonomy in Kosovo and beginning of the transfer of administrative responsibilities to local population. This important regulation was adopted by the long and constructive contributions by representatives. The UNMIK eventually organized the first ever free and fair municipal elections in Kosovo on 28 October 2000 under the operational responsibility of the OSCE. The peaceful atmosphere of elections and victory of the moderate leader Ibrahim Rugova strengthened the democratic forces in Kosovo. The catalyst of international opinion ensured the constructive engagement of the

Kosovo Albanians in the policies of UNMIK. Throughout this period, they had a conviction that Kosovo was on an irreversible path towards independence or at least would never fall under Serb rule. With these elections, they declared that choosing the path of confrontation against international presence in Kosovo was neither a popular opinion nor a pragmatic policy in any case for the Kosovo Albanians.²⁵ In fact, it could have resulted in a self-inflicted injury because the international community had demonstrated that they were their major ally.

Throughout this period, the conflict between the Kosovar Albanians and Serbs was not over. Continuing animosity and rivalry between the Kosovo Albanians and Serbs was compounded by collective memories of war and revenge deeply shrouded in the mists of history. The psychological traumas of the past were still powerful. The cycle of insult, humiliation and revenge destroys human bonds and causes the escalation of conflict and a renewed cycle of anger, insults and aggression.²⁶ The withdrawal of Yugoslavia's forces from Kosovo altered drastically the balance of power on the ground and made a space for cycle of revenge by Albanians from Serbs in Kosovo. It created the ground for victim to turn oppressor. The years of systematic discrimination and oppression coupled with fresh memories of terrible atrocities had generated deep hatred and an un-controllable spirit of revenge among Albanian population. This phenomena show that the conflict is a dynamic process in which structures, attitudes and behaviours are shifting constantly in the context of each other. The disputant's interests come into conflict and their relationship becomes oppressive. They develop conflictual behavior which leads to escalation. Resolving conflict involved a new architecture for transforming the disputant's relationships and the clash of interests that lie at the core of conflict structure.²⁷ The UNMIK progressively established relative security throughout Kosovo at the cost of the inter-ethnic divisions and segregation. The Serbs regrouped in rural enclaves in Kosovo under around the clock effective protection of the KFOR and UNMIK Police. In Pristina (Capital of Kosovo), Soldiers even moved to live in apartments together with remaining Serbs.

The UNMIK addressed the underlying causes of inter-ethnic violence to improve its preventive and policing capacity. It also improved the judiciary and the prison system. The judicial system remained paralysed for several months in the beginning due to controversy over the applicable law. A major flare-up of violence in Mitrovica in February 2000 created the critical mass needed for the UNMIK to secure wide local and international support to appoint international judges and prosecutors in Kosovo. The UNMIK attempted to address the Serb problems through increased security. The international administration also initiated the process of organized returns of Serbs to their homes in Kosovo. The SRSG launched the Agenda for coexistence in November 1999 for ensuring rule of law and enhancing the delivery of public services to the Serbs and other vulnerable communities. This initiative was eventually boosted by the agreement between the UNMIK and the Serb National Council of Kosovo and Metohija (SNC K &M). This agreement led to the SNCK&M's decision to participate and represent Serbs in the joint administrative structure in Kosovo.²⁸ Another Serb political entity the Serb National council of Mitrovica (SNC Mitrovica) that pursued policy of non-cooperation with the UNMIK accepted in late July 2000 to participate in joint committee for returns of the Kosovo Serbs. The dramatic changes in Belgrade in October 2000 could give new impetus to the process of cooperation between Serbs and the UNMIK in Kosovo.

INDICTMENT OF SERBIAN PRESIDENT SLOBODAN MILOSEVIC AND STRENGTHENING OF DEMOCRATIC FORCES IN SERBIA AND KOSOVO

The historic democratic changes of October 2000 in Belgrade prompted a widespread optimism for a new era of reconciliation and cooperation in Balkans. President Milosevic survived the break up of Yugoslavia and then four debilitating wars, faced political crisis during the elections of September 2000. The disparate opposition groups put up a single candidate Vojislav Kostunica for President. The Western governments especially those opposed to Milosevic become over active a few weeks before the elections. Vojislav Kostunica, democratic opposition leader got elected as the President of Serbia. The Western powers achieved their most sought after aim

of ousting of President Milosevic. Western governments interfered blatantly in the election process and helped democratic leadership in Serbia. The United States administration pumped \$77 Million to influence the outcome of election.²⁹ Milosevic's ultranationalist policies turned Serbia bankrupt with fifty per cent unemployment rate. The United States, on the other hand, demanded Milosevic's hand over to the International Court of Justice in lieu of getting foreign aid. The United Nations already established adhoc International War Crime Tribunal to investigate crimes and prosecute perpetrators of atrocities in Yugoslavia. Milosevic has arrested by tribunal authorities after nine months of his ouster. He faced charges in this Court for genocide and crimes against humanity which he committed while in office.³⁰ He was the first former head of state indicted by International War Crime Tribunal ((ICTY).

The Kosovo conflict resulted from the deliberate incitement of ethnic hatred and violence by which ruthless demagogues and warlords elevated themselves to position of absolute power. The calculated manipulation of fears and tensions unleashed a spiral of violence in which thousand of citizens became unwitting instruments of unscrupulous political elites questing for supremacy. The arrest of Milosevic showed that the removal of leaders with criminal dispositions made a positive construction of post-conflict peacebuilding. The establishment of international criminal tribunals can play a significant role in discrediting and containing destabilizing political forces. The stigmatization of delinquent leaders through indictment, apprehension and prosecution undermine their influence. A post-conflict culture of justice also makes moral credibility for victim groups and renders vengeance less tempting and more costly. The prosecution and related political demise of Milosevic sent a message that the cost of ethnic hatred and violence as an instrument of power outweighs its benefits. This helped to marginalize nationalist political leaders and other forces allied to ethnic war and genocide. It discourages vengeance by victim groups and to transform criminal justice into an important element of contemporary international agenda. The threat of punishment may persuade potential perpetrators to adjust their behavior. Thus cost-benefit calculation has implications for

preventing conflicts.³¹ The indictment of Milosevic sent a message that in post conflict scenarios, leaders may be incapacitated outrightly by arrests. It also conveyed the message that further incitement and violence would incur a high political cost.

The arrest and trial of Milosevic dramatically increased atrocity regime's deterrence power. The United Nations established ad hoc international war crimes tribunals to investigate crimes and prosecute perpetrators of atrocities in Bosnia, Rwanda and Kosovo. The United Nations expanded this atrocity regime by forming a permanent tribunal, the International Criminal Court (ICC). This process culminated in the Rome Statute of the International Criminal Court created in June and July 1998. This atrocities regime not only held perpetrators of atrocities responsible but act also as a mechanism of peace by establishing justice and promoting reconciliation in war-torn societies. It remains to be seen whether the arrest of Milosevic will serve to disclose the truth of events that occurred during the conflicts and promote national healing or further calcify animosities in the war-torn regions. The ability of International Criminal Tribunal for the Former Yugoslavia (ICTY) to extradite Milosevic is a crucial point in the development of a more viable atrocities regime.³² It also strengthen the reconciliation process in Kosovo. The UN special envoy in Kosovo, Bernard Kouchner argued in this regard, "There could be no peace and reconciliation in Kosovo until those indicted with human rights violations are brought to justice."³³

Bernard Kouchner's comments reflected the views that accountability for past crimes must remain an important part of equation for Kosovo to become a viable multi-ethnic entity. It also accepted that the attainment of this objective depends on deterring violent campaign against ethnic Serbs. By announcement of ICTY in June 2000 that it investigates alleged KLA atrocities against Serbs increased the cost of organized anti-Serb vengeance by Kosovo political elements. The democratic changes in Belgrade could not have directly effected the Kosovo conflict. This conflict was not a dispute over power or form of government. It was about secessionist movement in Kosovo and the territorial integrity of Yugoslavia. Ibrahim Rugova's refusal of new President Vojislav Kostunica's

proposal for starting a dialogue in December 2000 illustrated this dilemma of independence and sovereignty. Almost all the Albanian political elements in Kosovo whether extreme or moderate supported independence for Kosovo but the new democratic leadership in Serbia i.e. President Vojislav Kostunica and Prime Minister Zoran Djindjic regarded Kosovo as an integral and inalienable part of Serbia and Yugoslavia.³⁴ In this scenario, the international administration applied a strategy for implementation of Resolution 1244 that met the minimum objective of both Kosovo Albanians and Serbs and maximum of neither. The bounded rationality and the strategy, based on long term political commitment demanded the minimum requirement for the Kosovo Albanians, their constructive engagement with international administration in implanting Resolution 1244. It further required the continued building of Self-government, substantial autonomy and increased opportunity for Kosovo to become full partner in the process of regional integration in Europe. The greater Self-Government and substantial autonomy required the creation of political and administrative institutions that empowered local population and enhance the credibility of Kosovo leadership. The UNMIK under the new SRSG Han Hackkerp announced elections for legislative assembly for the purpose of attaining the goal of self-government in Kosovo. On November 17, 2001 UNMIK unveiled a constitutional framework for provisional self-government in Kosovo. The assembly would have powers in the fields of health, education and environment. It would have left ultimate executive authority with head of UNMIK. The UNMIK also retained control over province's taxes, budget, judiciary, and Kosovo Protection Corps (KPC). It also envisaged that the Kosovo Legislative Assembly would have 120 seats in which 100 elected directly. The 10 Seats were reserved for Serbs (7 percent of total population) and 10 for other ethnic groups (4 per cent of population). The assembly would elect president who would in turn appoint Prime Minister.³⁵

The elections for Kosovo Assembly were held on November 17, 2001 and resulted in a victory for moderate Democratic League of Kosovo (LDK) led by Ibrahim Rugova. LDK won 47 seats. The ethnic Albanian Democratic Party of Kosovo led by former

guerrilla leader Hashim Thaci won 26 seats. The coalition Returning (KP) won 11 per cent of vote and won 22 seats. Approximately 63 per cent of Province's 1.25 million registered voters cast their votes. The 70 percent Albanians and 50 per cent Serbs casted their votes in this elections.³⁶ These elections were widely regarded as the most important step to devolve power to the local Kosovers since the province was placed under international administration after 1999 war. The Table 5.1 shows the results of Kosovo Assembly elections.

Party	% of votes	Seats
Democratic League of Kosovo (LDK)	46.3	47
Democratic Party of Kosovo (PDK)	25.5	26
Coalition Returning	11.0	22
Alliance for the future of Kosovo (AAK)	7.8	8
Motherland National Movement for Liberation of Kosovo (LKCK)	1.2	4
Christian - Democratic Albanian Party of Kosovo (PSHDK)	1.0	1
Kosovo Democratic Turkish Party (KDTP)	0.9	3
People's movement of Kosovo (LPK)	0.6	1
Ashkali Albanian Democratic party (PDASHK)	0.4	2
New Initiative for a Democratic Kosovo (IRDK)	0.a5	2
Bosniak Democratic Action Party of Kosovo (BSDAK).	0.4	1
United Roma Party of Kosovo (PRBK)	0.3	1
Others	2.4	1
Total	100.0	120
Turnout :		63.2

Table 5.1 : Results of Kosovo Assembly

Source : Keesing's Records of world Events, November 2001, p. 444463.

The general elections in Kosovo could consolidate the political landscape and strengthen the democratic forces among Kosovo Albanians. Like Municipal elections, the moderate party of Ibrahim Rugova had swept the overwhelming majority in assembly elections with 46.3 per cent of the overall vote. The political competition in Kosovo is essentially an intra-Albanian affair and thereby the task of moderate forces was easier. These elections also deepened the transformation of radical forces of the former KLA leader Hashim Thaci and his group towards a modern Political Party prepared to play the game of democracy. This process also showed that the spread of democratic procedures goes hand-in-hand with changing conflict resolution norms.

The process further described the nature of external diplomatic involvement and its impact on people's perceptions about leaders in that particular region. The involvement of external actor if indicates the support of one of the leaders then people would more likely to be persuaded by that leader whether his ideas are more inclusive or exclusive. In this context, the inclusive means a leader that has toned down nationalistic rhetoric. He might speak a future society in which grievances could be redressed through cooperative negotiations with others and the political majority and minority have same degree of common identity. The exclusive leader has more nationalistic inclinations about others. The explicit support would give legitimacy to leaders in international circles which could ultimately be helpful in addressing the group's grievances. On the other hand, if the external actor's involvement would be neutral with regard to the competing nationalist leaders, then the potential followers of those leaders would more likely to think that external actor would support negotiations and would help to enforce any agreement. Here 'neutral' could be used to devote involvement that would pay little or no attention to one leader or another but simply would assert the need for resolution.³⁷ The Table 5.2 shows this relationship

Perceived Recognition of
injustice by external actors

Perception that external actor will
support negotiations and will help
enforce agreement.

Yes

Most Likely when there
is neutral external
involvement

No

Most likely
when there is
no external
involvement

Yes Most likely when situation defined as international	1. Support leader with more inclu- -sive ideas	2. Support leader with more exclusive ideas
No Moste likely with situation defined as internal	3. Prediction indeterminate domestic variables in this situation	4. Support leader with more exclusive ideas

Table 5.2 : Relationship between international dimension, follower perceptions, and resulting support for more inclusive/exclusive leaders.

Source : Andrea Grove, International Studies Quarterly (2001), p. 65.

The first cell of the above model represents a relationship in which the political minority is most likely to feel that actors outside conflict society recognize their claims of injustice and support negotiations or enforce a peace agreement. This process occurred when the situation was defined as an international issue and external actors were diplomatically involved in supporting talks. The more involved they were in talks in the 'neutral' way defined above the more likely people have these perceptions. In such a situation leader with more inclusive views were more likely to be persuasive.³⁸ The triumph of moderate leader Ibrahim Rugova in Municipal and Assembly elections in Kosovo showed the neutral involvement of international administration in Kosovo. The international administration's efforts to spread democratic procedures in Kosovo successfully transformed the more radical forces led by terrorist leader Hashim Thaci in a democratic party.

The UNMIK through democratic procedures and neutral

involvement shifted the “Security dilemma” situation in Kosovo. Both ethnic groups i.e. Albanian Kosovars and Serbs in Kosovo lived in a anarchical situation because of the lack of common institutions for governing with perceived legitimacy. A key to mediating the security dilemma is confidence building where ethnic groups possess effective safeguards, share pacific expectations and feel secure in their relationship with the state and each other. Confidence building measures give people a sense that they can pursue their interests within institutions. The involvement of external actors as in cell 1 of above model is a first step to having a “neutral arbiter” to provide a sense of security. This means the involvement on behalf of external actor may serve as proxy to begin promoting transparency of behaviour. It also overturn pattern of political discrimination even in the absence of pre-existing democratic institutions to redress grievances. This also promoted economic development, opportunities, justice and address cultural and perceptual problems.³⁹ The four phases of the international administration assist peacebuilding process through the deterrence of new hostilities in Kosovo. During the first phase, the UNMIK promoted human rights and deploy international personnel with the aim to restore public services. It further provided humanitarian assistance and facilitated the safe and unimpeded return of all refugees and displaced persons to their homes. It established functioning administrative structures to develop phased economic recovery plan.

THE UNMIKs IN THE DEMOCRATIC TRANSFORMATION OF KOSVO'S SOCIETY AND AN IMPORTANCE OF UNITED NATIONS PEACE BUILDING IN WORLD POLITICS.

The UNMIK during the second phase focussed on the administration of social services and utilities and consolidated the rule of law through various regulations. The process of rehabilitation began with the UNMIK's establishment of Deutsh Mark as Kosovo's currency with responsibility of European Union. The UNMIK increased sense of security in Kosovo with turned its attention to the development of judiciary. The UNMIK established pre-1989 law as the applicable law in Kosovo for redressing local grievances. In practice this significantly limits the use of federal laws. By the end

of 1999, the UNMIK had established comprehensive authority in all aspects of Kosovo's society with an annual budget of over \$427 Million.

The first two phases of the UNMIK lasted from July 1999 to October 2000. The third and fourth phase were completed by municipal and Kosovo assembly elections. Although the inherited weakness and ambiguities posed serious problems but the UNMIK succeeded in active as neutral arbiter for the conflict resolution in Kosovo.

The German diplomat Michael Steiner replaced Han Haekkerup during the election process and appointed as head of the UNMIK on January 21, 2002. Ibrahim Rugova elected as President of Kosovo after two failed attempts of its election. The assembly also elected the former Mayor of Mitrovica Bajram Rexhpie (PDK) as Prime Minister. Rugova's moderate party LDK received four portfolios includes finance and education while PDK received two and premiership.⁴⁰ President Rugova repeated his demand and commitment to independence for Kosovo which was supported by all political parties.

The demand of independence by Kosovo Albanian leaders again exacerbated with the replacement of Yugoslavia with loose union between its two constituent republics i.e. Serbia and Montenegro in February 2003. Enraged by inclusion of Kosovo in new union, the Kosovo Legislative members demanded an emergency session of assembly with the purpose of adopting a declaration of Kosovo as an independent and Sovereign country. The UNMIK head Michael Steiner dismissed their demand for independence. The assassination of Prime Minister Zoran Djindjic and the replacement of President Vojislav Kostunica by Svetozar Marovic as President of new union in March 2003 also loosened the process of the solution of Kosovo's final status.⁴¹ Until the emergence of Kosovo as an independent country in January 2008 it seems that the Resolution 1244 left it in limbo. But it is clear that without some minor incidents of violence, resolution 1244 could prevent Kosovo from sliding back into an open conflict. It provided long-term commitment by the international community to create the conditions for a regional settlement of Kosovo dispute sometime in the future. On the other hand, The

United Nations future in international crises is going to be determined in very large part by what it achieves in Kosovo.⁴² The United Nations successfully restored its credibility by solving the problems regarding Kosovo's final status amicably with the cooperation of the United States and European Union.

Kosovo further described that the United Nations proclamation of multilateral security and universal principles of peace and democracy provides fantasy space for contemporary sovereign states. It means that the presence of the United Nations at the centre of world politics is a fictional guarantee. Under this guarantee, every post-cold war event could be reinterpreted or revisualized through the filtering presence of the United Nations that is much more classical and comfortable for states. This explains the proliferation of global conferences in the recent years on environment (Rio Summit) world population (Cairo Summit), world poverty (Copenhagen Summit), human rights (Vienna Summit) organized by United Nations. The new world opened up by the United Nations through these conferences, reports of UN special envoys, UN special declarations and work of UN agencies simulate the vision that world is the hospitable place for states and its people. More importantly it shows the need for states to work together and build long-standing principles to arrive at such a fictional construction that could be called "UN-iversal world order".⁴³ Thus, sovereign states are not left out of the global picture of/by the United Nations. The United Nations fictionally "brings states back in the world order which were disempowered by transnational phenomenon that no longer abides state boundaries and principle of action. Beside failures in Somalia, Rwanda, Bosnia and various other parts of world, the United Nations exalted all of the realist values of modern nation-states i.e. autonomy, sovereignty, legitimacy and power.

In other words, sovereign states are re-empowered by the vast simulating arsenal of the United Nations activities. The States are represented as sovereign with the authority in the Security Council decisions and their populations through environment summits. They care about their borders with condemnation of international terrorism through the United Nations declarations and resolutions. They take part in the resolution of ethnic conflicts and charges

against unfriendly states e.g. plethora of UN resolutions passed against Iraq, Yugoslavia, Libya, Haiti and so on. Thus, the United Nations becomes an imaginary world government which is tied to no real world nation or state but it constantly rejuvenates the realist fiction of national governments through imaginary powers of simulation.⁴⁴ Responding the rhetoric of irrelevance of the United Nations during Bush administration's decision to use force unilaterally in Iraq, Madeleine Albright argued,

Beyond the council itself, The United Nations ongoing relevance is evident in the work of the more than two dozen organizations comprising the UN system. In 2003 alone, The International Atomic Energy Agency reported that Iran had processed nuclear materials in violations of its nuclear nonproliferation treaty obligation. The International Criminal Tribunal for former Yugoslavia tried deposed Yugoslav Leader Slobodan Milosevic for genocide. The World Health Organization successfully coordinated the global response to Severe Acute Respiratory Syndrome (SARS), meanwhile The World Food Programme has fed more than 70 million people annually for the last five years. The UN High Commissioner for Refugees maintains a lifeline to the international homeless. The UN children's fund has launched a campaign to end forced childhood marriage. The Joint UN Programme on HIV/AIDS remains a focal point for global efforts to defeat HIV/AIDS. The UN Population Fund help families plan, mothers' service, and children grow up healthy in the most impoverished places on earth. The United Nations may seem useless to the self-satisfied, narrow minded, and microhearted minority, but to most of the world's populations, it remains highly relevant indeed.⁴⁵

The United Nations come under severe criticism in recent years over its inability to perform its collective security functions. Many consider it increasingly irrelevant entity and do not feel the need for its continued existence. But the failure of the Security Council with regard to its collective security functions is the result of collective failure of its Permanent members. This collective failure stems largely from their unwillingness to give up their veto power. However, the Collective Security is only one aspect albeit an important one of the multifaceted role played by the United Nations in world affairs.⁴⁶ The Kosovo illustrated this view obviously. After the termination of NATO bombing, the United Nations oversee the return of refugee's provided them with food and shelter. It assisted

in the rebuilding of Kosovo's shattered economy, institutions of law and order and democratic governance.

The reconstruction of Civil Society, Judiciary, police and other public institutions in Kosovo torn apart by ethnic hatred and strife is one of the most sensitive and important elements in Kosovo peace settlement. It created an unprecedented role for the United Nations and extremely challenging test of the ability of International Community to take the place of government. Kosovo puts a new type of international responsibility on trial.⁴⁷ The United Nations Mission in Kosovo (UNMIK) successfully reconstructed civil society despite the inherent weaknesses and ambiguities of its mandate. Such reconstruction could be the foremost priority for international administration because it was crucial for lasting peace in the region. NATO was neither equipped or nor willing to perform these functions. Although the United States and European Union played an important and leading role in the process to decide the final status of Kosovo but the peacebuilding role of United Nations in Kosovo given eloquent testimony to its continuous relevance.

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- than on external context. For example in a situation of high repression the more exclusive leader makes more sense. If the repression is lessening, a more inclusive leader's rhetoric would be more likely to resonate. See *Ibid.*, p. 366.
40. Renata Dwan", "Armed Conflict Prevention, Management and Resolution", *Sipri Yearbook*, 2000, pp. 87-88. *Keesing's Records of world Events* Jan. 2002, p. 44578. See also *Keesing's Records of world Events*, March 2002, p. 44684.
 41. *Keesing's Records of World Events*, March 2003, p. 45299.
 42. *Yannis*, n. 7, p. 72.
 43. Francois Debrix, "Deploying vision, Simulation Action : The United Nations and its Visualizing Strategies in a New World Order", *Alternatives*, Vol. 21 (1996), p. 82. *Ibid.*, pp. 82-83.
 44. *Ibid.*, pp. 82-83.
 45. Madeline K. Albright, "United Nations", *Foreign Policy* (October 2003), p. 17.
 46. Rahul Rao, "The UN and NATO in the New World Order : Legal issues," *International Studies*, Vol. 37 (2000), p. 180.
 47. Hideaki Shinoda, "The Politics of Legitimacy in International Relations : A Critical examination of NATO's Intervention in Kosovo", *Alternatives*, Vol. 25 (2000), p. 531.

Conclusion

The cascade of events occurred in the last decade of twentieth century resulted in a revolutionary restructuring of world politics. The stability imposed by the bipolar distribution of power between the United States and the Soviet Union ended with the demise of USSR. The trends of disintegration shook the globe and the resurgence of ethnic-nationalism and conflict resulted in the ethno-chaos in the world politics.

Ethnicity is a sense of identity and being a complex phenomenon like other social phenomenon is the subject of change. It is normally closely associated with political, juridical, religious and other social views and forms of interaction which constitute important ingredients of ethnic phenomenon. Ethnicity also finds expression in political domination, economic exploitation and psychological oppression.

The nature, intensity and forms of expression of ethnicity are determined by the size and location of the various linguistic cultural groups in the society, the strength and coherence of their leadership, the courage, determination and nature of under-privileged classes. Historical relations between different cultural groups, the level of development of the group, the socio-economic content in which the groups make contact, prevailing social customs, tradition and culture of various linguistic groups and the form of government also play an important role.

Ethnicity is found in both developed and underdeveloped countries, in societies with different ideologies and historical-cultural backgrounds. The positive aspect of ethnicity provides a material as well as emotional support network for individual in society. The negative aspects of ethnicity make it problematic for social harmony in multi-ethnic societies. It embodies those

passionate, symbolic and apprehensive aspects, which provide violent conflicts.

Ethnicity is not a new phenomenon. The process of traditional ethnicity and modern ethnicity as defined by world system development theory had gone through three major interlocking phases of development in the world system. The three phases are the changing structures of the state and economy as well as their associated ideological and identity configurations. However, with the emergence of modern state system the ethnicity assumed a new phenomenon taking the varied and overlapping forms of ethnic nationalism, civil ethnicity and ethnic plurality. Thus, the modern ethnicity rests on the foundation that member of every ethnic or cultural community need to be identified with a nation for assuring the status and rights of citizenship for themselves. When any time ethnic or cultural communities can not accept or support the state under whose jurisdiction they happen to live, they became alienated and hunt for better options.

The contemporary conflict between ethnic groups has been primarily restricted to sub-national groups with in the state that has not achieved the status of 'Nation' and the 'Majority group' organized under a state. The rise of 'Nation-without-states' bring a radical transformation in the functioning of nation-state. The ethnic conflict arise when the nation-state ignore the emotional bonds of myths, symbols and memories which unite citizens of particular ethnic communities living in its territory. A stress on informing and homogenization in the state boundaries are the root cause of the rise of ethnic violence in various countries. These factors were also responsible for the disintegration of Yugoslavia.

The roots of ethnic violence in Yugoslavia must be sought in the ethno-history, economy and culture of the region. Extreme ethnic heterogeneity, intractable religious and group rivalries and conflict of deeper socio-historical interests between various Yugoslav nations torn apart the artificial composition of country. The Kosovo crisis was also the product of these ethnic, religious and socio-historic rivalries between Kosovo Albanians and Serbs in Yugoslavia. The forces of ethnicity, ethnocide, ethnogenesis, ethno-nationalism and historical hatreds not only torn apart the Yugoslav

society but led it towards the process of pseudospeciation. It is a tool of modern psychological warfare through which the image of the target group or nation can be bedeviled. The Serbian President used this tool in Yugoslavia which resulted in the bloodiest massacres of Serbs, Croates, Bosnians and Albanian Muslims and created worst refugee problem in post-World War II European history.

The Serbian atrocities in Kosovo led to the severe humanitarian crisis that provided chance to NATO forces and sole super power the United States to intervene in Yugoslavia. Latter, this intervention in Kosovo (which was not authorised by the United Nations Security Council) raised various severe legal questions in world politics.

It is argued that the United Nations was silent spectator to the events in Kosovo. The paralysis of the United Nations was the result of the failure of permanent members of the Security Council to forge a consensus on the course of action. The United Nations role, on the contrary, was more complex and focused on the humanitarian and human rights issues. The United Nations role in Kosovo can be divided into two parts i.e. Pre-NATO attack preventive diplomacy for hampering mass scale human rights violations and second was post-NATO attack role of peace building. The Pre-NATO attack peace-keeping efforts of the United Nations in Kosovo could be analyses through three peace-keeping categories i.e. patching-up, prophylaxis and proselytism. The United Nations peace-keeping activities do not always contain neatly into this threefold framework. Sometimes the organization has engaged (at the same time and same situation) in both patching-up and prophylactic endeavours. The Mandate which is given to the mission is usually a good guide of the role of the United Nations. The four methods of patching-up, four of prophylaxis and two of proselytism illustrate different ways in which the same goal may be sought.

Patching-up consists of activity which intended to bring disputants to an agreement or to assist in the execution of a settlement. The first patching-up route to an agreement lies through impartial investigation of the facts of the case. In Kosovo, the Serbian and Kosovar Albanian groups were not in direct and open conflict until the last month of 1998. Hence, an investigation was the most obvious step in this situation. The observers can be sent to an

area where potential explosion of violence is likely to occur. This enables the world institution to receive an important report about deteriorating situation. The United Nations used Conference on Security and Cooperation in Europe (CSCE) Mission's to promote dialogue and collect information on human rights violations in Yugoslavia. Yugoslavia withdrew its acceptance of CSCE missions in Kosovo and other two areas in September 1992. The Security Council adopted resolution 855 (sponsored by France, Hungary, Spain, United Kingdom and United States) in 1993 and called upon Yugoslav authorities to reconsider their refusal to allow the CSCE mission's activities in Kosovo and other areas. The General Assembly in resolution 49/13 (1994) also called for the full implementation of resolution 855 (1993). Second procedure of patching-up is 'mediation' and the United Nations used it in number of times in Kosovo. The United Nations can also help to repair quarrels by assisting in the implementation of an agreement. For this purpose, the United Nations supervise the parties for execution of their promises. The United Nations may go beyond this activity when it played an administrative role in territorial disputes. The world body time-to-time used these patching-up procedures in the Kosovo crisis.

The four forms of the United Nations 'prophylactic' activity are, the devices of accusation, sedation, obstruction and refrigeration. The device of accusation is based on the assumption that the garnering of facts will expose and so may check the unpopular behaviour of offender states. The United Nations used CSCE mission's reports as 'accusation' method. This method is not embarked upon the immediate hope of putting an end to the dispute but intends to produce a quietening effect. The world body makes authoritative call for the cessation of hostile acts on the base of reports. In this way, the United Nations place some obstacles in the way of the beginning or continuation of aggressive policies. The Security Council resolution 855 (1993) which stressed Yugoslavia to reconsider its policy toward CSCE missions and the General Assembly Resolutions 48/153 (1993), 50/190 (1995), 51/111 (1996) and 52/139 (1997) which condemned Yugoslavia for violation of Kosovo Albanian's human rights, demanded reestablishment of democratic institutions, establishment of international monitoring

presence in Kosovo and resumption of dialogue reflected the prophylactic accusation approach used by world body in the Kosovo crisis.

The scope and intensity of the conflict in Kosovo grew dramatically in 1998 despite the CSCE missions and other regional organizations activities. The United Nations with the support of contact group and OSCE were directed towards bringing the parties together through mediatory or accusatory methods. The Security Council adopted resolutions 1160 and 1190 on the basis of the reports of contact group, OSCE, the Secretary-General and the United Nations High Commission for Refugees (UNHCR) about potential humanitarian disaster in Kosovo. Here, the United Nations used second prophylactic method called 'sedation' in Kosovo. Sedation consists of direct endeavours to exert a calming influence on inflammable situations. It requires the direct dealings of the United Nations representatives with the officials of the involved states. Such operations take place in two ways i.e. by negotiations with government concerned and through cooling activity at military level. These measures are not only used for avoiding loss of time but also designed to maximise the effects of the United Nations intervention. The sedative efforts of contact group, Christopher Hills (the United States Ambassador to Federal Republic of Macedonia) and the United States special envoy Richard Holbrooke resulted in an agreement for solution of Kosovo's problems through dialogue and peaceful means.

The United Nations used third prophylactic possibility called 'obstruction' for keeping peace and dialogue, the mobilization of world opinion regarding Kosovo's deteriorating situation. The obstruction is the placing of non-combatant force or verifiers with consent of host state for preventing the situation from deterioration. NATO and Yugoslavia signed Kosovo Verification Mission (KVM) on 15 October 1998 for air surveillance system. Yugoslavia and OSCE signed another agreement which allow OSCE mission to verify maintenance of ceasefire by all elements. This mission comprised 2000 unarmed verifiers from OSCE member countries and would be headquartered in Pristina, capital of Kosovo. On humanitarian front, the UNHCR and OHCHR had established close

coordination with Kosovo verification mission in the field and close liaison with OSCE in Vienna.

The United Nations peace-keeping activities in Kosovo received a shock when Yugoslavia had increased its military activities and used excessive and disproportionate force in Kosovo. The contact group also failed at diplomatic front when Serbian delegation refused to sign Rambouillet accords. The last ditch mediation mission of US Ambassador Richard Holbrooke and three other Rambouillet negotiators to persuade President Milosevic to accept ceasefire failed. This process showed that the states are certainly sensitive to criticism but it does not follow that they would alter their policies just to accommodate world opinion. The governments generally do not regard it as consonant with their dignity or domestic stability. The world body's demands, on the other hand, increase the state's determination to stand firm and receive support from its friends. The successful outcome of international opinion is based on two factors. Firstly, if the criticized states know that certain powerful friends will stand by it then it can afford to take little notice of decisions taken by organized international community. Yugoslavia knew that Russia and China, two Permanent Security Council members could veto any Western resolution regarding use of force on its territory. Thus, President Milosevic refused to sign Rambouillet accords and did not accept the ceasefire in Kosovo.

Secondly, in this situation, the efficacy of international action is based on the United Nations third peacekeeping method called proselytism. In this category, the United Nations seeking to act as an instrument of change in order to enforce concerned parties or regimes to obey international standards of behaviour. There are two types of proselytism i.e. 'invalidation and coercion'. The device of invalidation is used as fact-finding mission. It is used in the expectation that its report will be so damaging as to suggest that the regime in question is morally unfit for continued rule. However, the unresponsiveness of the criticized government or party to the United Nations hints that they should give up unacceptable behaviour or make way for more acceptable regimes. It has turned some thoughts toward coercion. The device of coercion is used for forceful regime change. NATO and OSCE's verification missions in Kosovo acted

as fact-finding missions for the United Nations. Both missions reported about the rigidity and blatant use of force by Serbian government against Kosovo Albanians. In this situation, the efficiency of international coercive action was largely turn on the attitude of major powers. The consensus between major powers about preventing violent change and maintaining peaceful international atmosphere is necessary for the United Nations to have a prophylactic effect on troubled situation. NATO's unauthorised use of force on Serbia directly stated to the divisions among the five permanent members of the Security Council on the use of force to resolve Kosovo crisis and the commitment of Russia and China to veto military intervention in Kosovo.

Kosovo showed that the human rights promotion through the UN Charter system has been evolved considerably. Since the adoption of the Universal Declaration, human rights institutions in the United Nations system have both increased in numbers and often evolved beyond a declaratory and promotional status. The 1998 Rome Compromise on the establishment of a permanent international criminal court indicated the growing innovation and strengthening of the United Nations human rights treaty-based system which focused on crimes against humanity. The indictment of Serbian President Milosevic by international war Crime Tribunal (ICTY) for atrocities committed on Kosovo Albanians showed that the establishment of individual responsibility for such crimes represent a major step towards the direct enforcement of specific set of international human rights norms. The United Nations role in Kosovo indicates dilemma faced by the states i.e. to follow humanitarian conventions or to contest these norms. Both reactions indicate an evolutionary process where by the human rights issues gain growing recognition in international politics. Kosovo also highlighted that the United Nations was created for the world peace and alleviation of inter-state wars in the world but intra-state ethnic conflict changed its peacekeeping role into peacebuilding variety for reconstruction of war-torn societies.

NATO's role in Kosovo highly affected the relevance of the United Nations in the world affairs. It highlighted the dilemma of legitimacy for a group of states to act in order to prevent or halt

humanitarian emergency where the Security Council is deadlocked in disagreement. NATO action in Kosovo represents an obvious erosion of the United Nations authority on use of force in international affairs. The structure of the charter is complex so far as the use of force is concerned. Article 2(4) prohibits the threat and use of force. The only unilateral use of force permitted to a state is that of individual or collective self-defense under Article 51. It has too been accepted that the prohibition of intervention applies regardless of the political ideology or the moral virtue of the government of the target state. There was general agreement that the charter prohibits intervention by any state even for humanitarian purposes. NATO justified its threat and subsequent use of force against Serbia on two grounds i.e. firstly, the Security Council had determined by Resolution 1199 that the situation in Kosovo constituted a threat to peace and security in the region, secondly, that there was large scale human suffering in the region.

The Security Council adopted three resolutions under chapter VII of the UN Charter prior to NATO bombing campaign. The resolution 1199 concluded that the Security Council would take further additional measures to maintain or restore peace and stability if the Federal Republic of Yugoslavia did not implement the measures optioned in Resolutions 1160 and 1199. It is evident from Resolution 1199 that the Security Council gave an opportunity to FRY to comply with its wishes. It reserved the right to determine “further action” and “additional measures” to taken in the evidence of the fact that Yugoslavia did not comply with the resolutions 1160, 1199, it was not left to other states to determine what further actions and additional measures could be taken. This Resolution did not even remotely imply that any state or regional organization could apply the use of force to deal with the situation. Thus, NATO’s intervention in Kosovo is blatant violation of Articles 2(4), 2(7), 51 of the United Nations Charter.

The other most important justification given by NATO was “humanitarian intervention” for the use of force in Kosovo. It raised a debate which has focused on the alleged incompatibility of two principles of the United Nations system i.e. Sovereign equality and human rights. The former is enshrined in Articles 2(1), 2(4), 2(7) of

the UN Charter. Under these Articles states enjoy sovereign equality defined internally as exclusive jurisdiction with in a territory and externally as freedom from outside intervention. The human rights are identified in preamble of the UN Charter and Article 1(3). This right is further elaborated in subsequent declarations and conventions. Thus, the Kosovo crisis showed the clash between the principles of non-intervention, sovereign equality enshrined in the United Nations Charter with human right norms. Although the United Nations Charter and other human rights instruments are not provided the right of “humanitarian intervention” but the creation of International Tribunals of Rwanda (1994) and Former Yugoslavia, indictment of President Milosevic and other war criminals showed that the prevention of massive human rights violations or humanitarian catastrophes has become the basis of “humanitarian intervention” practice in recent years.

The Kosovo intervention showed that the West continuous to script international law although it ignore the constitutional safeguards provided by the United Nations Charter. The Western interventions in non-Western states i.e. Iraq, Somalia, Haiti etc. cited as evidence that the UN Charter’s original, narrow notion that constituted a threat to the peace is broadened. The threats which provide the basis for collective decisions on the use of force increasingly recognize and include the internal disorders that generate regionally destabilizing refugee streams or ethnic conflicts as in Kosovo and the development of the weapons of mass destruction by states with aggressive tendencies. Recently, the United States sought the United Nations authorisation on the use of force in Iraq on the basis of this broadened definition of threat to international peace and security. But NATO and the United States’ failure to obtain the Security Council legitimacy for their actions in Kosovo and Iraq respectively described that the use of force is still be confined to essentially order promoting and security-preserving purposes and could not extend to humanitarian purposes as such.

The humanitarian intervention entails the commitment to human rights. But it does not mean the worldwide equality of human rights. The human rights of some people are more worth protecting than others. International community has double standards on

humanitarian intervention. Military intervention on behalf of the victims of human rights abuses has not occurred in Sudan, Afghanistan or Ethiopia. It was woefully inadequate and delayed in Rwanda. The agreement between Indonesia, Portugal and the United Nations on May 5, 1999 affirmed that the security of East Timorese was the responsibility of Indonesia and United Nations. It is evident that the outcome of the proposed referendum regarding East Timor's independence inevitably resulted in mass scale violence but the Security Council delayed authorising intervention until Indonesia's consent was not obtained. It is better to be a refugee in Europe than in Africa. UNHCR spent 11 cents a day on per refugee in Africa but \$1.23 in Balkans which is 11 times greater than Africa. International Community's double standards also reflected in "Money for Peace". The United Nations' consolidated humanitarian appeal for Kosovo was \$690 billion of which 58 per cent has been met while \$2.1 billion has pledged for regional construction. On the other hand, United Nations appeal for \$25 million for Sierra Leone met profound international indifference and a mere 32 percent of the appeal has covered.

NATO's intervention in Kosovo not only diminished the United Nations effectiveness and prestige in world politics but also pointed towards the role and impact of the United States as sole world power on the functioning of the United Nations system. The United States role in the Kosovo crisis reflected its grand strategy in world politics. The United States grand strategy included security and economic objectives as well as particular approaches to achieve these ends at particular times. It also supported the development of international institutions and sophisticated ideology that gained wide international appeal and comprised both political and economic ideals. During cold war years, the United States ideology was liberal internationalism whose political and economic ideals were liberal democracy and free markets. Other important elements of this strategy were containment, nuclear deterrence and promotion of open economic society. The United States modified, ranged and expanded the elements of its grand strategy after the end of Cold War. Its economic and social realities in this decade were no longer centered on industrial power and liberalism.

The process of globalization, communication revolution and diminished power of nation-state changed its old strategy. The process of globalization led to the emergence of global economy, which favours openness. The development of postmodern society eroded the great pillars of modern society i.e. government bureaucracies, military services and business corporations. These are replaced by the ideas of expressive individualism and human rights. The communication revolution also promotes the idea of human rights. The traditional American ideology advocated liberal democracy and free markets. The global transformation also expanded traditional ideology of the United States with more emphasis on promoting human rights. The modified version of “global liberalism” (which was propagated by President Bill Clinton and Secretary of State Madeleine Albright) provided the justification to a new kind of the United States Military Interventionism. The Military Interventions in Somalia, Haiti, Bosnia were the examples of this phenomenon. The United States led war against Serbia over Kosovo also represented the culmination of the United States new strategy of “Global Liberalism.” On the other hand, Kosovo showed the dilemma of the United States policy of opposition of the concept of international accountability formulated in the Rome Statute for an International Criminal Court. The Kosovo highlighted the United States irony that it is prepared to bomb in the name of human rights but not to join institutions to enforce them. Kosovo war against Orthodox Serbia showed the resistance and resentment of Russia, China and other Orthodox countries towards the United States and its promotion of global economy, open society and humanitarian intervention. It is argued that Russia, Belarus, Ukraine, Moldova, Romania, Bulgaria and Serbia have been unsuccessful in making the transition from communism to liberal-democratic free-market structures and global economy. In contrast, most of Roman Catholic countries such as, Poland, Lithuania, the Czech Republic, Slovakia, Hungary, Slovenia and Croatia have made this transition successfully. Even Protestant Nations Estonia and Latvia also have made this transition. The dichotomy among ex-communist countries i.e. more western and more eastern or Roman Catholic or Protestant and the Eastern Orthodox revived and reinforced an ancient

historical divides. This resulted in the great schism between Western and Eastern Christianity.

The Kosovo war has sharpened the opposition of the United States global project by Russia, China and Some other countries. The United States support of humanitarian intervention present a serious threat to the norm of national sovereignty. And most of the opposition states saw the Kosovo war as a prime example of the United States grand strategy that aims to impose globalization. They worried that they may be the next targets of humanitarian interventionist policy of the United States. This was the case with the Kosovo war where Russia and China saw analogies between Chechnya and Tibet, Taiwan, respectively.

The Kosovo crisis also reflects the United States hegemonic foreign policy goals in Europe. During Cold War, the United States controlled communism and its capitalist allies simultaneously. But after the demise of Soviet Block, the central objective of the United States in Europe was containment of European allies. Thus, it has overwhelmingly reasserted her power in Europe through revitalization of the Cold War institutional structure. Thus, the United States successfully revitalized NATO, contain European allies and Russian power in Eastern Europe respectively.

It is argued that the paralysing tensions over Bosnia in 1994-95, the inaction over Rwanda in 1994 and the insurmountable divisions emerged over Kosovo in 1999 were life-threatening for the United Nations. But the United Nations survived with repeated “crisis of credibility” due to its unacknowledged functions. These functions include that the permanent members of the United Nations used its shortcomings as cheap and convenient cover for the failure of their own policies. Another vital function of the Security Council is to serve as an instrument for collective legitimization of state action. This instrument acts as a dispenser of politically significant approval and disapproval of the claims, policies and actions of states. The Security Council provides another mechanism to permanent members through which they advance their interests and secure themselves from international criticism. The Post-Cold War examples illustrated this fact e.g. Russia successfully soften the United States position on Georgia and Tajikistan in exchange for

supporting US sponsored resolution on Haiti in 1993. China repeatedly used its permanent Security Council membership to restate its interests about Taiwan. France also used its permanent membership to deflect its criticism of its policies in Rwanda by receiving the Security Council endorsement of 'Operation Turquoise in 1994. The intense diplomatic exercise by the United States and Britain to secure the Security Council authorization for use of force in Iraq, however unsuccessful, is testimony of the importance of near-universal legitimising role of the Security Council. Thus, due to permanent members' vested interests in world politics, the Security Council's role, status and authority in international affairs is not irreparably weakened and fatally undermined.

Due to NATO's (unauthorised) attack on Serbia, the United Nations came under severe criticism over its inability to perform its collective security functions. Many consider it increasingly irrelevant entity and do not feel its continued existence. But the failure of Security Council with regard to its collective security functions is the result of collective failure of its permanent members and their unwillingness to give up their veto power. However, collective security is only one aspect albeit an important one of multifaceted role played by the United Nations in world affairs. Kosovo illustrated this view obviously. After the termination of NATO bombing, the United Nations oversaw the return of refugee's, provided them with food and shelter. It assisted in the rebuilding of Kosovo's shattered economy, institutions of law and order and democratic governance. The reconstruction of civil society, judiciary, police and other public institutions in Kosovo torn apart by ethnic hatred and strife is one of the most sensitive and important elements in Kosovo peace settlement. It created an unprecedented role for the United Nations.

It also faced extremely challenging test of the ability of international responsibility to take the place of government. Kosovo put a new type of responsibility on trial. The United Nations Mission in Kosovo (UNMIC) successfully reconstructed civil society despite inherent weaknesses and ambiguities of its Mandate. The Resolution 1244 gave the United Nations not only the unprecedented responsibility of plenary authority over Kosovo but it had also given

the exceptional task to administer it without roadmap for its final status. Although, the United Nations Mission in Kosovo did not have any authority to decide the final status of Kosovo but the successful reconstruction of Kosovo's society could be the foremost priority for international administration because it was crucial for lasting peace in the region. NATO was neither equipped or nor willing to perform these functions. Although, the final status of Kosovo is decided under the dominant role of the United States and European Union but the peace building role of the United Nations in Kosovo given eloquent testimony to its continuous relevance.

NATO's action in Kosovo is also seen as an exception from which some important lesson can be derived. Firstly, the mass slaughter of civilians and egregious repression of minorities is not a risk-free venture particularly for small states. Secondly, the United Nations post-NATO war peace-building role in Kosovo showed that if the world community takes responsibility to protect oppressed people then it must be given the means promptly necessary for the civil reconstruction of destroyed civil societies. It requires a dedicated, rapidly deployable reserve of police, judges, magistrates, health care providers and administrators. Kosovo, to some extent, manifest the United Nations adhocery in peace building efforts. Thirdly, Kosovo and Iraq illustrated that the United Nations, despite disdained and circumvented, became an essential facilitator in ending the conflict. It not only provides a grand platform and forum for multilateral diplomacy but also remains resilient and irreplaceable one for world peace.

Appendix-I

RESOLUTION 1244

**UN DOCS/RES/1244
10 JUNE 1999**

The Security Council

- Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security.
- Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999.
- Regretting that there has not been full compliance with the requirements of those resolutions.
- Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes.
- Condemning all acts of violence against the Kosovo population as well as terrorist acts by any party.
- Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo.
- Reaffirming the right of all refugees and displaced persons to return to their homes in safety.
- Recalling the jurisdiction and the mandate of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.
- Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999, contained in annex I to the present resolution, and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set for in points 1 to 9 of the paper presented in Belgrade on 2 June 1999, contained in annex II to the present resolution, and the agreement of the Federal Republic of Yugoslavia to that paper.

- Reaffirming the commitment of all Member-States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki 1 August 1975, and in annex II to the present resolution.
 - Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo.
 - Determining that the situation in the region continues to constitute a threat to international peace and security.
 - Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations.
1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex I to the present resolution and as further elaborated in the principles and other required elements in annex II.
 2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation.
 3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized.
 4. Confirms that after the withdrawal,, an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex II.
 5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences.
 6. Requests Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner.

7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex II with all necessary means to fulfil its responsibilities under paragraph 9 below.
8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment.
9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:
 - (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided for in point 6 of annex II.
 - (b) Demilitarizing the Kosovo Liberation Army and other armed Kosovo Albanian groups, as required in paragraph 15 below:
 - (c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered.
 - (d) Ensuring public safety and order until the international civil presence can take responsibility for this task.
 - (e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task.
 - (f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence.
 - (g) Conducting border monitoring duties as required.
 - (h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations.
10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.

11. Decides that the main responsibilities of the international civil presence will include :
 - (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex II and of the Rambouillet Accords.
 - (b) Performing basic civilian administrative functions where and as long as required.
 - (c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections.
 - (d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities.
 - (e) Facilitating a political process designed to determine the future status of Kosovo, taking into account the Rambouillet Accords.
 - (f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement.
 - (g) Supporting the reconstruction of key infrastructure and other economic reconstruction.
 - (h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid.
 - (i) Maintaining civil law and order, including establishing local police forces and in the meantime through the deployment of international police personnel to serve in Kosovo.
 - (j) Protecting and promoting human rights.
 - (k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.
12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid.
13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors

conference, particularly for the purposes set out in paragraph 11(g) above, at the earliest possible date.

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.
15. Demands that the Kosovo Liberation Army and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General.
16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160(1998) shall not apply to arms and related material for the use of the international civil and security presences.
17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a stability pact for South-Eastern Europe, with broad international participation, in order to further the promotion of democracy, economic prosperity, stability and regional cooperation.
18. Demands that all States in the region cooperate fully in the implementation of all aspects of the present resolution.
19. Decides that the international civil and security presences are established for an initial period of twelve months, to continue thereafter unless the Security Council decides otherwise.
20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of the present resolution, including reports from the leadership of the international civil and security presences, the first reports to be submitted within thirty days of the adoption of this resolution.
21. Decides to remain actively seized of the matter.

ANNEX I

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, tasking full account of the Rambouillet Accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the Kosovo Liberation Army;
- Comprehensive approach to the economic development and stabilizing of the crisis region.

ANNEX II

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis :

1. An immediate and verifiable end of violence and repression in Kosovo.
2. A verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter of the United Nations, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorised to establish a safe environment

- for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. The establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
 6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions :
 - Liaising with the international civil mission and the international security presence;
 - Marking/clearing minefields;
 - Maintaining a presence at Serb patrimonial sites;
 - Maintaining a presence at key border crossings.
 7. The safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
 8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet Accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the Kosovo Liberation Army. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.
 9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation.
 10. The suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the note below. A military-technical agreement will then be rapidly concluded that would,

among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawal.

Returning personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

Note :

Other required elements

- A rapid and precise timetable for withdrawals, meaning, for example, seven days to complete withdrawal, and air defence weapons outside a 25 kilometer mutual safety zone to be withdrawal within 48 hours.
- The return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small, agreed number (hundreds, not thousands).
- The suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

Appendix-II

REGUALTION NO. 1999/1

UNMIK/REG/1999/1

25 JULY 1999

ON THE AUTHORITY OF THE INTERIM ADMINISTRATION IN KOSOVO

The Special Representative of the Secretary-General,

- Recalling resolution 1244 (1999) of 10 June 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), in order to provide an interim administration in Kosovo with the mandate as described in the resolution;
- Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of establishing and maintaining the interim administration in the territory of Kosovo;
- Hereby promulgates the following :

Section 1

AUTHORITY OF THE INTERIM ADMINISTRATION

- 1.1 1.1. All legislative and executive authority with respect to Kosovo, including the administration of the Judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General.
- 1.2 1.2 The Special Representative of the Secretary-General may appointed any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove

such person. Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations issued by UNMIK.

Section 2

OBSERVANCE OF INTERNATIONALLY RECOGNIZED STANDARDS

In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards and shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.

Section 3

APPLICABLE LAW IN KOSOVO

The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with standards referred to in section 2, the fulfillment of the mandate given to UNMIK under United Nations Security Council resolution 1244 (1999), or the presence or any other regulation issued by UNMIK.

Section 4

REGULATIONS ISSUED BY UNMIK

In the performance of the duties entrusted to the interim administration under United Nations Security Council resolution 1244(1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999).

Section 5

ENTRY INTO FORCE AND PROMULGATION ON REGULATIONS ISSUED BY UNMIK

5.1 UNMIK regulations shall be approved and signed by the Special Representative of the Secretary-General. They shall enter into force upon the date specified therein.

- 5.2 UNMIK regulations shall be issued in Albanian, Serbian and English. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication.
- 5.3. UNMIK regulations shall bear the symbol UNMIK/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of promulgation, the subject matter and amendments or changes thereto or the repeal or suspension thereof.

Section 6

STATE PROPERTY

UNMIK shall administer movable or immovable property, including monies, bank accounts, and other property of, or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any of its organs, which is in the territory of Kosovo.

Section 7

ENTRY INTO FORCE

The present regulation shall be deemed to have entered into force as of 10 June 1999, the date of adoption by the United Nations Security of resolution 1244 (1999).

Dr. Bernard Kouchner
Special Representative of the Secretary-General

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The powerful passions aroused by ethnicity in human being have resulted in countless wars, revolts and conflicts. The communities organized on putative common descent culture and religion have co-existed, competed and clashed since the dawn of history. It has been estimated that more than ten million people lost their lives during 1945 to 1999. The end of cold war also witnessed that the groups' within states assert their ethnic, religious, linguistic, regional or national identities and question the integrity and legitimacy of various countries in the world. In this period, ethno-nationalism has assumed prominence because some new countries found on the bases of ethnicity raised the expectations of many ethnic groups to be able to achieve their cherished goal of establishing a new country on the bases of ethnicity.

Kosovo's emergence as an independent country on February 2008 is an important example of the phenomenon of ethnicity and its interlinked processes such as ethnocide, ethno-genesis ethno-historic hatred, ethno-centrism, ethno-nationalism and pseudo-speciation in the world politics. Various issues related with Kosovo such as genocide and ethnic cleansing of Kosovo Muslims by Serbs, Nato's attack on Yugoslavia and resultant impacts on relevance of United Nations and its role in the use of force in world affairs and the United States, role in the world as a Sole super power have made Kosovo a flash point, whose gravity far exceeds its geological significance. This study by theoretical analysis of ethnicity, the functioning of United Nation system in the resolution of ethnic conflicts and the issue of humanitarian intervention in the world politics raised an important question i.e. should the conscience shattering mass slaughters of civilian people be allowed under the guise of the state sovereignty. Finally this study elaborates that the United Nations role in the humanitarian and peace building spheres has no peer and post war role of the world body in Kosovo is an eloquent testimony of its continues importance in the world politics.

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