

The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans

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This article explores a perverse consequence of the emerging norm of humanitarian intervention, or “Responsibility to Protect,” contrary to its intent of protecting civilians from genocide and ethnic cleansing. The root of the problem is that such genocidal violence often represents state retaliation against a substate group for rebellion (such as an armed secession) by some of its members. The emerging norm, by raising expectations of diplomatic and military intervention to protect these groups, unintentionally fosters rebellion by lowering its expected cost and increasing its likelihood of success. In practice, intervention does sometimes help rebels attain their political goals, but usually it is too late or inadequate to avert retaliation against civilians. Thus, the emerging norm resembles an imperfect insurance policy against genocidal violence. It creates moral hazard that encourages the excessively risky or fraudulent behavior of rebellion by members of groups that are vulnerable to genocidal retaliation, but it cannot fully protect against the backlash. The emerging norm thereby causes some genocidal violence that otherwise would not occur. Bosnia and Kosovo illustrate that in at least two recent cases the moral-hazard hypothesis explains why members of a vulnerable group rebelled and thereby triggered genocidal retaliation. The article concludes by exploring whether potential interveners could mitigate genocidal violence by modifying their intervention policies to reduce moral hazard.

Humanitarian intervention to avert genocide or ethnic cleansing would appear an unvarnished good. It is rooted in the altruistic desire to protect others. It is plausible because the international community has economic and military leverage over the developing states in which such violence usually occurs. And the interveners’ likely costs, financial and human, pale in comparison with the potential life-saving benefit.¹ For these reasons, U.S. President Bill Clinton in June 1999 articulated a doctrine that crystallized an emerging post-Cold War

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¹ The burgeoning literature on humanitarian intervention includes Chesterman (2001); Frye (2000); Holzgrefe and Keohane (2003); Schnabel and Thakur (2000); Welsh (2004); Wheeler (2000).

norm: “If the world community has the power to stop it, we ought to stop genocide and ethnic cleansing” (CNN 1999; Daalder and O’Hanlon 1999; Simes 2003).² Two years later, a distinguished international panel went a step further and declared the existence of a “Responsibility to Protect”—suggesting that the failure to intervene by those capable of stopping such violence might even breach international law (International Commission on Intervention and State Sovereignty 2001). In December 2004, a UN panel agreed: “We endorse the emerging norm that there is a collective international responsibility to protect... in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law” (United Nations 2004:66). Most recently, at the 2005 World Summit, the UN General Assembly codified the “responsibility to use appropriate diplomatic, humanitarian, and other peaceful means... to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity” and to authorize force “on a case-by-case basis...should peaceful means be inadequate” (United Nations 2005:30). But a deeper inquiry calls into question the wisdom of this emerging norm, on grounds that it may exacerbate some violent conflicts and thereby cause precisely the human tragedies it is intended to avert.³

Moral Hazard and Intervention

The problem arises from the “moral hazard” of humanitarian intervention.⁴ In economics, moral hazard is the phenomenon in which the provision of protection against risk (often by insurance) unintentionally promotes irresponsible or fraudulent risk-taking, and thereby perversely increases the likelihood of the undesired outcome. For example, insuring automobiles against theft may lead owners irresponsibly to park in cheaper but less secure spaces, or even fraudulently to arrange for their car to be stolen (if it is insured for more than the resale value), thereby increasing car theft. This problem occurs even when the protection is not guaranteed but merely probable. For example, financiers are more likely to make irresponsible loans to risky countries because they know the International Monetary Fund often protects these countries from default by infusing capital, even though such bailout is not guaranteed (Dreher 2004).

Analogously, the emerging norm of humanitarian intervention is intended to protect vulnerable groups against state-perpetrated genocide or ethnic cleansing (both of which I refer to as “genocidal violence”).⁵ Unlike the famous case of the Holocaust, however, most such violence occurs only when members of a vulnerable group acquire arms and challenge a state’s authority, prompting the state to retaliate disproportionately (Fein 1990; Harff and Gurr 1988; Kuperman 2005; Valentino, Huth, and Balch-Lindsay 2004).⁶ Not surprisingly, the vast

² Others had previously tried to ascribe other doctrines to President Clinton, but he associated himself with this one in an interview on CNN. The doctrine later was critiqued both by those arguing it led to too much intervention (Simes 2003) and not enough (Daalder and O’Hanlon 1999).

³ This article is adapted from my doctoral dissertation (Kuperman 2002).

⁴ Related arguments have been made elsewhere but never previously tested rigorously in case studies. See, for example, Bloom (1999); Crawford (2003, 2005); Johnstone (1998); Kuperman (1998a, 2003, 2005); Lyon (1999); Marsh and Heppner (2003); Rowlands and Carment (1998).

⁵ This concept is broader than genocide as defined by UN convention.

⁶ Harff and Gurr (1988) find that in at least 30 (68%) of their 44 episodes of “genocide and politicide” from 1943 to 1988, the victim group provoked its own demise by challenging the state’s authority. Fein (1990) identifies 19 cases of genocide from 1945 to 1988, concluding that: “one could classify at least 11 cases [58%] as retributive genocide in which the perpetrators retaliated to a real or perceived threat by the victim to the structure of domination.” For a detailed analysis, see Kuperman (2002). Western (2005) disputes this interpretation. Valentino et al. (2004) find that a rise in guerrilla threat from moderate to high is associated with a six-fold increase in the likelihood of “mass killing,” and a similar rise in civilian support for the rebels raises the likelihood eightfold. When both factors rise from moderate to high, the incidence of such atrocities increases a remarkable 18-fold.

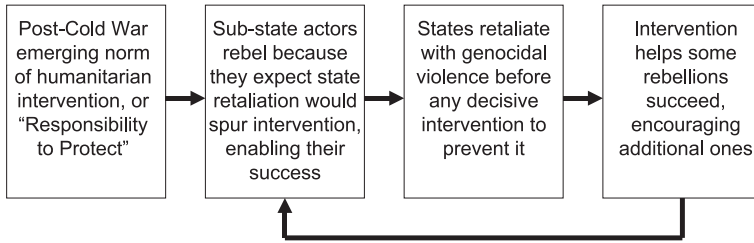


FIG 1. Moral Hazard of Humanitarian Intervention and Its Potential Consequences

majority of groups, even those suffering discrimination, do not launch rebellions (Fearon and Laitin 1996, 2003; Gurr 2000).⁷ But the emerging norm, by raising expectations of diplomatic and military intervention to protect groups targeted by such retaliation, creates moral hazard that unintentionally fosters rebellion by lowering its expected cost and increasing its likelihood of success.⁸ In some cases, moral hazard promotes irresponsibility: for example, a group's leaders will acquire arms and secede from the state even though they know this may trigger state retaliation that they cannot defend against, because they expect the international community either to deter such retaliation or intervene on their behalf in the event of violence. In other cases, moral hazard promotes outright fraud: for example, rebels will attack state officials deliberately intending to provoke retaliation against their own group's civilians, to attract international intervention that they deem necessary to attain their political goals. In practice, intervention does sometimes help rebels attain their goals, but usually it is too late or inadequate to avert retaliation against civilians. Thus, the emerging norm causes some genocidal violence that otherwise would not occur (Figure 1).

The first prominent discussion of the moral hazard of humanitarian intervention is by Dane Rowlands and David Carment (1998, 271), who correctly identify the fundamental problem: "third parties are unwilling or incapable of... prevent[ing] the instigators of violence from enjoying the benefits of the intervention." But their analysis makes several assumptions that limit its applicability. First, they examine only the escalation of ongoing violence, not its initiation, and thus do not even purport to explain decisions to rebel or secede. Second, they neglect the possibility that moral hazard not only promotes irresponsibility, such as perpetuation of high-risk rebellion, but also encourages the fraudulent action of deliberately provoking state retaliation against one's own group to attract intervention. Third, they fail to note that genocidal violence often represents state retaliation against a group for a rebellion or secession, and thus understate the potential consequences of moral hazard. Finally, they define humanitarian intervention too narrowly as impartial assistance to all sides in a conflict, which at most can level the playing field, whereas in practice such intervention may be more biased and decisive—tipping the balance in favor of rebels.⁹

My definition of humanitarian intervention is broader, based on the emerging norm of the Responsibility to Protect (United Nations 2005). It encompasses any

⁷ Gurr (2000), citing 1995 data, identified 268 "ethnic or communal groups" that were "disadvantaged by comparison with other groups in their society," but only 22 (8%) were engaged in violent rebellion at or above the level of intermediate-scale guerrilla activity. Fearon and Laitin (2003, 73) found no correlation between "state discrimination against minority religions or languages" and "higher risks of civil war."

⁸ Groups also have incentive to exaggerate the toll of retaliation. See Thomas (2003); Bob (1997).

⁹ Despite the limits of their theory, Rowlands and Carment (1998) reach a conclusion that is consistent with one of my own: "Dealing with moral hazard directly may require taking credible commitments not to intervene, or to intervene only in certain ways, when the conditions conducive to moral hazard are present" (p. 283).

international action that is primarily motivated by the humanitarian desire to protect civilian targets of state violence. The spectrum of such action is wide, ranging from low-cost measures that respect traditional state sovereignty to high-cost ones that impinge on it. This includes the following: rhetorical condemnation, threats or imposition of economic sanctions, recognizing the independence of secessionist entities, air strikes on military or economic assets, military assistance to or coordination with rebels perceived as defending at-risk civilians, consensual deployment of peacekeepers, and nonconsensual deployment of troops for peace enforcement. It does not include similar actions if the intervener is primarily motivated by other interests, such as gaining access to resources, eliminating a strategic threat, or providing collective security against cross-border aggression. The key distinction is not the means but the motivation, which admittedly is subject to misperception by observers, so humanitarian intervention may be misperceived as nonhumanitarian, and vice-versa.

The dynamic of moral hazard is not fixed over time or space because it engages three sets of players—states, substate actors, and potential interveners—each of which acts on the basis of evolving expectations.

Potential Interveners

Humanitarian intervention is more common after the Cold War, but its practice is still quite variable. Typically, it only becomes a prospect after nongovernmental organizations prevail on international media to focus on a particular crisis (Bob 2005). Moreover, the likelihood of a specific type of intervention tends to be inversely related to its cost and intrusion on sovereignty: rhetorical condemnation is most common; nonconsensual troop deployment least so. But any type or degree of humanitarian intervention can provide strategic benefit to rebels and raise hopes for more decisive intervention—especially if there is precedent for such decisive action in recent or nearby cases (Crawford 2005)—so even nonmilitary forms exacerbate moral hazard.

Spatially, intervention is more likely where at least one powerful state faces domestic pressure to intervene and where no permanent member of the UN Security Council has a strong national interest in vetoing authorization. Temporally, intervention is more likely when potential interveners are not already stretched thin by existing humanitarian or strategic commitments. The credibility of threats to intervene is enhanced by the extent that past threats either were carried out or are perceived to have deterred state violence. Conversely, credibility is decreased if past threats have proved to be bluffs.

Forceful humanitarian intervention—which exacerbates moral hazard the most—is more pervasive than commonly realized. Since 1990, interveners have deployed troops to protect civilians in 20 states: Afghanistan, Albania, Bosnia, Burundi, Central African Republic, Croatia, Democratic Republic of Congo, East Timor, Georgia, Haiti, Iraq (Kurdistan-1991), Ivory Coast, Kosovo, Liberia, Macedonia, Rwanda, Sierra Leone, Somalia, Sudan (Darfur) and Tajikistan—some on multiple occasions.¹⁰ During the same time, peacekeeping or monitoring missions have deployed to at least 16 additional states.¹¹ In some cases, such as

¹⁰ This list includes states that since 1990 have been targets of peace enforcement operations authorized by the UN Security Council under Chapter VII of the UN Charter, or authorized by regional organizations, but excluding the mission to monitor the Iraq–Kuwait border (UNIKOM) from 1993 to 2003 and Operation Iraqi Force since 2003, which were not primarily humanitarian. It also excludes states that since 1990 have been targets of only consensual peacekeeping or monitoring operations. The main source is Stimson Center (2004). On Darfur, see African Union (2005), which endorses the use of force to “protect civilians.”

¹¹ These missions typically lack authorization to protect civilians. The countries are Cambodia, Chad, Comoros, El Salvador, Eritrea, Ethiopia, Guatemala, Guinea Bissau, Kuwait, Libya, Moldova, Mozambique, Papua New Guinea, Peru, Solomon Islands, W. Sahara. Stimson Center 2004.

Sudan's north–south civil war, the international community also has applied sanctions against states or provided covert aid to rebels in an attempt to coerce a halt to violence. This widespread pattern of humanitarian intervention, both military and diplomatic, suggests that the geographic scope of the moral-hazard problem after the Cold War is quite broad, which has important policy implications discussed below.

Some potential interveners have demonstrated an awareness of the moral-hazard problem since at least 1998, when NATO tried to de-escalate violence in Kosovo by saying, “we don't want to become the royal air force of the [rebel] Kosovo Liberation Army” (Matthews 1998). But NATO ultimately did serve that function, as detailed below, thereby both demonstrating and exacerbating the moral-hazard problem. To date, awareness of the moral-hazard problem has not led to effective reforms to mitigate it.

States Facing Rebellion

The state response to rebellion depends on many factors, including perception of the rebel threat and expectations about humanitarian intervention. Historically, states are much more likely to resort to atrocities in war when facing guerrillas who enjoy popular support. Indeed, since 1945, Valentino et al. (2004) find that states are 18 times more likely to perpetrate “mass killing” when the level of guerrilla threat and the level of popular support for guerrillas increase from moderate to high. Yet, this response is not inevitable; in at least two cases, states conceded to popular guerrillas rather than perpetrate mass killing.¹²

The prospect of humanitarian intervention may affect a state's response to rebellion, depending on expectations about the credibility, decisiveness, and speed of intervention and the threshold of violence that would trigger it. These expectations in turn stem from the actions of potential interveners—their general policies, specific threats, and track record of past intervention. If states perceive a credible threat of decisive intervention, they may have either of two opposite strategic reactions. In some instances they constrain their violent response below the threshold expected to trigger intervention, and deny responsibility for any violence against civilians (typically blaming nonstate actors), in an attempt to forestall intervention. At other times, however, states intensify their violent response to eliminate the rebellion before potential interveners can react decisively (Wagner 2005, 243–244). States also can be driven by factors other than strategic interest, such as domestic politics, which may be immune to expectations about intervention.

Nonstate Actors

Although the literature on civil conflict provides insight into the underlying causes of rebellion, it is unable to explain why a group vulnerable to genocidal retaliation would provoke that outcome by launching a seemingly suicidal rebellion (Kuperman 2005). Most existing theories of rebellion are based on greed, grievance, or the security dilemma. Greed posits that groups rebel when they expect to succeed and thereby gain power, regardless of whether they feel any

¹² The two cases are the failed Dutch war to suppress Indonesian independence from 1945 to 1949, and the Philippine counterinsurgency against Moro rebels from 1972 to 1996. Dataset provided by Valentino (2006). It should be noted that the strong correlation found by Valentino et al. (2004) does not prove causation, and it is plausible that state atrocities cause popular support for guerrilla movements, not vice-versa.

grievance or threat (Collier and Hoeffler 2004). Grievance posits that groups rebel to redress perceived deprivation, when political opportunity structures open the possibility of success (Davies 1971, 86, 135).¹³ The security dilemma posits that groups rebel out of insecurity when the central authority provides inadequate protection from the threat of violence by other groups (Posen 1993). But none of these theories provides a satisfactory account of why a group vulnerable to genocidal retaliation would risk provoking that outcome by launching a rebellion. Suicide does not satisfy greed, rectify grievance, or mitigate insecurity.

There are several plausible explanations for seemingly suicidal rebellions. Rebels may miscalculate their relative strength and expect to prevail on their own. Or they may expect intervention by third parties motivated by strategic considerations, such as replacing a hostile regime or gaining access to resources. But in some cases, substate actors may be driven by the expectation that humanitarian intervention can enable them to prevail at a cost in state retaliation that they deem acceptable. This does not imply that they accurately assess the prospect of humanitarian intervention. Moreover, depending on tolerance for cost and risk, their expectation of such intervention need not approach certainty to tip the balance in favor of launching or perpetuating rebellion. But so long as nonstate actors are not immune to information about the likely cost and benefit of their actions, the likelihood of rebellion will increase with the expectation of humanitarian intervention.

A remaining puzzle is the asymmetric impact of prospective humanitarian intervention—sufficient to trigger rebellion by nonstate actors but not to deter genocidal retaliation by the state. At least six explanations are possible. First, the group or the state, or both, may experience biased misperception, skewing their expectations in accord with their wishes (Jervis 1968, 454–479). Second, even without biased perception, uncertainty about prospective intervention may lead to miscalculation, so that both sides expect to prevail (Blainey 1988).¹⁴ Third, even if both sides share identical expectations of intervention, prospect theory suggests they still may choose to fight if each side frames compromise as a loss rather than a foregone gain (Kahneman and Tversky 1979, 263–291). Fourth, internal politics may create personal incentives for leaders of states or substate groups not to compromise despite expecting this to produce a net loss for their state or group (Allison and Halperin 1972; Horowitz 1991). Fifth, the state's desire to deter future rebellion by other substate groups may drive it to respond forcefully to a current rebellion by one group even if it expects this to trigger intervention (Walter 2003). Finally, one or both sides in the conflict may not act strategically; for example, a state may reflexively respond violently to rebellion without regard to expected consequences. None of these possibilities would negate the role of moral hazard in increasing the likelihood of rebellion that triggers genocidal retaliation.

By no means is all genocidal violence caused by the prospect of humanitarian intervention. Rebellions can occur in the absence of such expectation, and genocidal violence sometimes is perpetrated without any provocation. Moreover, humanitarian intervention has saved thousands of lives, even where belated and weak, and its prospect may have deterred other violence. But the emerging norm also produces deleterious consequences. This compels an inquiry into how the practice of humanitarian intervention might be reformed to improve its net impact.

¹³ Aristotle and Marx cite perceived deprivation relative to other groups, whereas Davies emphasizes it relative to expectations. Tocqueville notes grievance is insufficient in the absence of opportunity, a point elaborated by Gurr (1993); McAdam (1982); Tarrow (1994); Tilly (1978).

¹⁴ Blainey (1988) argues that all wars are caused by miscalculation that leads both sides to think they can win, because otherwise the side that expected to lose would concede in advance. The uncertain prospect of intervention may facilitate such miscalculation. Bloom (1999) makes a similar argument.

TABLE 1. Explanations for Rebellions by Groups Vulnerable to Genocidal Retaliation

1	Do not perceive credible threat by state to retaliate
2	Expect victimization anyway, so nothing to lose
3	Expect victory at tolerable cost without intervention
4	Expect intervention to enable victory at tolerable cost
5	Do not behave as unitary rational actors

This article first proposes a theoretical and methodological framework to test for the causal role of the moral hazard of humanitarian intervention. Second, it applies this framework to two cases from the 1990s—Bosnia and Kosovo¹⁵—and finds that moral hazard (the expectation of humanitarian intervention) is responsible for the armed challenges that prompted genocidal retaliation in each case. The article concludes by assessing prescriptions to mitigate genocidal violence, including by reducing the moral hazard of humanitarian intervention.

Testing for Moral Hazard

Broadly speaking, there are two possible explanations for seemingly suicidal rebellions: either groups are acting strategically in the expectation of improving their welfare, or other factors drive their action. For the former, a theoretical framework can be constructed by adapting “rational deterrence theory” from the field of international relations to comparative politics. Traditionally, this theory posits that one state will challenge a deterrent threat by another only when the expected utility of doing so outweighs that of acquiescing (Schelling 1966). Translated to the domestic realm, the state can be viewed as attempting to deter rebellion by threatening massive retaliation.

The theory gives rise to five possible explanations for the deterrence failure represented by rebellion. The state may fail to communicate credible threats, so the rebels do not expect genocidal retaliation against their group. Or the state may fail to communicate credible reassurances, so the rebels expect their group to suffer genocidal violence whether or not they rebel. Even if the state communicates credible threats and reassurances, the rebels may expect to prevail—without the assistance of humanitarian intervention—at an acceptable cost in retaliation. Or it may be the prospect of humanitarian intervention—moral hazard—that leads rebels to expect their armed challenge to succeed at tolerable cost. Finally, the null hypothesis posits that rebellion is not a strategic attempt to improve group welfare but rather is explained by some other theory, such as frustration-aggression (Feierabend and Feierabend 1966) or bureaucratic politics (Allison and Halperin 1972). The null hypothesis is not explicitly tested in this study, but would tend to be disconfirmed by strong evidence for any of the other hypotheses (Table 1).

This study utilizes the cases of Bosnia and Kosovo to illustrate the explanatory power of the moral-hazard hypothesis.¹⁶ (Future research will utilize a larger universe of cases to enable rigorous assessment of bounding conditions for this hypothesis.)¹⁷ In both cases, substate actors initially did not launch armed secession from the former Yugoslavia when it began to splinter in 1991. Over the next year, however, Bosnia’s Muslims (supported by its Croats) established a militia and seceded, provoking genocidal retaliation by Serb and Yugoslav forces. Kosovo’s Albanians remained quiescent for most of the decade, despite suffering

¹⁵ This article standardizes to the shortened English forms—“Bosnia” and “Kosovo”—except where “Kosova” is in a quote.

¹⁶ On the use of case studies to help build theories, see Van Evera (1997).

¹⁷ On bounding conditions, see Crawford (2005).

much greater discrimination and oppression. But in 1998 the province's Albanian militants launched a full-blown rebellion that by the following year spurred genocidal retaliation by Serb and Yugoslav forces. As detailed below, only the hypothesis of moral hazard explains the initial restraint and the timing of rebellion in each case.

The hypotheses of rational deterrence theory are tested by process tracing (George 1979; Van Evera 1997) the actions of the vulnerable groups, relying heavily on interviews with at least a dozen leaders of each. These officials include the eventual presidents of Bosnia and Kosovo, leaders of political parties, senior rebel officers, clandestine weapons procurers, and diplomats in charge of external relations. A major concern in retrospective interview research is that officials may misrepresent history in their own interest (Lebow and Stein 1989).¹⁸ To mitigate this risk, testimonies were cross-checked against contemporaneous journalistic accounts and interviews with political opponents. In each case a coherent and consistent account emerged.

Bosnia

Bosnia's 1992 secession from Yugoslavia is sometimes characterized as inevitable, but it was not. The republic's Muslim leadership actively engaged in negotiations on two alternative options prior to arming and declaring the independence of a unitary Bosnia in March 1992. The first alternative was to remain in a rump Yugoslavia. The second alternative was to negotiate an ethnic cantonization (or soft partition) of Bosnia prior to the republic seceding from Yugoslavia, so that secession would have been by mutual agreement of Bosnia's three main ethnic groups and Yugoslavia's central authorities, and thus less likely to trigger war. When Bosnia's Muslim leaders rejected these alternatives in favor of armed secession, the republic's Serbs supported by Belgrade immediately launched a brutal military campaign to capture most of Bosnia's territory and purge it of non-Serbs. Within weeks, the Serbs killed thousands—and displaced hundreds of thousands—of Bosnia's Muslims and Croats, taking control of approximately 70% of the republic's territory. During an eventual 3.5 years of war, an estimated 100,000 Bosnians were killed, mostly Muslims.¹⁹ In 1995, Bosnia's Muslims accepted the Dayton Accords, based on a soft partition of the republic similar to the plan they had rejected nearly 4 years earlier in favor of war (Kuperman 2006).²⁰ No previous account adequately explains this seemingly suicidal armed secession.

The heart of the story begins in the spring of 1991, when Bosnia's Muslim leaders first confronted the fateful decision of whether or not to secede from the Socialist Federal Republic of Yugoslavia. During the preceding year, despite a growing political crisis in Yugoslavia, they had hoped to keep the federation intact. So long as the two largest rival republics, Serbia and Croatia, remained in Yugoslavia, the Muslims believed that Bosnia could retain its territorial integrity and autonomy within the federation, permitting the Muslims (nearly a majority in Bosnia) to control the republic. In June 1991, however, Croatia and Slovenia

¹⁸ As noted by Lebow and Stein (1989, 220–221): “the reconstructions of participants after the fact... [are] subject to well-known biases.” Accordingly, they “look for convergent evidence from several participants from each side, and for historical documentation as well.”

¹⁹ This is the consensus of both a rigorous accounting in Bosnia and a statistical analysis (Dervisebegovic 2005; Tabeau and Bijak 2005; Research and Documentation Center 2007). Tabeau and Bijak estimated a total 103,000 victims, of whom 54% were civilian. RDC documented 97,901 victims as of January 2007. These recent estimates are much lower than those published during the war, as summarized in Burg and Shoup (1999, 169–171).

²⁰ The two plans are not identical. The 1992 plan divided Bosnia into ten ethnically controlled cantons, denying any ethnic group a single contiguous territory. The 1995 plan divided Bosnia into two entities: a contiguous Serb-controlled republic, and a contiguous Muslim-Croat federation that itself was divided into smaller ethnically controlled units.

seceded from Yugoslavia, prompting Belgrade's Serb-dominated central institutions, including the Yugoslav army, to respond with force. In Slovenia the war was relatively short because the Slovenes had armed themselves well and the republic contained few Serbs. Belgrade decided it was not worth enduring heavy casualties to recapture territory that contained few citizens who sought to stay in Yugoslavia. By contrast, Croatia contained a significant Serb minority (13%), and the republic had not armed itself so well. The Yugoslav army, in conjunction with Serb irregulars, launched a brutal campaign that in a few months recaptured all major Serb-inhabited areas of Croatia—comprising about one-third of the republic's territory. The Serb offensive killed thousands and displaced tens of thousands of Croatian civilians (Cohen 1995; Silber and Little 1997).

Based on these events, Bosnia's Muslim leaders in the summer of 1991 had reason to believe that if they seceded, their republic would suffer a fate even worse than that of Croatia. Serbs represented at least 31% of Bosnia's population—more than twice their proportion in Croatia—and the Bosnian government had not armed itself even as well as Croatia, let alone Slovenia. Thus, if Bosnia should secede, Belgrade would have even greater incentive to respond militarily—and the republic's non-Serb forces would be even less able to defend territory and civilians. In other words, secession appeared a recipe for military defeat and civilian bloodbath. Accordingly, Bosnia's Muslim president, Alija Izetbegovic, sponsored negotiations with top Bosnian Serb and Yugoslav officials in mid-July 1991 to arrange the terms under which Bosnia would remain within a rump Yugoslavia. Ten days later, he agreed to the conditions of the so-called "Belgrade Initiative" (Zulfikarpasic, Djilas, and Gace 1998). But within days the Muslims renounced it and began clandestinely to acquire arms for a militia.

In January 1992, the European Community's Badinter Panel ruled that Bosnia could qualify for international recognition as an independent state if its populace approved a referendum on secession from Yugoslavia. But Bosnia's Serbs declared that they would not peacefully accept a declaration of independence of a unitary, centralized Bosnian state, which they feared would leave them as minorities ruled by Muslims. Instead, the Serbs insisted that Bosnia be divided internally along ethnic lines prior to any secession. Izetbegovic initially agreed, in January 1992, to postpone a referendum on independence until such a constitutional reorganization could be negotiated (Muhamed Cengic 2000). But he soon recanted.²¹

Belatedly, in February 1992, the European Community (EC) awoke to the danger that Bosnia's secession could lead to violence worse than in Croatia. So the EC sponsored negotiations among the republic's three main groups to divide Bosnia into ethnic cantons prior to secession. (The resulting plan is named interchangeably for the site where it was originally negotiated, Lisbon, and for the EC's negotiator, Jose Cutileiro.) By objective measures, the EC's proposal was at least equitable to the Muslims: their cantons would comprise 44% of the republic's territory, equal to their percentage of the population, and only 18% of Muslims would be left in cantons controlled by another ethnicity. By contrast, the majority of Serbs and Croats under the plan would live as minorities in cantons controlled by another group. Bosnia's Muslim leaders participated in several rounds of these negotiations and agreed at least twice—in February and March 1992—to a framework for such cantonization. In both cases, however, they reneged within days.²²

²¹ Ismet Kasumagic (1999) says the president was prone to such flip-flops: "Izetbegovic weighs everything three times. So you have to tell him three times" Zulfikarpasic et al. (1998) concurs.

²² Analysis of cantonization is based on the proposed map of March 18, 1992. The Muslim percentage of Bosnia's population is based on the 1991 census and excludes any who self-identified as "Yugoslav" (BBC 1992; Burg and Shoup 1999, 27, 110, 112; Hayden 1993, 6–7).

At the end of February 1992, Bosnia's Muslim-led government held the independence referendum, which was overwhelmingly approved by Muslim and Croat voters but boycotted by Serbs. In early March, the United States and the EC agreed that they would recognize Bosnia on April 6, even in the absence of cantonization. The decisions by Bosnia's Muslims to acquire arms, reject cantonization, and declare independence of a unitary republic—an armed secession from Yugoslavia—triggered a massive retaliation by Belgrade-supported Serb forces, who in a few months captured more territory and killed and displaced many more civilians than they had in Croatia.

Explaining the Armed Secession

A compelling account must explain both the decision of the Bosnian Muslims to launch an armed secession and the timing of that secession. It should explain why they rejected the two compromises that might have averted war and—given that they did so—why they did not secede earlier, in summer 1991, when Serb forces were spread thin in Croatia and not yet mobilized for war in Bosnia. Finally, it should explain why, after Bosnia's Serbs did make military preparations by early 1992, the Muslims did not postpone their secession until arming more adequately.

These puzzles cannot be explained by the absence of a credible deterrent threat (the first hypothesis) because the Serbs repeatedly threatened that an armed secession would be met by massive retaliation, and the Muslims perceived this threat as credible. During parliamentary debate on 15 October 1991, Bosnian Serb leader Radovan Karadzic warned the Muslims not to pursue the republic's secession: "You want to take Bosnia down the same highway of hell and suffering that Slovenia and Croatia are traveling...the Muslim people may disappear, because the Muslims cannot defend themselves if there is war. How will you prevent everyone from being killed in Bosnia?" (Silber and Little 1997:215). Later that year, he warned that "the Muslims had started down the path that led Croatia to a hell, except the hell in Bosnia will be one hundred times worse and will bring about the disappearance of the Muslim nation" (Udovicki and Stitkovic 1997, 170). In March 1992, Karadzic warned that declaring independence prior to a negotiated cantonization would cause "a civil war between ethnic groups and religions with hundreds of thousands dead and hundreds of towns destroyed" (Binder 1993, 10).

Muslim officials say they perceived the threat as credible because Serbs already had targeted civilians in Croatia and were equipped to do so in Bosnia. Hasan Cengic (2000), a close associate of Izetbegovic, says Muslim leaders became aware of Serb preparations for violence in the republic by February 1991. The Muslims also learned in July 1991—before they rejected either the Belgrade Initiative or the Cutileiro Plan—that the Yugoslav army was re-deploying troops from Slovenia into Bosnia. Bolstering the deterrent threat, the Yugoslav army in January 1992 transferred to Bosnia the bulk of its forces from Croatia. The federal army also reorganized itself so that its troops in Bosnia were mainly Serbs born in the republic—to boost their will to fight and their legitimacy as an "indigenous" force (Silber and Little 1997, 217–218).

The Muslims understood, says Hasan Cengic (2000), that the Serb military buildup was intended to "deter our declaration of independence... We knew [that] without a political solution Belgrade will pursue military means." Likewise, Bosnia's first army chief of staff, Sefer Halilovic (1999), says he expected that secession would trigger a major Serb offensive. Izetbegovic (2000) recalled similarly, "We always negotiated under the blackmail threat of violence, because the Serbs had the Yugoslav army behind them." When the Muslims armed and

seceded, he said, the Serb “aggression... was not completely unexpected. We did know what we could expect” (BBC 1993).

Only a few Muslim officials claim they did not expect massive Serb retaliation because they thought the Serb forces were so much stronger that they could occupy the republic without resort to much violence.²³ This minority view lacks credibility, however, because the Muslims had intentionally created militia to prevent a quick Serb military occupation of Bosnia after independence, so that the Serbs would have to use force to occupy the republic. Several other Muslim officials say they hoped the Serbs would be deterred from attacking by fear of international reaction, but they concede this was a wish rather than an expectation.²⁴ Even the UN’s International Criminal Tribunal for Yugoslavia acknowledges: “Both Bosnian Serbs and Croats made it apparent that they would have recourse to armed conflict rather than accept minority membership of a Muslim-dominated state” (Hayden 1998, 48). Thus, the Muslim decision to arm and secede cannot be explained by a failure to anticipate Serb retaliation.

Moreover, Bosnia’s Muslims enjoyed security and full enfranchisement prior to pursuing secession. So they did not perceive genocidal violence as inevitable, nor did they assume that they had nothing to lose by arming and seceding (the second hypothesis). Even after the fact, when Bosnian Muslim officials might be expected to justify their actions on this basis, very few do. Most concede that they did not fear genocidal violence—or even political disenfranchisement as had befallen Kosovo’s largely Muslim, ethnic Albanians—so long as Bosnia stayed in a rump Yugoslavia. Several note that the only groups in Yugoslavia that had suffered violence or oppression at the time were those in Croatia and Kosovo which had rejected Belgrade’s political authority.²⁵ Some Bosnian Muslim officials did worry that the Belgrade Initiative to keep Bosnia in Yugoslavia could trigger an armed Croat secession from Bosnia,²⁶ but this was doubtful because it would stigmatize the Croats as spoilers of peace at a moment when they were desperately seeking international support for the independence of Croatia. Even if the Croats had seceded from Bosnia, the Muslims would have been at little risk so long as they remained allied with the dominant Yugoslav forces. Izetbegovic (2000) later admitted, “War could have been avoided if I accepted that Bosnia enters greater Serbia”—that is, remained in a rump Yugoslavia.

Most Bosnian Muslim officials say they rejected the Belgrade Initiative on two grounds: the possible risk of becoming second-class citizens in a rump Yugoslavia, and the desire to seize a fleeting opportunity to establish an independent Bosnia that Muslims could dominate politically. The Muslims did not want to be an ethnic minority in a Serb-dominated Yugoslavia when they had the chance to be the dominant ethnic group in an independent Bosnia. But this Muslim pursuit of political power created the risk of violence, as Izetbegovic himself acknowledged in an October 1991 parliamentary address by asking rhetorically: “Will we accept peace at any price in Bosnia, bend our heads once and for all, because of peace accept an inferior position for the next 15 years, or shall we say, we want sovereignty, risking a conflict?” (Burg and Shoup 1999, 77).²⁷

At the time, many Muslim officials also believed that they could avert war by agreeing to cantonization. Even before the EC proposal, Bosnia’s Muslim vice-president Muhamed Cengic (2000) says he proposed delaying the independence referendum until cantonization could be negotiated because it was the only way

²³ Ganic (1999); Izetbegovic (2000); Silajdzic (2000). At other times Izetbegovic made contrary statements.

²⁴ For example, Silajdzic (2000); Hasan Cengic (2000).

²⁵ In author’s interviews, only Silajdzic (2000) and Behmen (1999) claimed that Bosnia’s Muslims would have suffered violence even if they accepted the Belgrade agreement. This claim by Silajdzic appears inconsistent with another of his assertions—that he did not expect Bosnia’s Muslims to suffer violence if the republic seceded.

²⁶ Ganic (1999) and Muhamed Cengic (2000).

²⁷ The quote is from October 14, 1991.

to avert war. But the republic's Muslim leadership was divided into three factions on this question. Izetbegovic and his vice-president Muhamed Cengic believed cantonization would lead relatively peacefully to a Muslim ministate, which they preferred to a bloody war to hold the republic together. A second group, led by Omer Behmen and Hasan Cengic, accepted in principle a Muslim ministate but feared that cantonization actually would serve as the starting point for ethnic cleansing to partition Bosnia between Croatia and Serbia. The third faction, comprising the bulk of the Muslim leadership, agreed with the president that cantonization could enable a viable Muslim ministate, but rejected this outcome because they favored, and believed it possible to attain, a unitary Bosnia under Muslim political control, albeit at the cost of war (Ismet Serdarevic 2000; Izet Serdarevic 2000). Accordingly, when Izetbegovic momentarily embraced cantonization, the other two factions joined forces to reject it, for differing reasons. Had the third faction not believed a unitary Bosnia could be attained through war, it would have joined with Izetbegovic to accept cantonization. Thus, although Muslim leaders were not of a single mind, most did expect that cantonization could avert genocidal violence. Nevertheless, the Muslims rejected cantonization because the third, decisive faction believed a unitary Bosnia could be achieved at the cost of war, which they preferred to peacefully accepting a Muslim ministate.²⁸

The Muslims' optimism was not based on an expectation that they alone, or with Croat support, could prevail over Serb forces (the third hypothesis). The Muslims had few weapons because in the preceding year the federal army had confiscated most of the stocks belonging to the republic's territorial defense forces. As conceded by Hasan Cengic (2000), who was responsible for clandestine arms procurement, "We knew we were very, very, very weak and not capable of defending ourselves... We were already 100-percent occupied." Likewise, Sefer Halilovic (1999), head of the Muslim militia at the time of secession, says he knew his rudimentary troops were woefully unprepared to defend against Serb forces.

Rather, the Muslims believed they could prevail over the Serbs at a tolerable cost only because they expected to attract humanitarian intervention from the international community (the fourth hypothesis). Indeed, starting in late 1990, they developed a strategy to first gain international support and then launch an armed secession. They put the plan into motion in June 1991, when Croatia's secession destroyed the Bosnian Muslims' hope of controlling their own republic if it remained in Yugoslavia.

The strategy had four components (Hasan Cengic 2000; Mahmutcehajic 2000): First, the Muslims actively lobbied the West to recognize Bosnia's independence, to increase their chance of receiving military assistance if Serb forces attacked. Second, prior to recognition, they strove to avoid using or provoking violence because it could undercut their image as victims of aggression, necessary to qualify for humanitarian intervention. Third, once they could achieve recognition, they planned to declare Yugoslav army troops in the republic a foreign occupying force, so the international community would compel their withdrawal.²⁹ Fourth, starting in the second half of 1991, the Muslims clandestinely imported weapons and established a militia to enable a rudimentary defense prior to secession.

This strategy sheds light on the status of the emerging norm at the time. By 1992, only a few substate groups had benefited from humanitarian intervention.

²⁸ Rational deterrence theory does not require that the target of coercion actually be unitary, but merely that it respond to threats and reassurances as if it were.

²⁹ Hasan Cengic (2000) says this tactic was adapted from former Warsaw Pact states, such as East Germany, which had recently employed it to negotiate the withdrawal of Soviet troops.

Accordingly, the Muslims first sought international recognition of Bosnia's independence to boost their chances of protection against Serb violence.

All Muslim officials interviewed for this study say they believed that international recognition of Bosnia's independence would ensure intervention against Serb aggression.³⁰ In Izetbegovic's (2000) retrospective account: "I expected the international community would recognize our independence and then defend the state it recognized...politically and militarily." Muhammed Filipovic (1999), a leading Muslim intellectual, reports that Izetbegovic expressed the same belief prior to secession, telling him: "We must involve them, and they will take our side." Muhamed Cengic (2000) says, "We thought Europe or the United Nations would do anything in their power to stop or prevent the war." Likewise, Bosnia's eventual prime minister Edhem Bicakcic (1999) recalls, "We absolutely believed that UN recognition would guarantee military protection."

Only when it became clear during the first year of war that the West would not intervene decisively to preserve a unitary Bosnia did the Muslims reconsider their rejection of cantonization. Izetbegovic explained this reversal in February 1993: "Our expectations have been betrayed. But perhaps these expectations were too high. They have not come here to protect us from the *Chetniks* [Serb paramilitaries].... Now that the Americans have accepted it [cantonization], looking at it realistically I do not think that there is an alternative" (BBC 1993).

The Muslims' plan to gain international recognition of Bosnia's independence prior to the outbreak of war explains a series of otherwise curious decisions. They did not secede in 1991—even though the opposing Serb forces were spread thin at the time by the secessions of Slovenia and Croatia—because the international community signaled it was not yet prepared to recognize Bosnia. Even after the Muslims decided to create a militia, they avoided overtly raiding federal army depots to equip themselves as Slovenia and Croatia had done, in order not to provoke war prior to recognition. In the words of Rusmir Mahmutcehajic (2000), a cofounder of the main Muslim militia, "We had to avoid the explosion of war prior to recognition...Otherwise we would be the aggressor, rebelling against the federal army." The Muslims also engaged in EC-sponsored negotiations on cantonization in early 1992, despite an aversion to such compromise, because they feared that refusing to do so would brand them as intransigent and thereby endanger recognition. But they reneged on the Cutileiro Plan as soon as the West pledged recognition. Finally, in March 1992, the Muslims declared independence even though their military preparations were still months away from completion, because they feared that the international offer of recognition otherwise might be withdrawn.

All three Muslim representatives at the EC's negotiations in Lisbon confirm this strategy. In President Izetbegovic's (2000) words, "Our tactics were to buy time.... [pursuing] a zig-zag line for independence... so the international community would defend this country." Rusmir Mahmutcehajic (2000) similarly explains the Muslims' waffling on cantonization: "To reject it outright would identify us as guilty for obstructing the agreement and this could obstruct getting recognition." Bosnia's eventual foreign minister, Haris Silajdzic (2000), is even blunter: "All the negotiations were just a farce to buy legitimacy.... My strategy was to get Bosnia independent so that it would be granted rights by the international community.... My main priority in the whole strategy was to get Western governments and especially the United States to get involved, because [Serbs] had the whole Army."

The Muslims' expectation of sympathetic intervention derived mainly from international events during the preceding 2 years, which indicated that the

³⁰ Zulfikarpasic (1999) and Filipovic (1999), who had split from Izetbegovic's party, were skeptical about such intervention and opposed to unilateral secession.

international community would intervene to stop cross-border aggression and internal state violence. In August 1990, when Saddam Hussein invaded Kuwait, U.S. President George H.W. Bush's declared that "aggression would not stand" in the "new world order" (Bush 1991). Then, in early 1991, the United States led a UN-authorized, multinational military intervention to expel Iraqi forces from Kuwait, which Bosnia's Muslim officials say lent credibility to Bush's declaration.³¹ Soon after, in April 1991, when a Kurd rebellion triggered genocidal retaliation by Iraq, the United States deployed a humanitarian military intervention into the sovereign state of Iraq, not only protecting the Kurds but facilitating their goal of political autonomy. In early 1992, the UN deployed peacekeepers to protect areas of Croatia that had been attacked and occupied by Serb and Yugoslav forces when Croatia seceded the previous year. This UN Protection Force (UNPROFOR) was headquartered in Sarajevo, capital of Bosnia, in a deliberate attempt to deter similar Serb violence there.³² Bosnia's vice-president at the time, Muhamed Cengic (2000), recalls: "Especially after UNPROFOR deployed in Bosnia for the Croatian peacekeeping mission... we really believed" protection was assured.

Most importantly, in March 1992, the United States prevailed on the EC to join in pledging to recognize Bosnia's independence the following month, whether or not cantonization had been agreed. U.S. officials even urged Izetbegovic to withdraw his agreement from the cantonization plan because they favored a unitary Bosnia. As the *New York Times* quoted a senior State Department official: "The policy was to encourage Izetbegovic to break with the partition [*sic*] plan" (Binder 1993:10). Given that the United States was urging the relatively defenseless Muslims to pursue a course that nearly everyone in Bosnia expected would trigger a Serb onslaught, the Muslims logically inferred that the West also was promising military protection.

In reality, the United States intended no such promise, but was trying to bluff the Serbs. As U.S. Secretary of State James Baker recalls in his memoirs, "[U.S. Ambassador] Warren Zimmermann in Belgrade... held the pragmatic hope that recognizing Bosnia might be one way to internationalize the problem and deter the Serbs from meddling" (Baker and DeFrank 1995, 639–642). This underscores that the U.S. recognition of Bosnia, which also drove EC recognition, was part of a larger humanitarian intervention policy aimed at preventing genocidal violence in that republic. In hindsight, Zimmermann's bluff was the biggest blunder of prewar diplomacy in Bosnia. The EC's negotiator, Jose Cutileiro, recalls bitterly: "President Izetbegovic and his aides were encouraged to scupper that [cantonization] deal and to fight for a unitary Bosnian state by well-meaning outsiders who thought they knew better" (Cutileiro 1995).³³ Zimmermann all but conceded the point in a 1993 interview, acknowledging that in retrospect: "the Lisbon agreement wasn't bad at all" (Binder 1993, 10).

Although some Muslim officials hoped that international recognition might deter the Serbs from attacking, most expected that their side would have to fight and die against the Serbs before the international community would come to their aid. They say that in early 1992 they expected that secession would lead to an eventual toll at least as high as in Croatia's war—several thousand lives, mostly

³¹ See also, *New York Times* (1991), making the same inference as the Bosnian Muslims.

³² UNPROFOR's deputy commander, Gen. Lewis MacKenzie (1993, 106, 119, 125), who commanded UN peacekeepers in Sarajevo, recalled his skepticism of this plan: "We hoped the UN was right, and our modest presence would keep the lid on the ethnic tensions in Sarajevo.... Perhaps the diplomats knew something we didn't."

³³ He also states: "the Muslims renege on the agreement. Had they not done so, the Bosnian question might have been settled earlier, with less loss of (mainly Muslim) life and land."

civilian, by that point (Kuzman et al. 1993)—which they viewed as a tolerable cost to achieve independence of a unitary Bosnia. In the words of Omer Behmen (1999), perhaps the most influential official in the ruling party,³⁴ the key was to “put up a fight for long enough to bring in the international community.” Accordingly, starting in late 1990, some 16 months prior to secession, Behman dedicated himself to “organization of a resistance, to mobilize our men and organize weapons purchases.”

The Muslims’ pre-war military preparation has been little reported,³⁵ perhaps because it conflicts with the prevailing international image of them as victims of Serb aggression. Among other steps prior to secession, the Muslims converted Bosnia’s police force into a proto-army; clandestinely deployed police to Croatia for military training; stole weapons from police armories; imported weapons in contravention of the UN arms embargo; established militia of >100,000 men armed with 50,000 weapons, organized up to the battalion level; recruited Muslim officers from the Yugoslav army; merged the police and militia into a single integrated command; and drafted a war plan. Though they realized that their rudimentary force would be unable to deter or defeat the Serbs, they sought only to compel the Serbs to engage in violence sufficient to attract sympathetic Western intervention.

An essential prerequisite for the secession decision, therefore, was the *a priori* willingness of Bosnia’s Muslim leaders to accept retaliation against their civilians as the short-term price of eventually establishing an independent Bosnia that they could dominate politically. It has long been documented that after the war began, the Muslims persisted in fighting a losing battle in the hopes of attracting international intervention on their behalf (Burg and Shoup 1999, 13). For example, the first commander of UN peacekeepers in Bosnia, Canadian General Lewis MacKenzie (1993, 159, 308) told EC representative Lord Carrington on April 23, 1992—barely 2 weeks into the war—that the Muslim-led “Bosnian Presidency was committed to coercing the international community into intervening militarily.” His successor, British General Michael Rose (1998, 141) likewise reported that Bosnia’s Muslim-led government refused to accept a cease-fire because, “if the Bosnian Army attacked and lost, the resulting images of war and suffering guaranteed support in the West for the ‘victim State.’” Even James Gow (1997, 96), an academic overtly sympathetic to the Muslims, concedes that the Muslim-led Bosnian army broke cease-fires “in the hope of provoking a U.S. intervention.”

But it has not heretofore been documented that this strategy—intentionally engaging in a losing war to attract the international intervention necessary to win it—was adopted by the Bosnian Muslims even before the outbreak of fighting. When the Serbs launched their military offensive in April 1992, following Bosnia’s declaration of independence, the international community was shocked. But most Bosnian Muslim officials were not. Indeed, those early losses were part of their grand strategy, which Western political leaders did not realize at the time and still have not acknowledged.

This strong evidence for the fourth hypothesis obviates the need to test the null hypothesis that Bosnia’s Muslim leadership failed to act rationally based on expectations. Still, these leaders did miscalculate based on imperfect information. They expected international intervention to be much quicker and robust than it turned out to be. The war dragged on for three and a half years—during which tens of thousands of Muslims were killed—before military and economic intervention tipped the balance in their favor. Even then, despite incurring a

³⁴ Behmen is characterized by Adil Zulfikarpasic, a cofounder of the party, as “the most important figure in the SDA after Alija Izetbegovic,” and “along with Izetbegovic one of the most important leaders of the SDA, in charge of its fundamentalist wing.” Zulfikarpasic et al. (1998, 124, 184).

³⁵ A recent exception is Hoare 2004.

death toll many times higher than expected, the Muslims had to accept a territorial division similar to the prewar cantonization plan that they had rejected.³⁶

It is impossible to know with certainty how Bosnia's Muslim leaders would have acted differently had they known in advance of the higher-than-expected costs and lower-than-expected benefits of an armed secession. In retrospective interviews, most claim they still would have seceded but not until doing a better job of acquiring arms and nurturing international support. This underscores that if not for the expectation of international intervention, the Muslims might not have seceded at all, or at least not without first agreeing to a cantonization plan, so the bloody Bosnian war might have been averted. At the very least, without the moral hazard created by the prospect of humanitarian intervention, the Muslims would have militarily prepared themselves better before declaring independence, thereby mitigating any Serb retaliation.

Kosovo

Starting in 1989, Kosovo's Albanians had far greater grievances to justify an armed secession from Yugoslavia than did Bosnia's Muslims. Whereas Bosnia's Muslims enjoyed full rights in Yugoslavia, the Albanians of Kosovo had been disenfranchised and oppressed. Moreover, the Albanians represented a clear majority of the population in Kosovo, some 80–90%, while in Bosnia the Muslims were less than half. Yet, the Albanians adhered to nonviolence for nearly a decade, enabling them during this time to avoid the deadly retaliation that befell Bosnia's Muslims. Only in early 1998 did the Albanian militants of the Kosovo Liberation Army launch a full-scale rebellion, prompting Belgrade to retaliate with a counter-insurgency that targeted rebels but in the process killed several hundred civilians that year. In March 1999, NATO announced that it would bomb Yugoslavia unless Milosevic accepted a U.S.-authored peace agreement. Belgrade responded with ethnic cleansing in Kosovo that within weeks expelled 850,000 Albanians (half their population in the province), internally displaced most of the rest, and killed about ten thousand. After 11 weeks of bombing, Belgrade capitulated,³⁷ after which Albanian refugees returned and vengefully compelled the displacement of most of the province's Serbs (Human Rights Watch 1999).

Previous accounts attribute the Albanians' switch to militancy to two factors: the failure of a decade of pacifism to achieve their goals, underscored when Kosovo was excluded from the 1995 Dayton Accords that ended Bosnia's war; and the sudden availability of weapons in 1997 from neighboring Albania. Typically, the Albanians are said to have rebelled out of frustration or in expectation of defeating Serb forces.³⁸ But these prior accounts ignore the role of humanitarian intervention and thus cannot explain why Kosovo's Albanians launched a seemingly suicidal rebellion against vastly superior Serb forces who already were infamous for genocidal retaliation against armed secessions elsewhere in Yugoslavia.

The roots of this conflict go back hundreds of years, but the story of modern Kosovo begins in 1966, when Belgrade ended a decade of repression against the province's Albanians for nationalist separatism. In 1974, the Albanians gained effective control of Kosovo in a new Yugoslav constitution that granted the province a high degree of autonomy within Serbia. Kosovo's ethnic demographics quickly tilted sharply toward the Albanians for three main reasons: higher

³⁶ For an analysis of the agreement and its implementation, see Bose (2002).

³⁷ For hypotheses on Serbian strategy, see Greenhill (2003); Posen (2000).

³⁸ See, for example, Hedges (1999, 24–42); Sullivan (1998); Troebst (1998). Peace in Bosnia also made available thousands of Albanian fighters, who had gone to Bosnia to fight with the Muslims, to fight in Kosovo.

fertility rates; emigration of Serbs due to a combination of Kosovo's poor economy and discrimination by its Albanian authorities; and immigration from Albania. From 1961 to 1991, the Serb proportion of Kosovo's population declined from 24% to 10%. Where Serbs remained, they were subject to intermittent harassment by extremist Albanians who pursued a three-part agenda: an ethnically pure province, secession from Yugoslavia, and ultimate unification with Albania (Blagojevic 1996).³⁹

As Yugoslavia's ruling socialist party lost cohesion in the late 1980s, Slobodan Milosevic came to prominence as leader of Serbia largely on the nationalist issue of protecting Kosovo's Serbs. In 1989, he successfully pushed through reforms that revoked Kosovo's autonomy, required use of the Serbo-Croatian language in its government institutions, and removed Albanians from most government jobs, which were the best ones in the socialist economy. In some cases, Albanians were fired immediately; in most others, they were dismissed after refusing to sign oaths of loyalty to Serbia. A new Serb police force in the province also harassed Albanians in its search for alleged separatists.

But Belgrade initially did not perpetrate genocide or ethnic cleansing against the ethnic Albanians because they eschewed armed secession. Led by their charismatic leader Ibrahim Rugova and his Democratic League of Kosovo (LDK) party, the Albanians instead pursued passive resistance. They declared themselves independent of Serbia and established their own parallel government institutions, with Rugova as president, but did not take up arms to establish sovereignty. This parallel-institution strategy included boycotting Yugoslav and Serbian elections, refusing to pay taxes to Belgrade, and abandoning state schools because they required the Serbo-Croatian language and no longer taught Albanian history or culture. By 1991, Kosovo's Albanians held their own elections and established rudimentary education and health-care systems, funded by their own tax system that even assessed their diaspora. Though they lacked a police force or an army, and remained second-class citizens in the province despite their majority, by the mid-1990s Kosovo's Albanians had re-established a degree of de facto autonomy (Clark 2000).

For 8 years, this strategy of pursuing independence through pacifism prevailed over at least four alternatives advocated by factions of Kosovo's Albanian populace. Intellectuals with ties to Belgrade or the West favored abandoning the goal of independence in exchange for renewed autonomy (Maliqi 2000). All the other factions sought independence but rejected the LDK's extreme pacifism. Students favored a more confrontational, yet still nonviolent, campaign of civil disobedience such as occupying public spaces (Anonymous 2000; Tahiri 2000). A somewhat more militant faction encouraged a long-term program of clandestine organizing aimed at an eventual uprising, modeled on the first Palestinian *intifada* of 1987, but rejected immediate violence as suicidal (Klinaku 2000). The most militant faction, the Kosovo Liberation Army, favored an immediate rebellion prior to grassroots organizing. Both militant factions descended from an illegal party created in 1982 to agitate for an ethnically pure Albanian state at a time when the province already enjoyed full autonomy, indicating that they had extremist tendencies (Johnstone 1998).

Kosovo's relative stability ended in late 1997 when the KLA rose to prominence by repeatedly shooting Serbian police. Belgrade launched a counter-insurgency in late February 1998 (Sullivan 2004, 158–160), starting with attacks on a village and a compound suspected of harboring the rebels in their stronghold of Drenica, killing about 75 Albanians (including civilians). But Serb forces initially refrained from the wholesale violence and ethnic cleansing that had characterized their responses to armed challenges in Croatia and Bosnia, apparently

³⁹ See also, Howe (1982); Binder (1987).

because they now had become aware of the emerging norm and so strove to avoid crossing a line that would again trigger international intervention against them (Mandelbaum 1999).⁴⁰ Despite this relative restraint, the Serb crackdown boosted support for the rebels among Kosovo's Albanians, the Albanian diaspora, and the international community.

Over the next year, humanitarian intervention on behalf of Kosovo's Albanians traced a typical pattern of escalation in response to growing media attention to their suffering: rhetorical condemnation, economic sanctions, threats of force, and ultimately bombing. U.S. Secretary of State Madeleine Albright started by declaring: "We are not going to stand by and watch the Serbian authorities do in Kosovo what they can no longer get away with doing in Bosnia" (Smith 1998). Soon after, the U.S.-led "Contact Group" imposed sanctions. Then, in June 1998, NATO staged practice bombing raids in neighboring Albania and Macedonia, in an explicit attempt to deter Milosevic from further brutalities. But when the rebels escalated their offensive, Milosevic intensified his counter-insurgency, causing many Albanians to flee battle areas for the mountains of Kosovo.

Belgrade's response to NATO's threats illustrates the potential, and limits, of humanitarian intervention to deter state violence. In autumn 1998, U.S. negotiator Richard Holbrooke warned Milosevic that NATO would bomb Yugoslavia unless it agreed to cease fire and withdraw troops from Kosovo to enable displaced Albanians to return to their villages prior to winter. Milosevic agreed in October 1998, demonstrating that the credible threat of intervention can compel a state to temporarily sacrifice a military advantage against rebels. But when the KLA took advantage of the cease-fire to reoccupy territory and renew attacks against the Serbs later that year (Johnstone 1999; Little 2000a),⁴¹ Milosevic resumed the counter-insurgency, demonstrating that this threat of intervention was not sufficient to compel him to sacrifice sovereignty over territory.

The renewal of war spurred the West, in February 1999, to convene an international conference in Rambouillet, France to resolve the conflict. The United States drafted an agreement that favored the Albanians—providing for an independence referendum in Kosovo after 3 years and granting NATO troops the right of free passage throughout all of Yugoslavia. American officials presented the agreement as an ultimatum, threatening to bomb Yugoslavia if it were the only side to reject it (Trueheart 1998).⁴²

The rebels signed the agreement but Belgrade refused, again demonstrating that the threat of humanitarian intervention proved insufficient to compel a surrender of sovereignty. So NATO started bombing in late March 1999, expecting quickly to compel Milosevic's acceptance. Instead, Belgrade escalated from counter-insurgency to ethnic cleansing, demonstrating that under coercive pressure to surrender sovereignty, a state may instead opt to perpetrate genocidal violence in hopes of retaining sovereignty. After 11 weeks of bombing that inflicted

⁴⁰ In retrospect, Mandelbaum (1999) observed: "Milosevic had, after all, controlled the province for 10 years without attempting anything approaching what happened in 1999." As late as October 1998, this author (Kuperman 1998b) publicly noted that, "Serb forces in Kosovo have been relatively restrained in their use of force, apparently in an effort to avoid provoking a NATO response. For perspective, the 1998 killing rate in Kosovo is approximately one-hundredth that in Bosnia in 1992 – an estimated 700 dead during the present campaign compared to tens of thousands in the earlier ethnic cleansing."

⁴¹ The confidential minutes of NATO's governing body, the North Atlantic Council (NAC) cite the KLA as "the main initiator of the violence," stating that, "it has launched what appears to be a deliberate campaign of provocation." Similarly, the German vice president of the Organization for Security and Cooperation in Europe (OSCE), Willy Wimmer, says the organization's observers agreed that it was the KLA, not Yugoslav forces, that had "systematically evaded" the Holbrooke agreement. Likewise, General Klaus Naumann, chairman of NATO's military committee, says that the head of the verification mission, American Ambassador William Walker, "stated in the NAC that the majority of violations was (sic) caused by the KLA."

⁴² For a critique of this strategy, see Kuperman (1999a).

billions of dollars of economic damage and killed hundreds of civilians (Human Rights Watch 2000),⁴³ Milosevic conceded to somewhat less demanding peace terms than he had rejected at Rambouillet.⁴⁴ Albanian refugees returned and ethnically cleansed most Serbs. Ironically, NATO's humanitarian intervention thus helped Kosovo's extreme nationalists toward their longstanding goal of an ethnically pure Albanian province.

Explaining the Switch from Pacifism to Rebellion

A persuasive account should explain the initial divergence in approach between Kosovo's Albanians and Bosnia's Muslims, as well as the evolution of the Albanians' strategy over time. It should explain why Kosovo's Albanians refrained from violence for nearly a decade even though they suffered significant oppression, whereas Bosnia's Muslims opted for armed secession while enjoying full rights. And it should explain why the Albanians eventually resorted to rebellion despite Belgrade's overwhelming military superiority and history of genocidal retaliation.

The switch to rebellion cannot be explained by the Albanians' failure to expect massive retaliation (the first hypothesis). All segments of Kosovo's Albanian political elite, during both the pacifist and militant phases, believed that a rebellion would trigger massive Serb retaliation against the province's civilians. Belgrade initially underscored the credibility of this threat by cracking down heavily against small Albanian protests in 1989. In 1991, Serbian nationalist Vojislav Seselj explicitly warned that in the event of an armed uprising, "We can settle the bill with the Albanians forever" (Tromp-Vrkic 1996, 53).⁴⁵ The credibility of such threats grew as the Serbs retaliated from 1991 to 1995 against armed secessions in Croatia and Bosnia, and in early 1998 against initial KLA provocations. Ibrahim Berisha (2000), one of five cofounders of the LDK, reports that "most Albanians understood that the start of war in Kosovo would lead to the destruction of people and villages and cities." Rugova said Belgrade officials warned him explicitly in late 1997 that any rebellion "meant war" and that they had developed "a scorched-earth plan that could be implemented in 24 hours to destroy Albanian villages" (Richburg 2002).⁴⁶

Militant Albanian leaders had the same expectations. Hashim Thaci, a founder of the KLA and head of its political directorate during the war, concedes: "We knew full well that any armed action we undertook would trigger a ruthless retaliation by Serbs against our people... We knew we were endangering civilian lives, too, a great number of lives." Similarly, a KLA fighter told the BBC, "It was guaranteed that every time we took action they would take revenge on civilians" (Little 2000a).⁴⁷ Jakup Krasniqi (2000), vice-commander of the KLA's general staff, concurs: "The danger that Serbs would retaliate against the civilian population was well known."

Nor can the rebellion be explained by an expectation among the Albanians that they were destined to suffer genocidal violence in any case and so had little to lose by resorting to arms (the second hypothesis). Milazim Krasniqi (2000), another LDK cofounder, says the Albanians believed Milosevic would refrain

⁴³ See also, Graham (2000).

⁴⁴ The deal Milosevic signed was less demanding than that offered at Rambouillet in that it reaffirmed Yugoslavia's sovereignty over the province, eliminated the independence referendum, confined NATO troops to Kosovo, and provided for UN authorization of the occupation. The agreement was stricter than Rambouillet in demanding that all Serb forces initially depart the province—which was necessary to facilitate the return of Albanian refugees who had been ethnically cleansed during the bombing—and in permitting fewer Serb forces to remain in the long run. See Kuperman (1999b,c); Rubin (1999).

⁴⁵ The threat was published in *Osmica* (1991).

⁴⁶ The quotes were reported to be in Rugova's forthcoming prepared testimony.

⁴⁷ Quote is from KLA fighter Zymer Lubovci. See also, Little (2000b).

from violence if they did, because the Serbian leader sought to conserve his military forces and “wanted the support of the international community.” Rugova explained in 1992, “We believe it is better to do nothing and stay alive than be massacred” (Vickers 1998, 264). Demographics were on the Albanians’ side, Rugova believed; so long as they could avoid provoking retaliation, the Albanians’ higher fertility rate and the Serbs’ continued emigration meant Kosovo would become almost purely Albanian, after which the international community would support its independence and Belgrade would acquiesce (Malcolm 1998, 347–348; Clark 2000, 69–71, 116).⁴⁸ A more militant Albanian leader, who requested to remain Anonymous (2000), concurs that Serbia had a “two-pronged strategy” for Kosovo: “If there was a rise in militancy, Serbia wanted to fight a big preventive war... [but if not] Serbia was willing to accept total pacifism.” As analyst Michael Salla (1995, 432) noted during the pacifist phase: “The Albanians’ disciplined campaign of nonviolence has meant that there have been few cases of violent confrontation.”⁴⁹

Even the initial Serbian counter-insurgency of 1998 reinforced the Albanian expectation that restraint would be reciprocated, because attacks were targeted relatively narrowly at villages that harbored the rebels. In this way, Belgrade communicated not only that entire Albanian villages would be held responsible for any violence emanating from them, but that villages could avoid Serb attacks by refusing to harbor the rebels. The Albanians who launched and supported the rebellion did not do so based on a belief that they had nothing to lose.

Nor did Kosovo’s Albanians ever expect that they could defeat Serb forces at a tolerable cost without intervention (the third hypothesis). Belgrade demonstrated a massive superiority of force as early as 1989, when “arms were distributed increasingly openly and Serbian ‘village guards’ formed” in the province. Two years later, Milosevic disbanded the province’s Albanian police force and replaced it with 7,000 Serb and Montenegrin officers, soon increased to 13,000 and supplemented by 21,000 armed reserves, for a total of 34,000 pro-Belgrade forces. In late 1992, Kosovo also became the base for Serb paramilitary forces, including Arkan’s notorious “Tigers,” responsible for some of the worst atrocities in Croatia and Bosnia (Clark 2000, 77–78). Kosovo’s shadow government did attempt a self-defense structure starting in late 1991, researching international arms markets and sending militants for training in neighboring Albania, but Belgrade caught wind and shut down the operation in mid-1993. The only offer of strategic military aid came secretly in 1991 from Croatia, but the Albanians rejected it because they feared Zagreb would cut a deal with Milosevic and abandon them (Balaj 2000; Berisha 2000; Klinaku 2000; Kraja 2000; Krasniqi 2000b; Maliqi 2000; Rugova 2000; Tahiri 2000; Xhemajli 2000). As a result, until 1997, Albanian militants possessed no more than a few hundred weapons throughout the entire province.

The Albanians’ early unsuccessful attempts to acquire military capability reveal that their initial pacifist strategy was born not of principle but rational calculation. As explained by Mehmet Kraja (2000), another LDK cofounder, “We weren’t for the military option, not because we were peaceful, but because it was impossible.” Rugova himself justified pacifism on these grounds in April 1992: “We are not certain how strong the Serbian military presence in the province actually is, but we do know that it is overwhelming and that we have nothing to set against the tanks and other modern weaponry in Serbian hands. We would have no chance of successfully resisting the army” (Vickers 1998, 264).⁵⁰ Elucidating in 1993, he warned: “Within a few hours, they could wreak havoc on Kosova

⁴⁸ See also, Judah (1999).

⁴⁹ See also, Vickers (1998, 264).

⁵⁰ The original quote is from Impact International (1992, 10).

that would make Bosnia pale by comparison” (Rugova 1993, 47). Outside analysts agreed, including one who concluded presciently in April 1998: “a partial or complete cleansing of Kosovo would probably not take more than several weeks” (Troebst 1998, fn 62, 64).

More militant members of the shadow government also eschewed rebellion throughout most of the 1990s because, as one later explained, “Without international support, what was the chance of Kosova?” (Anonymous 2000). Even after the KLA acquired additional light weapons in 1997, the rebels had no illusion of defeating better armed Serbian units. A top KLA commander, Emrush Xhemajli (2000), admits: “We knew our attacks would not have any military value. Our goal was not to destroy the Serb military force.”

Rather, the rebels launched their rebellion based on a belief that they could attract humanitarian intervention sufficient to attain their goal of Kosovo’s independence at a tolerable cost in retaliation (the fourth hypothesis). Indeed, this plan was revealed in a press report in 1993, nearly 5 years before it was implemented:

The Kosovo Albanians are counting on foreign military intervention after the outbreak of hostilities; it is expected that international troops will provide air cover. Once conflict erupts, Kosovo Albanians plan to withdraw their troops to the mountains near the Yugoslav–Albanian border, from where they will mount guerrilla attacks and defensive actions until the Western allies attack. The Kosovo army will then undertake full-scale offensive activities, providing ground support for the interventionary forces... Any Yugoslav Army resistance will be overcome by international forces. Or so it is hoped” (Vasovic 1993).

Xhemajli (2000), also a cofounder of the KLA, confirms: “When we took the decision to start the war in 1993... We thought it was essential to get international support to win the war. You could not stand against the world... We thought that with the international community on our side, we could win the war. But otherwise we would plan for a 10- to 15-year war, with a strategy to get the international community on our side.”

The KLA did not merely hope for intervention, but actively pursued a strategy to attract such aid by provoking Serb retaliation against Albanian civilians. Indeed, the KLA viewed retaliatory killing not merely as an unavoidable cost to be endured, but actually an interim goal necessary to assure subsequent victory. A May 1998 press account, citing pro-KLA politician Bardhyl Mahmuti, reported that the rebels aimed to “attract heavy Yugoslav barrages and thus win strong international sympathy, as the Croats did in Vukovar” (Loza 1998, 29, 34). Xhemajli (2000) confirms that his attacks were intended to “make the enemy show its real face—become more vicious.” Similarly, an Albanian negotiator at Rambouillet, Dugi Gorani, admits that “every single Albanian realized that the more civilians die, intervention comes nearer... The more civilians were killed, the chances of international intervention became bigger, and the KLA of course realized that” (Little 2000a).

The sudden availability of weapons from Albania in 1997, often cited as the cause of the rebellion, was decisive not because it raised KLA hopes of militarily defeating the Serbs, but because it enabled the rebels to put into action their plan to attract intervention. The script played out almost perfectly, as NATO bombed Yugoslavia and compelled the withdrawal of Serb forces. But the international community initially postponed formal recognition of Kosovo’s *de facto* independence.

Several factors account for the Albanians’ expectation of humanitarian intervention from provoking the Serbs into violence. First was the precedent of such interventions throughout the decade, especially in the Balkans (Loza 1998, 29).

Many Kosovo Albanians also believed that the West's threats against Milosevic, intended to deter him from using violence in Kosovo, carried a credible pledge of military intervention if he resorted to force.⁵¹ For example, in December 1992, President George H.W. Bush issued his "Christmas warning" that the United States would intervene in the event of aggression in Kosovo. President Bill Clinton reiterated that threat the next year. Further indicating support for the Albanians, in July 1995, the U.S. House of Representatives passed a bill barring the lifting of sanctions on Yugoslavia until termination of "excessive Serbian control" of Kosovo.

But according to Ibrahim Berisha (2000), the turning point came later, when the seriousness and amount of international condemnation increased. "We perceived the change in 1996–1997. The rhetoric of world leaders versus Milosevic changed after that. They threatened Milosevic not to use force or commit crimes. If it had been said by small powers, it wouldn't have meant anything, but it was said by America and world powers. Our men who were armed in those days understood that signal." A KLA fighter, Lirak Celaj, says the decisive moment for him came when U.S. diplomat Richard Holbrooke was photographed meeting with a rebel in June 1998. "I knew that since then, that USA, NATO, will put us in their hands" (Little 2000a).⁵² This indicates that Western efforts to deter genocidal violence, as called for by the Responsibility to Protect, had the unintended consequence of promoting violence by emboldening rebels to expect international support.

Another encouragement to the rebels was the international community's habit of devoting extra resources to the Balkans whenever violence escalated. By contrast, Western states paid relatively little attention to Kosovo during the 8 years of Rugova's pacifism. The province's leading Albanian journalist, Veton Surroi, warned as early as 1996 that the international community was creating perverse incentives by devoting resources to war-ravaged Bosnia while ignoring Kosovo: "If international attention can only be obtained through war, and if war is merely an intermediate stage on the road to recognition of the right of self-determination, this is a sufficient signal to forces distrustful of peaceful methods in Kosovo" (Surroi 1996). After the KLA's militancy spurred increased Western involvement, he reiterated the warning: "There is a message that is being sent to the Kosovars—if you want to draw international attention you have to fight for it. That is exactly it. You need to use violence to achieve your goals" (Little 2000a).

Some Western officials even explicitly encouraged the Albanians to launch an armed uprising. According to Dugi Gorani, "there was this foreign diplomat who once told me, 'Look unless you pass the quota of five thousand deaths you'll never have anybody permanently present in Kosovo from the foreign diplomacy'" (Little 2000a).⁵³ Likewise, Shkelzen Maliqi (2000), a politician turned journalist, says that during the pacifist phase, "foreign diplomats—for example, Americans and Swedes—in private would say, 'you need to fight.'" Most intriguing, the KLA's Xhemajli (2000) says that Western officials—in meetings with KLA representatives in Europe prior to the uprising of 1998—contradicted their governments' official stance against rebellion. "At the diplomatic level, the diplomats always repeated the official position. But at other levels—for example, the intelligence services—they were more realistic about the way the Balkans were heading."

⁵¹ This problem often arises when a third party tries to deter both sides in a conflict. Crawford 2003.

⁵² Holbrooke met with the KLA on June 24, 1998 in the Kosovo village of Junik. See also, Troebst (1998, fn210, 214).

⁵³ These militant Albanian organizations had "good contacts" with European authorities by the mid-1990s, but direct talks with U.S. officials started only in 1997.

These accounts illustrate that the KLA's expectation of benefiting from humanitarian intervention was reinforced by several aspects of the emerging norm: preceding interventions, especially in neighboring republics of the former Yugoslavia; explicit international threats of intervention to protect civilians in Kosovo; and guidance from Western officials about the trigger for intervention. All these factors emboldened the KLA rebellion.

This strong evidence for the fourth hypothesis obviates the need to test the null hypothesis—that Kosovo's Albanian leadership failed to act rationally based on expectations. Admittedly, the leadership was divided into pacifists and militants. But both factions believed the Albanians were too weak and vulnerable to achieve independence on their own, and so required international aid. Rugova believed that such support depended on eschewing violence (Mustafa 2000), whereas KLA leaders felt that it necessitated violence (and were proved right). Despite this inner divide, the Albanians as a group did behave rationally, eschewing violence when they perceived no hope of success, then switching to violence as they perceived indications of support for rebellion and obtained weapons to implement it. Though full independence was not achieved immediately, the rebels say they have no regrets because Serbian authority was removed at a smaller cost in retaliation than anticipated.

As the Albanian strategy was based entirely on attracting humanitarian intervention, it is possible that violence could have been averted if the international community had communicated credibly that it would not intervene to support rebellion and instead offered Belgrade incentives to restore Kosovo's autonomy. As Diana Johnstone noted in 1998: "Without the prospect of decisive outside intervention on their behalf, the ethnic Albanians of Kosovo might have tried to make use of the existing legal framework" in Yugoslavia to restore autonomy, rather than seeking independence (Johnstone 1998). Several European states did offer Milosevic incentives to restore Kosovo's autonomy in 1997, prior to the outbreak of civil war, but they were undermined by U.S. opposition and the growing Albanian militancy (Troebst 1998, fn163, 182, 213). Had the United States joined the European effort and credibly warned the rebels that it would not support violent provocation, a peaceful solution might have prevailed.

Even after the outbreak of violence, the United States could have encouraged de-escalation by communicating to both sides that it would not intervene so long as Belgrade focused on fighting rebels rather than civilians. By autumn 1998, Serbia's counter-insurgency had virtually eliminated the rebels' ability to launch attacks, while inflicting relatively few civilian casualties (Kuperman 1998b). But when U.S. Ambassador Richard Holbrooke threatened NATO air strikes—compelling Serbian forces to cease fire and retreat—the rebels were able to regroup, reoccupy abandoned territory, and further escalate the war.

As acknowledged by Agim Ceku, the KLA's eventual military leader: "The cease-fire was very useful for us, it helped us to get organized, to consolidate and grow. We aimed to spread our units over as much territory as possible. We wanted KLA units and cells across the whole of Kosovo" (Little 2000a). Had the United States not truncated the Serbian counter-insurgency by threatening intervention, Belgrade might have snuffed out the rebellion at the cost of a few hundred lives, mostly rebels and their supporters. Instead, the war mushroomed, leading to 10,000 deaths and the ethnic cleansing of nearly a million Albanians and Serbs—a perverse consequence indeed for a policy of "humanitarian" intervention.

Policy Implications

The Balkans cases give rise to a number of potential prescriptions to mitigate genocidal violence, but some of them prove impractical. One option, touted by

some proponents of humanitarian intervention, is to quickly intervene militarily in every instance of such violence, to physically curtail it in the short run and deter its incidence in the long run. But this is impossible given the shortfall in global capacity for intervention relative to potential demand. The 1990s alone witnessed major civil violence in at least 16 areas, some on multiple occasions: Albania, Algeria, Angola, Azerbaijan, Bosnia, Cambodia, Congo Republic, Croatia, Ethiopia, Liberia, Kosovo, Sierra Leone, Somalia, Sudan, Tajikistan, and Zaire. Intervening in all of them would have required simultaneous deployment of hundreds of thousands of troops—far exceeding the world's capacity to project force.⁵⁴ Moreover, by the logic of moral hazard, each intervention raises expectations of future ones, encouraging still more rebellion that may provoke violence and further overwhelm the capacity for intervention.⁵⁵

Another option to deter genocidal violence is the threat of prosecution (Akhanian 2001), which is one goal of the recently established International Criminal Court. But this approach has two logical flaws. First, such violence is often ordered by state leaders in response to rebellion that they perceive to be an imminent threat to the state (and to their own survival), so they are unlikely to be deterred by the lesser threat of possible capture by international authorities and prosecution in an international court that excludes capital punishment. Second, because the ICC currently rules out amnesty or plea bargains, its indictments in ongoing conflicts prevent these from being used as incentives for perpetrators to desist, and thereby actually may perpetuate genocidal violence. As demonstrated by the first ICC case, against leaders of the Lord's Resistance Army of northern Uganda, only the offer of amnesty is likely to deter ongoing violence after an indictment has been issued (Alam 2007).

An alternative strategy is to inhibit the rebellions that provoke genocidal responses. In principle, this could be achieved by halting the supply of weapons to rebels because, as Kosovo demonstrated for nearly a decade, an unarmed challenge to authority is far less likely to provoke genocidal retaliation. But global proliferation of light arms and the porous nature of international borders make it practically impossible to block most militant groups from obtaining weapons.

Reducing Moral-Hazard

A potentially more effective way to reduce provocative rebellions is to address the moral-hazard problem. This could be justified only if the scope of the problem is sufficiently large. Skeptics claim that moral hazard, if it exists, is confined geographically to the Balkans because NATO has failed to deploy equivalent humanitarian military operations elsewhere. Some skeptics even doubt whether the problem still exists in the Balkans, given geopolitical changes after the September 11, 2001 terrorist attacks on the United States. Since those attacks, potential interveners now focus less on humanitarian intervention and more on combating terrorism and nuclear proliferation, so rebels who attack states are less likely to attract sympathetic intervention and more likely to be labeled as terrorists. This may help explain why nascent rebellions by ethnic Albanians this decade in Macedonia and southern Serbia have failed to replicate the escalation of their predecessor in Kosovo.

But the recent case of Darfur, in northwest Sudan, demonstrates that the scope of moral hazard is widespread and persistent (Belloni 2006; Dealey 2004; Johnston 2007; Kuperman 2004d). In 2003, militants from Darfur's African tribes launched a rebellion that had little hope of success on its own, in light of Khar-

⁵⁴ On requirements, see Quinlivan (1995, 59–69); on resources, see O'Hanlon (2003, 51–83).

⁵⁵ For suggestions on how to expand global capacity for timely and effective humanitarian military intervention, see Kuperman (2001, 2004b); O'Hanlon (2003); White House (2004).

TABLE 2 Proposed Reform of Humanitarian Intervention

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- No intervention on behalf of rebels unless state retaliation is grossly disproportionate.
 - Expend substantial resources to persuade states to address the legitimate grievances of nonviolent domestic groups, including golden parachutes for oppressive leaders who step down.
 - Do not coerce regime change or surrender of sovereignty without robust preventive military intervention to protect against violent backlash.
 - Deliver purely humanitarian aid—food, water, shelter, medical care—in ways that minimize benefit to rebels.
-

toum's superiority in resources and its alliance with local Arab militias. Sudan's government responded predictably, as it had to previous rebellions in the country, by deploying its army and local militias to Darfur to conduct ethnic cleansing that within months displaced over two million civilians and left tens of thousands dead. Despite this, most of Darfur's rebel factions rejected a 2006 peace agreement in which the government offered marginal concessions. By all accounts, the rebels have been emboldened by two factors: the success of a previous rebellion in southern Sudan, which spurred humanitarian intervention (including sanctions against the government and assistance to the rebels) that compelled Khartoum to make major concessions; and mounting humanitarian intervention in Darfur (including sanctions against Khartoum, deployment of international troops, and ICC indictments). This indicates that moral hazard persists, even outside the Balkans and after 9/11, which compels an exploration of ways to mitigate the problem.

To reduce moral hazard, potential interveners could modify their recent practice of humanitarian intervention in at least four ways (Table 2).⁵⁶ Most controversially, in a deviation from the Responsibility to Protect, they could eschew most forms of humanitarian intervention in the event of rebellion unless state retaliation were grossly disproportionate, and instead provide only the most basic necessities to civilians. The international community still could engage in more robust intervention if states sponsored large-scale massacres against civilians, but not in the event of the smaller-scale collateral damage that typically results from counter-insurgency operations against rebels who use civilians as human shields. Consistent with this policy, if rebels abandoned violence and began disarming, states would be expected to reciprocate the cease-fire, or again be subject to intervention. For example, when Belgrade conducted counter-insurgency against the KLA in 1998 that stopped the rebellion at the cost of a few hundred lives, mainly rebels and their supporters, the international community could have refrained from intervention unless the KLA abandoned violence and Belgrade refused to reciprocate. Such a policy would encourage moderation on both sides: substate actors would be discouraged from launching or perpetuating rebellions, especially where uncertain of victory and vulnerable to retaliation, while states would have greater incentive to avoid gratuitous violence against civilians.

Second, because restraint on intervention would reduce the ability of aggrieved nonstate actors to gain relief via rebellion, the international community could devote considerable resources to enticing or coercing states to address the legitimate grievances of nonviolent groups. For example, substantial financial incentives—aid, trade, and membership in international institutions—could be offered to states willing to eliminate discrimination. This shift in resources would reverse the perverse incentive that has been created by the recent practice of humanitarian intervention, which rewards militants with intervention but virtually ignores pacifists, thereby encouraging violence. In some cases, the international community might even lure entrenched dictators from office by offering

⁵⁶ For a comprehensive exploration of options to reduce moral hazard, see Kuperman (2004c).

“golden parachutes”—monetary rewards, asylum, and immunity from subsequent prosecution—if forgiving past crimes is the price of preventing future ones. Such a change from recent practice would arguably be consistent with the Responsibility to Protect, which calls for preventive diplomacy to avert violence.

Third, the international community could refrain from attempts to coerce oppressive governments to surrender sovereignty, unless political will were found for the robust preventive military intervention needed to stop the likely backlash. Since the end of the Cold War, international efforts to coerce authoritarian governments to hand power to their opponents by applying economic or military sanctions have often backfired terribly. In the Bosnia case, the United States and Europe pressured Yugoslavia and Bosnia’s Serbs to acquiesce to the secession of Bosnia as a unitary state with a Muslim-Croat majority. In the Kosovo case, NATO bombed Yugoslavia to compel it to surrender control of Kosovo to the province’s Albanian majority. But in both cases, such pressure initially backfired when the intended target of coercion opted to kill or ethnically cleanse opposing groups rather than surrender control to them. Likewise, international efforts to coerce regime change backfired in Rwanda in 1994, and East Timor in 1999 (Kuperman 1996, 1999d, 2004a). Most recently, in Iraq, the 2003 invasion that removed the minority Sunni Arab-dominated regime of Saddam Hussein has sparked brutal violence between Sunni Arab insurgents and Iraq’s Kurds and Shiite Arabs. It is possible that robust preventive military intervention, prior to coercive diplomacy, might avert such backlash. But to date the few examples of preventive deployment have proved feeble. In Rwanda and Srebrenica, for example, when genocide broke out peacekeepers withdrew and abandoned the victims. Such half-hearted preventive interventions create their own moral hazard, lending a false sense of security that entices vulnerable groups to lower their guard so that they ultimately die in greater numbers, rendering this type of intervention worse than nothing.

Fourth, purely humanitarian aid—such as food, water, shelter, and medical care—could be delivered to at-risk civilians in ways that minimize the benefit to rebels. For example, assistance might be dispensed outside the zone of violence at refugee camps rigorously policed to exclude weapons. Locating the camps away from the violence would avoid inadvertently creating a rebel safe haven in the midst of war. Screening for weapons would impede rebels from using the camps as a rear base for recruitment and training. Confining the provision of aid to such camps would inhibit rebels from stealing and selling it to fund their war effort.

Such a modified intervention policy would itself raise risks, most obviously by altering local balances of power. Reducing the threat to states from rebellion could entrench illiberal regimes, if international economic incentives proved inadequate to compel reform. Suppressing rebellion would also affect the evolving norm of sovereignty by reducing the prospects of independence for peoples aspiring to self-determination, given that few states are likely to surrender sovereignty over territory without a fight. Offering asylum to authoritarian leaders, to avert their resort to genocidal violence to retain power, could backfire in the longer run by sustaining a culture of impunity that fosters such criminality.

The proposed reform also could fail if militants doubted its credibility and rebelled anyway, expecting media images of state retaliation to compel intervention on their behalf.⁵⁷ Only if the international community could muster the

⁵⁷ In Kosovo, Western officials repeatedly attempted to deter the Albanians from escalating their rebellion by declaring that NATO would not be the “air force of the KLA” (Brown 1998; Cornwell 1999; Matthews 1998; Matthews and Bowman 1999; Samyn 1998; Wintour 1999). However, the rebels calculated that if they could provoke Serb retaliation against Albanian civilians, the West would be compelled by media coverage of humanitarian tragedy (the “CNN effect”) to intervene despite its declarations. Western threats to withhold intervention were not credible and thus could not deter the KLA from engaging in risky behavior. See also Crawford (2003).

discipline to repeatedly resist intervening on behalf of provocative rebels might it build sufficient credibility to deter further copycats. Collective action of this type by the international community is typically hindered by coordination problems, which in this case could be exacerbated by sensationalist media and diverse diasporas. But the coordination challenge would be greatly simplified by the fact that only a few large states have the capacity to conduct a decisive humanitarian intervention, whether military or diplomatic, thereby facilitating collective action (Olson 1971; Oye 1986). If the reform were successfully implemented—discouraging rebellion while encouraging state liberalization—it potentially could reduce genocidal violence in both the short and long run without unduly impinging on the legitimate aspirations of substate groups.

Conclusion

The emerging norm of humanitarian intervention, or “responsibility to protect,” is well-intentioned but sometimes counter-productive. Its call for intervention to aid groups suffering from state violence can lead nonstate actors to view rebellion as a no-lose proposition: if the state eschews retaliation, the rebels win; if the state does retaliate, the international community intervenes and the rebels still win. Though the prospect of intervention is uncertain, it has proved sufficient to trigger some rebellion without deterring all state retaliation, thereby causing some genocidal violence that otherwise would not have occurred.

To reduce this perverse consequence, arising from the moral hazard of humanitarian intervention, potential interveners could modify their recent practice in four ways. They could eschew intervention (military or diplomatic) on behalf of rebels unless state retaliation were grossly disproportionate. They could expend substantial resources to persuade states to address the legitimate grievances of nonviolent groups, including offering golden parachutes to oppressive leaders willing to step down. They could avoid coercing regimes to surrender sovereignty, because of the danger of violent backlash, unless willing first to deploy a robust preventive military intervention. And they could deliver purely humanitarian aid to at-risk civilians in ways that minimize the benefit to rebels, for example, via well-policed refugee camps outside the zone of violence.

Such reform would not completely eliminate moral hazard or genocidal violence but could mitigate them by fostering moderation of both states and substate groups. States would be encouraged to make concessions to nonviolent groups. Nonstate actors would be discouraged from rebelling in hopes of attracting intervention. But if some militants rebelled anyway, states would be discouraged from genocidal retaliation. It is a noble endeavor to intervene to protect victims of genocidal violence. But it is infinitely preferable to prevent the outbreak of such violence in the first place.

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