

Studien des Leibniz-Instituts Hessische Stiftung  
Friedens- und Konfliktforschung

Azer Babayev · Bruno Schoch  
Hans-Joachim Spanger *Editors*

# The Nagorno-Karabakh deadlock

Insights from successful  
conflict settlements

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**Studien des Leibniz-Instituts  
Hessische Stiftung Friedens- und  
Konfliktforschung**

In der Schriftenreihe werden grundlegende Forschungsergebnisse aus dem Institut, Beiträge zum friedens- und sicherheitspolitischen Diskurs sowie Begleitpublikationen zu den wissenschaftlichen Tagungen der HSFK veröffentlicht. Die Studien unterliegen einem externen Gutachterverfahren. Die Reihe wird herausgegeben vom Leibniz-Institut Hessische Stiftung Friedens- und Konfliktforschung (HSFK/ PRIF), Frankfurt am Main.

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Hans-Joachim Spanger  
Editors

# The Nagorno-Karabakh deadlock

Insights from successful conflict  
settlements

*Editors*

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# Introduction

1

Bruno Schoch and Hans-Joachim Spanger

*The co-existence of several nations under the same State  
is a test, as well as the best security of its freedom. It is  
also one of the chief instruments of civilisation; [...]*

(Lord Acton 1862)

The outbreak of the conflict between Armenia and Azerbaijan over Nagorno-Karabakh has reached its 30-year mark in 2018. It is one of the allegedly “frozen” ethno-territorial conflicts being waged on the territory of the former Soviet Union. Yet pending a resolution, the dispute itself is anything but frozen. A permanent risk of war along with a steadily growing number of casualties, significant economic costs, and the poisoning of the political climate within the region and beyond are the conflict’s hallmark. Nagorno-Karabakh remains a trouble spot awaiting mitigation and settlement.

After some arm-twisting, and in spite of serious protests by the Armenians, the Communist authorities in Moscow ultimately assigned the region to the Azerbaijan Soviet Socialist Republic in 1921. The conflict erupted anew in February of 1988 as Nagorno-Karabakh and its Armenian majority announced their intention of seceding from Azerbaijan. The first armed battles soon broke out, and after Nagorno-Karabakh unilaterally declared its independence on 6 January 1992 in the wake of the dissolution of the USSR, an all-out war erupted between Armenia and Azerbaijan. Hostilities lasted until May 1994, claiming the lives of 30,000 victims and leading to the displacement of nearly one million people. As a result,

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Nagorno-Karabakh gained de facto independence and Armenia occupied the bordering Azerbaijani territory.

Ever since, the situation has seen little change despite unanimous international affirmation of Azerbaijan's claim to its territorial integrity, despite countless diplomatic attempts at mediation through the OSCE Minsk Group along with a total of six detailed peace plans, and despite massive armament efforts on both sides, ongoing skirmishes along the line of demarcation and a Four-Day War in April 2016 which caused hundreds of casualties.

Nagorno-Karabakh is, however, in no way a unique case. Since the end of the all-encompassing Cold War, ethno-territorial conflicts have become a focal point in global politics. In view of the violent break-up of Yugoslavia, it would even appear that they have expanded to become the predominant cause of violence globally. In the wars of Yugoslav succession, a certain tone of sarcasm became widespread, one which seemed to embody the sentiment of the time: "Why should we be a minority in your country when you could be a minority in our country"? (quoted by Rieff 1995, p. 92). Similarly, one complaint commonly voiced was why and on which basis "young" nations could be denied what the "old" nations claim for themselves without much ado: to have a state of their own. While the violent conflicts attracted broad international attention among politicians, journalists and academics, one aspect has been overlooked: across the globe the political reality was, in fact, rife with peaceful resolutions to old and in part obstinate conflicts involving minority groups. Awareness of the deeply rooted sources of ethno-territorial conflicts and experience with overcoming them have only begun to rise gradually. Both of these factors also play a key role in the dispute involving the mountainous region of Karabakh. In this isolated area covering 4400 km<sup>2</sup> and with a current population of around 150,000 people, the severity of the conflict primarily draws from recollections of a glorious past, the irreconcilability of which has thus far obstructed any prospect of a peaceful settlement.

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## 1.1 Historical Roots of Ethno-Territorial Conflicts

National minorities have not been around forever: they are not a supra-historical, anthropologically invariable problem. Rather, they have only surfaced as an issue in the recent past. Their emergence is intimately connected with two historical developments: the assertion of popular sovereignty in the revolutions of the late eighteenth century and the subsequent establishment of the nation-state in their wake. While the subjects of all nations and nationalities were in principle equal under dynastically ordered empires, this changed once majorities or titular

nations assumed the role of sovereign of their own nation-state and attempted to patronize or even assimilate national minorities.

The starting point were the American and the French revolutions as the People rose to become the central political actor imbued with the authority to take decisions on all matters, proclaiming itself as an association of free individuals in a political nation. Through this, the sovereign nation assumed the practical form of the highest and only object of legitimization for government authority. The famous quote “We the people...” inscribed in the preamble to the United States constitution claims the authority to issue laws based on the power of its own will: “The first new nation.” Or, as stated in Article 3 of France’s Declaration of the Rights of Man from 1789: “Le principe de toute souveraineté réside essentiellement dans la Nation. Nul corps, nul individu ne peut exercer d’autorité qui n’en émane pas expressément.” With this understanding of the nation as the constitutional and legal sovereign authority, which declares all personal feudal power relations as null and void, it transformed its subjects into nominally free and equal citizens of the nation (for further details, see Koselleck et al. 1992).

The concept of self-determination developed on the basis of Enlightenment philosophy, signifying, first and foremost, nothing other than self-governance or self-rule: the right of the ideal-typical individual, who is created as free and equal by God or by nature, to unite into a political community. Along with the demand for a constitution, the idea of self-determination likewise drew its emancipatory attractiveness on the basis of the individual freedom of the citizen. In this respect, the United States and France came to serve as international models.

However, when all political legitimacy solely and exclusively emanates from the nation or from the people, the matter of who belongs, or does not belong, to it becomes decisive. One oft-quoted phrase by Sir Ivor Jennings from 1956 states: “The people cannot decide until somebody decides who are the people.” As such, it is no coincidence that the famous declaration by the French National Assembly from 1789 already drew a distinction between the rights of man, “droits de l’homme”, and the rights of the citizen, “droits du citoyen”. The rights of man, a term which first appeared nearly simultaneously in the writings of Voltaire and Rousseau in 1762 and 1763 (Hunt 2007, p. 22), are held, by definition, by every individual, whereas rights of the citizen belong only to the citizens of a certain community and are only applicable within its bounds—a space in which the nation holds authority and its citizens are only subject to the laws which they have decided on themselves. The term nation-state initially signified nothing other than a conscious opposition to the authoritarian and princely state. The “Assemblée Nationale”, the National Assembly, was the maker of laws and drafter of the constitution, a parliament elected by the citizens. This turning point

imbued the category of “nation” with its hitherto predominant definition; it also supplanted understandings of “nation” as merely referring to groups of compatriots defined by their territorial origin, as laid out in the Council of Constance (1414–1418) and the Prague University dispute of 1409.

However, yet another definition of the term “nation” came to establish itself in the late eighteenth century. Derived from the idea that the roots of different languages and peoples must lay in a common origin, Johann Gottfried Herder—whose impact on German intellectual thought, and later on the Slavs, is hardly to be underestimated—understood the nation to be a spiritual collective of individuals, one which embodies the “spirit of the people” or a “national character”. And these nations, according to Herder, which are as numerous as the flowers on God’s green earth, are comprised of a common folklore defined by poetry, language and history. Moreover, he affirms that such cultural communities had existed *prior to* the state, the latter which he takes to be a purely arbitrary construct. Romanticism and the anti-Napoleonic European poetry of freedom place this cultural and, as such, “objective” concept of the nation adopted by Herder against merely “subjective” concepts inherited from the French Revolution. In view of the “national awakening” that occurred in the conquered states of Europe during the Napoleonic Wars, the idea of national self-determination shed its original democratic-emancipatory thrust and transformed itself into the so-called nationality principle which claims that every nation requires its own state.

Ever since, these two differing connotations have defined the terms nation and people, with people meaning both *demos* and *ethnos*. *Demos* refers to the sovereign of the democratic constitution, whereas *ethnos* derives its specific character through delimitation from the outside (see Schulze 1994). Both dimensions are, however, closely intertwined. On the one hand, the potency of ethnically or linguistically founded nationalism is hardly imaginable without its egalitarian, anti-courtly and emancipatory moments; for just this reason, Herder claims that it challenges “an empire formed by forcing together a hundred nations, and one hundred and fifty provinces [...] no body politic, but a monster” (quoted from Kaiser 1973, p. 149).

On the other hand, the *demos* of the revolutionary nation states also pursued a policy of ethnic homogenization, be it for the sake of delimiting themselves from neighboring states or for the aim of national modernization, which included literacy as well as the introduction of newspapers and a national literature along with the standardization of the official and military language. The emergence of resentments directed towards other languages during the French Revolution was in line with the ideas of John Stuart Mill, who firmly held that it is “in general a necessary condition of free state institutions that the boundaries of governments

should coincide in the main with those of nationalities” (quoted by Kohn 1948, p. 42). According to Mill, “[f]ree institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist” (Mill 1971, p. 242). This claim continues to enjoy broad popularity today and serves as justification as to why, among other factors, a European *demos* cannot exist. This view has not, however, gone unchallenged: a contemporary of Mill himself, Lord Acton, criticized this convergence thesis in 1862, making reference to the United States and to Switzerland.<sup>1</sup>

Despite the aforementioned overlaps, it remains reasonable to hold on to the two differing basic concepts of the nation, particularly in consideration of national minorities. From these, two opposite conceptions related to settling ethno-territorial conflicts can be derived. One points ethno-national minorities in the direction of domestic democratic self-determination and autonomy as a means of conflict mitigation; the other aims to resolve such conflicts by adjusting state borders in accordance with the nation as the authoritative point of origin.

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## 1.2 The Twentieth Century: Paris and the League of Nations Open Pandora’s Box

The years 1919 and 1989—following the First World War and the Cold War—marked the last large waves during which new states came into being, leaving aside the period of decolonization in between. Through the Paris Treaties of 1919/1920, nine new nation-states were created from the former estates of the Hapsburgs, the Romanovs and the Ottomans. Their architects, comprised of the Western victors, and above all US president Woodrow Wilson, primarily understood these nation-states as a democratic response to the bygone feudal empires. However, the democratically conceived right to self-determination readily degenerated into a claim by the new nation-states to use their recently won sovereignty in advancing the aim of national homogenization. The result: these newly born states came to outvote or to oppress their minorities. For the new nation-states, what became more important than civil equality or the sovereignty of their *demos* was their *ethnos*, understood as the right of the titular nation to assimilate or, at the very last, dominate its ethnic minorities.

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<sup>1</sup>Using the very words of the motto of this Introduction (quoted from Alter 1985, p. 90).

In 1919, however the supranational empires would have been divided up, no ethnically homogeneous nation-states could have been created. Hannah Arendt therefore differentiated between “state people” and minorities, designating the latter as “unfortunate remnant” which “simply did not have any place” in the European system of more or less homogeneous nation-states (Arendt 1975, p. 224). In light of this, the representatives at the Paris Peace Conference in 1919 decided to internationalize the minority question in the newly constructed nation-states by making them an object of international arrangements and contractual obligations (Viefhaus 1960; Gütermann 1979). The predecessors of such regulations were the Balkan treaties under the Concert of Europe in the nineteenth century, based on Greece’s obligation to protect and grant full equality to its non-orthodox citizens. The guiding principle of the minority protection treaties of 1919 and the associated procedures in the League of Nations was to pave the way for national minorities to engage in constructive collaboration as well as to garner loyalty and prevent irredentism and revisionism—all for the sake of domestic and international stability. As is well known, this aim was not achieved. The new nation-states came to see the minority protection treaties as constituting unjust constraints to their national sovereignty. At the same time, the national minorities set out to protect themselves against being outvoted and discriminated against. Whereas some had previously belonged to the cultural majority in the multi-national empires, they now found themselves in the role of national minorities.

The international community’s experience with the issue of national self-determination was far from positive after the First World War. The state system established by the victors through the Paris Treaties proved itself to be highly fragile. The nation-states created out of the supranational empires of Europe on grounds of national self-determination, retained all national minority groups of varying sizes. A similar outcome occurred once again in the post-Soviet sphere after 1991. The minority groups, which (re-)appeared through the state reorganization, challenged the recently established state system by likewise making a claim for their right to national self-determination—just like a Russian Matryoshka doll (see Jahn 2008).

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### **1.3 State Sovereignty Versus National Self-determination**

After the Second World War, the United Nations chose not to carry forward the system of protection for national minorities under the League of Nations. The major reason was the fact that Nazi Germany had turned the protection of minorities and the right to self-determination against the treaties of 1919, abusing them

as a pretense for intervention and imperialism. Since Hitler had perverted the right to self-determination and the great promise that it held, the concept was hardly considered any longer, at least not in Europe. Ever since, “the concerns of ethnic groups were rendered suspicious. Border referendums and collective minority protections disappeared from state practice. The focus now turned to protecting human rights and bans on discrimination” (Thürer 1976, p. 45).

It was only in the context of the second wave of decolonization at the end of the 1950s that a self-determination renaissance in terms of independence emerged. Yet the international community attempted to limit this development to the colonies and tried to domesticate it using the principle of *uti possidetis*. Moreover, in order to minimize the risk of international destabilization, its scope was restricted to domestic self-determination as well as to cases in which a state gravely violated the rights of its minorities. The international community subsequently did everything it could to declare the few cases in which secession could not be prevented (limited to violent civil wars or when previous annexations had not been acknowledged) as exceptions and to inhibit the establishment of any precedence.

As the UN order is based on the sovereignty of states which share a common interest in maintaining their territorial integrity, international law does not recognize the right of secession. On the contrary, a “rigorous ban on secession” is assumed (Fisch 2010, p. 54). In reality, however, the number of formally sovereign states has increased by nearly fourfold since the establishment of the UN, and most of the new states—as former colonies—have arisen on the basis of the claim to their right of self-determination; they thereby attained their legitimacy through recognition by the international community in line with international law. As such, the ban on secession stands in contradiction to the right of self-determination, which the first article of the “International Covenant on Economic, Social and Cultural Rights” (UNGA Res. 21/2200 A), adopted by the UN General Assembly in 1966, codifies as follows: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” This fundamental human right lays out a claim which states do not grant in practice, seeking instead to restrict it.

Another factor connected with the negative experience of Nazism was that the League of Nations’ ban on discriminating against minorities in the UN system exclusively referred to protecting human rights at the level of the individual; collective claims were discredited and frowned upon. This is likewise evident in

the CSCE documents on protecting minority rights<sup>2</sup> and the Council of Europe's 1991 framework agreement on protecting national minorities as well as the "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" adopted by the UN General Assembly in December of 1992 (INGA Res. 47/135). The latter meticulously protects the rights of certain members—of individuals—and not of minorities as such; it therefore does not establish any ethnic group rights.<sup>3</sup>

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## 1.4 The Limits of Democratic Self-determination and International Intervention

As a rule, the issue of ethno-national, linguistic and religious minorities become virulent in the context of incipient democratization. Nagorno-Karabakh is no exception to this rule. In this respect, too, the post-Soviet and the post-imperial experience of 1918–1919 can well be compared. Whereas previously all subjects were deemed equal as subjects under the traditional authoritarian systems, be they pre-modern monarchies or Soviet single-party rule, in democratic conditions ethnic minorities groups were structurally excluded from ever gaining a majority. As this system defines the national culture, the language of government offices and schools, and even the religious confession, structural minorities fear that they will permanently be outvoted and therefore seek to protect themselves.

Yet ethno-territorial conflicts and secession efforts can no longer be considered peculiarities of post-Soviet democracies nor of societies which find themselves in the transition towards democracy; they also exist in established Western democracies, as witnessed by varying degrees of self-determination efforts being

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<sup>2</sup>In line with this, the 1990 Charter of Paris for a New Europe states: "Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights".

<sup>3</sup>This is also related to the fact that ethnic group rights, by definition, exclude other groups and thus create disparate legal titles within a society which can turn into sources of conflict (Widmer 1993, p. 274).

pursued by French Canadians, the Flemish in Belgium, the Northern Irish and Scots in the United Kingdom and Catalans in Spain. Consequently, democracy does not prove to be a panacea for minority conflicts nor for aspirations to achieve ethno-territorial secession. Nevertheless, democratization belongs to the standard repertoire of international mediation activities that are applied within such conflicts. As the mediators generally hail from the West, they act in accordance with their own models and they assert that democratic processes generally prevent the same escalations in violence from occurring as experienced under authoritarian systems. Yet this view is quick to overlook that, according to a wealth of historical experience, national conflicts and contradictions tend to increase in the early stages of democratization within authoritarian systems, with nationalism and enemy images serving as resources for mobilizing majorities during elections. While federalization and the provision of statutes of autonomy can serve as buffers against national secession, defenders of the status quo criticize such measures for their role as institutional catalysts serving independence efforts—and not wrongly so.

This ambivalence likewise applies to mediations and interventions within contemporary ethno-territorial conflicts primarily carried out by Western powers, which are often labeled as “power mediation”. In this context, disproportionate expectations should be avoided. Western powers, and especially the United States, are generally prepared to intervene in only two cases—including through military support as a last resort: when their direct security interests are at risk or when serious interests in maintaining order have led them to intervene militarily and they do not wish to leave chaos behind. Both of these instances do, however, contradict the requirements of lasting conflict management.

One special case is represented by the possibility of attaining membership within the European Union. This path has opened up considerable potential for establishing peace in ethno-territorial conflicts across Central Eastern and Southeast Europe, be they of international or domestic nature. The prospect of economic integration with wealthy Western European nations and the prosperity they hold has shown itself to carry greater weight than the promise of intransigent nationalism. Yet this has only applied to the EU’s direct neighbors. As illustrated by the cases of Georgia, Ukraine, the Nagorno-Karabakh conflict, and even political regression in Turkey and developments related to the “Arab Spring”, one should neither overestimate the impact of this potential nor generalize it.

## 1.5 Aim of the Book

The *differentia specifca* of ethno-territorial conflicts consists of incompatible, mutually exclusionary claims by different ethno-national groups on the same territory. The respective demands are grounded on historical, geographic, economic or strategic factors, and justification of these can vary as desired. While the protagonists appeal to historical rights in some instances, at other times they demand for boundaries for strategic reasons, and at other times still they argue in numerical ethnic terms. The nationalists care little that these principles may contradict one another. What is, however, paramount for the specific incompatibility of such varying claims is that both sides invoke opposing principles based on international law: one side demands national self-determination while the other makes a claim for the territorial integrity of the existing state.

All of this is an expression of the fact that protagonists generally consider their conflicts to be singular and irresolvable as they appeal to principles which mutually exclude one another and are unwilling to compromise. In this respect, the conflict involving Nagorno-Karabakh is no exception. Yet, as different as they may be, the cases do not constitute singularities but rather exhibit numerous systematic similarities. Nor have they consistently evaded settlement, even though they often claim this to initially be the case. On the contrary, there are many cases in which the settlement of old and long-smoldering ethno-territorial conflicts has been achieved and their inherent violence eliminated.

Violence has indeed predominated a multitude of cases in recent years: South Sudan, South Ossetia, Nagorno-Karabakh, Transnistria, Bosnia-Herzegovina, Kosovo and most recently Donbass are just a few examples, and they are certainly serious. However, there are also numerous cases of greater or lesser prominence in which ethno-territorial conflicts have been sustainably pacified. Here, it is necessary to specify the conventional definition of the term conflict resolution. Apart from massive human displacements as well as the violent oppression and forced assimilation of minorities, as a general rule, ethno-territorial conflicts cannot be *resolved* in the sense of abolishing ethnic, religious or linguistic differences. These differences will remain in place and, as such, the potential source of conflict as well. Yet both can be regulated by way of institutional and legally secured compromises through which conflicts are directed into peaceful channels, leading them to lose their irreconcilable character and their potential to violence.

In the present book, we consider such successful cases in greater detail by analyzing the conditions and the background underlying their formation, the

character and specifics of the various provisions, and the obstacles encountered in implementing them as well as how these were overcome. We proceed in three steps: The first involves compiling all successful cases of conflict resolution which have occurred around the globe since the times of the League of Nations in the 1920s until today (see Table 1.1 for an overview). We consider a settlement to be successful when it was agreed to through consensus and led to the long-term peaceful resolution of the conflict. The second step systematically summarizes and evaluates the most important outcomes in this regard. For the sake of gaining deeper insights into the processes of concluding and implementing respective accords, we have conducted additional in-depth studies for eight representative cases. These were drafted by the authors of the present book as well as by other experts who have carried out research on the respective cases over many years.

The aim of the analysis is to gain expertise and insights that could prove relevant to resolving the conflict in Nagorno-Karabakh. We evaluate this potential in the closing chapter of the volume. It is based on a review of the history of the conflict in Nagorno-Karabakh and of the numerous efforts to resolve the conflict under the auspices of the OSCE Minsk Group. We in no way imply that the experiences gathered from other ethno-territorial conflicts were ignored in the negotiations on Nagorno-Karabakh; these are, however, yet to be systematically evaluated and utilized. Moreover, a significant number of creative proposals were developed in these negotiations which, however, were selectively rejected by either of the two parties to the conflict—and for reasons that did not necessarily relate to the proposals themselves. We are, of course, neither in a position to influence this nor are we able to alter the interests held by the neighboring or by the patron states.

The modest aim of this book is therefore to present alternative approaches that proved instrumental in other instances. This may help overcome potential information deficits characteristic of the narrow tunnel vision held by the parties of such nationally loaded conflicts and raise awareness of the basic requirements for achieving conflict resolution and of the pressures the parties to the conflict encounter when taking action. We thereby aim to facilitate a change in perspective by relativizing the assumed singularity of the case in question, a view which has thus far stalled solutions to the Nagorno-Karabakh conflict. This calls for new ideas and sources of inspiration rather than for prescribing blueprints.

**Table 1.1** Ethno-Territorial conflict settlements since 1918 (author's own)

	Conflict settlements between WWI and WWII (1918–1939)	Conflict settlements during the Cold War (1945–1991)	Conflict settlements after the Cold War (since 1991)
Cases in Europe	1. Iceland, DK (1918/1944) 2. Danzig/Gdansk (1920–1939) 3. Åland Islands, FIN (1921) 4. Upper Silesia, PL (1922–1939)	1. Faroe Islands, DK (1948) 2. Trieste (1947/1974) 3. Sicily (1948) 4. Sardinia (1948) 5. Aosta Valley (1948) 6. Friuli-Venezia Giulia (1948) 7. Trentino-Alto Adige (1948) 8. South Tyrol (1972) 9. German minority regulation (Danish ethnic group, 1955) 10. Cyprus (ongoing) 11. Belgian minority regulation (German-speaking community, 1973) 12. Azores (1976) 13. Madeira (1976) 14. Greenland, DK (1979, with later modifications)	1. Finnish minority regulation (Sami group, 1991/1995) 2. Swedish minority regulation (Sami group, 1992) 3. Estonian minority regulation (Russian ethnic group, 1993) 4. Crimea, Ukraine (1992) 5. Belgium (1993) 6. Tatarstan, Russian Federation (1994–2017) 7. Gagauzia, Moldova (1994) 8. Bosnia and Herzegovina (1995) 9. Slovakian minority regulation (Hungarian ethnic group, 1995) 10. Romanian minority regulation (Hungarian ethnic group, 1996) 11. Scotland, UK (1997) 12. Northern Ireland, UK (1998) 13. Brčko District, Bosnia (1999) 14. Macedonian minority regulation (Albanian ethnic group, 2001) 15. Chechnya, Russian Federation (2003) 16. Kosovo (1999/2008)

(continued)

**Table 1.1** (continued)

	Conflict settlements between WWI and WWII (1918–1939)	Conflict settlements during the Cold War (1945–1991)	Conflict settlements after the Cold War (since 1991)
Cases in Asia	1. Tibet (1951) 2. Malaysia (1957/1963) 3. Singapore (1965) 4. Bangladesh (1971) 5. Muslim Mindanao (1989)	1. East Timor, Indonesia (2002) 2. West Papua (2003) 3. Aceh, Indonesia (2005) 4. Kurdistan, Iraq (2005) 5. Jeju, South Korea (2006) 6. Bougainville, Papua New Guinea (2000)	
Cases in North America		1. US insular areas (e.g. Puerto Rico, 1952) 2. US “Reserves” (Native Americans, 1971/1975)	1. Quebec, Canada (1995) 2. Nunavut Canada (1999)
Cases in Africa		1. Tanzania (Zanzibar, 1964)	1. Eritrea (1993) 2. South Sudan (2011)

## References

- Alter, Peter. 1985. *Nationalismus*. Frankfurt a. M.: Suhrkamp.
- Arendt, Hannah. 1975. *Elemente und Ursprünge totaler Herrschaft II: Imperialismus*. Frankfurt: Ullstein.
- Charter of Paris for a New Europe. 1990. Paris. [www.osce.org/de/mc/39518](http://www.osce.org/de/mc/39518).
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Adopted by General Assembly Resolution 47/135 of 18 December 1992.
- Fisch, Jörg. 2010. *Das Selbstbestimmungsrecht der Völker. Die Domestizierung einer Illusion*. München: Beck.
- Gütermann, Christoph. 1979. *Die Minderheitenschutzverfahren des Völkerbundes*. Berlin: Duncker & Humblot.
- Hunt, Lynn. 2007. *Inventing human rights. A history*. New York: Norton.
- International Covenant on Economic, Social and Cultural Rights. 1966. Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966.
- Jahn, Egbert. 2008. Die staatliche Transformation im Osten Europas. Die "zweite nationale Wiedergeburt" oder Nationalismus, nationale Bewegungen und Nationalstaatsbildung im spät- und postkommunistischen Europa seit 1985. In *Nationalismus im spät- und postkommunistischen Europa*, vol. 1, ed. Egbert Jahn, 19–98. Baden-Baden: Nomos.
- Kaiser, Gerhard. 1973. *Pietismus und Patriotismus im literarischen Deutschland. Ein Beitrag zum Problem der Säkularisation*. Frankfurt a. M.: Athenäum.
- Kohn, Hans. 1948. *Propheten ihrer Völker: Mill, Michelet, Mazzini, Treitschke, Dostojewski. Studien zum Nationalismus des 19. Jahrhunderts*. Bern: Francke.
- Koselleck, Reinhart, Fritz Gschmitzer, Karl Ferdinand Werner, and Bernd Schönenmann. 1992. Volk, Nation, Nationalismus, Masse. In *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, vol. 7, ed. Reinhart Koselleck, Werner Conze, and Otto Brunner, 141–431. Stuttgart: Klett-Cotta.
- Mill, John Stuart. 1971. *Betrachtungen über die repräsentative Demokratie*. Paderborn: Schöningh.
- Rieff, David. 1995. *Schlachthaus. Bosnien und das Versagen des Westens*. München: Luchterhand.
- Schulze, Hagen. 1994. *Staat und Nation in der europäischen Geschichte*. München: Beck.
- Thürer, Daniel. 1976. *Das Selbstbestimmungsrecht der Völker. Mit einem Exkurs zur Jurafrage*. Bern: Staempfli.
- Viefhaus, Erwin. 1960. *Die Minderheitenfrage und die Entstehung der Minderheitenschutzverträge auf der Pariser Friedenskonferenz 1919. Eine Studie zur Geschichte des Nationalitätenproblems im 19. und 20. Jh.*, vol. 11. Würzburg: Marburger Ostforschungen.
- Widmer, Paul. 1993. Europäische Bemühungen zur Lösung von Minderheitenfragen. *Europa Archiv* 48 (9): 265–276.

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## **Part I**

### **Nagorno-Karabakh and ethno-territorial conflict settlement**



# Nagorno-Karabakh: The Genesis and Dynamics of the Conflict

2

Azer Babayev

## 2.1 The History of the Conflict

The long conflict between Armenia and Azerbaijan over Nagorno-Karabakh, which escalated into a “Four-Day” War in early April 2016 and resulted in hundreds of dead and wounded, is perhaps the single most complicated ethno-territorial conflict in the post-Soviet space. This conflict continues to cause great instability in the South Caucasus. Covering an area of just 4400 km<sup>2</sup>, the Nagorno-Karabakh region is relatively small. According to international law, Azerbaijan legally possesses this region, which comprises five percent of its national territory (see Fig. 2.1). The formerly autonomous region was home to 190,000 people at the end of the Soviet era (according to the 1989 census), 77% of whom were Armenian, 22% Azerbaijani, and 1% other ethnicities. Today, the region has notably fewer people. The population declined by over a quarter because of the war, with ethnic Azeris either fleeing Nagorno-Karabakh or being forcibly expelled. Today, only 1.5% of Azerbaijan’s total population (9.5 million) resides in the conflict area, almost all of them ethnic Armenians. Unlike the regions of Abkhazia and South Ossetia that seceded from Georgia, Nagorno-Karabakh is far from Russia, which has played a decisive yet ambivalent role in all post-Soviet conflicts. Moreover, the region is separated from Armenia by a strip of land that belongs to Azerbaijan.

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**Fig. 2.1** Armenia and Azerbaijan showing the Nagorno-Karabakh conflict area. (© Crisis Group 2017, Source Crisis Group (2017), *Nagorno-Karabakh's Gathering War Clouds*, Brussels: Europe Report 244, <https://d2071andvip0wj.cloudfront.net/244-nagorno-karabaks-gathering-war-clouds.pdf>, 30)

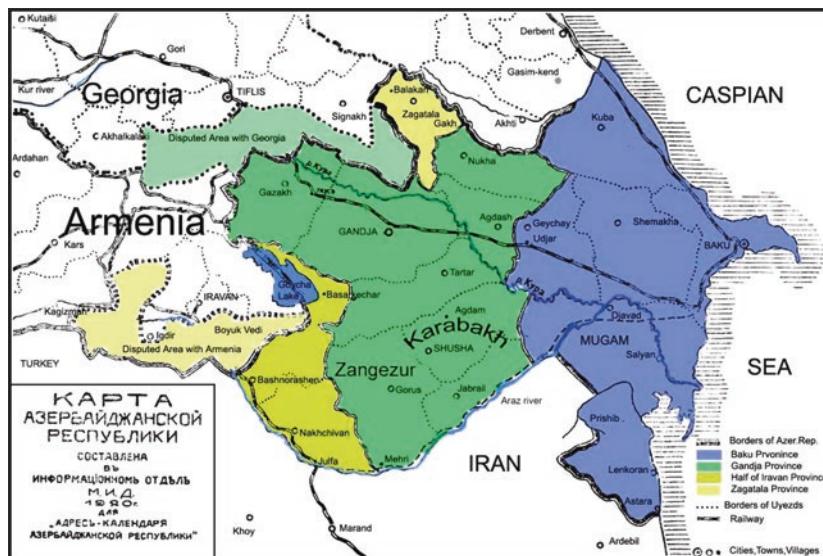
### 2.1.1 The Origins of the Conflict

Following the collapse of the Czarist autocracy and its territorial-administrative power structures in the wake of the 1917 October Revolution, the newly established republics of Armenia and Azerbaijan contested a number of border regions. Armenians base their claim to Nagorno-Karabakh (“Upper” Karabakh) on the region’s ethnic-Armenian majority—in contrast to the majority Muslims in Nizhny Karabakh (“Lower” Karabakh). Azerbaijan, on the other hand, invokes the inseparability of the Greater Karabakh territory, referring to the summer pastures in Nagorno-Karabakh used by Azeri farmers and other arguments. After bloody skirmishes in 1918 and 1919, a provisional agreement had been signed in August 1919 that granted Azerbaijan control over all of Karabakh, provided the Armenian population was permitted to retain its cultural and administrative autonomy (Gulyeva 1989, pp. 23–24).

Right after the First World War, when the British took the Ottomans' place in the South Caucasus, they confirmed that Karabakh belongs to Azerbaijan and ensured the Azerbaijan-appointed governor in Shusha their "full support" (Libaridian 1988, p. 10). Although the local Armenian population protested this decision, they were forced to recognize Azerbaijani jurisdiction in February 1920. However, the Armenian Dashnaksutyun Party rejected the agreement and isolated skirmishes continued in the mountains.

The regions of Nakhichevan and Zangezur on the border between Armenia and Azerbaijan were contested, along with Nagorno-Karabakh (see Fig. 2.2). The Bolsheviks finally settled the status of these areas after conquering the entire South Caucasus: Nakhichevan and Nagorno-Karabakh became part of the Azerbaijan Soviet Socialist Republic (SSR) and Zangezur part of the Armenian Soviet Socialist Republic.

The political status of Nakhichevan was sealed internationally: In Article 3 of the Moscow Treaty of Brotherhood of 16 March 1921, the Soviet Union



**Fig. 2.2** The Azerbaijan Democratic Republic (ADR 1918–1920) and the contested border regions. (© ADR Ministry of Foreign Affairs, 1920, Source Karta Azerbaydzhanskoy Respublikii [Map of the Republic of Azerbaijan]. Ministry of Foreign Affairs [MFA] of the Azerbaijan Democratic Republic [created at MFA information department in 1920]. [www.azerb.com/az-adr-1920.jpg](http://www.azerb.com/az-adr-1920.jpg))

and Turkey agreed that “the region of Nakhichevan [...] under the protection of Azerbaijan, comprises an autonomous area, [namely] under the condition that Azerbaijan does not confer its protection to a third state.”<sup>1</sup> In 1924, Nakhichevan became an Autonomous Soviet Socialist Republic in Azerbaijan. With the Zangezur region granted to Armenia, Nakhichevan was separated from the Azerbaijani heartland: It is an Azerbaijani exclave between Armenia, Iran and Turkey (see Fig. 2.1).

Settling the political and legal status of Nagorno-Karabakh, however, would prove to be of much greater consequence for resolving the national conflicts in the South Caucasus: After a series of major controversies, Nagorno-Karabakh became another autonomous entity of Azerbaijan.<sup>2</sup> The Caucasus Bureau of the Russian/Bolshevik Communist Party (CPR (B)) that was responsible for politically reorganizing the Sovietized region entered the conflict as an “arbitrator.” In consideration of the “need for national peace between the Muslims and the Armenians and the economic linkages between Lower and Upper Karabakh, [and] its constant connections with Azerbaijan,” on 5 July 1921 the CPR (B) confirmed Azerbaijan’s possession of the mountainous region through a decree granting the region autonomy (Gulyeva 1989, p. 92).

The Azerbaijan SSR established the autonomous region of Nagorno-Karabakh (*Nagorno-Karabachskaya avtonomnaya oblast'*, NKAO) on 7 July 1923.<sup>3</sup> For

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<sup>1</sup>Shortly thereafter, on 23 October 1921, the Treaty of Kars was signed with the Armenian SSR, the Azerbaijan SSR and the Georgian SSR as one party and Turkey (represented by Ankara) as the other. This treaty resolved the political and legal status of Nakhichevan. In Article 5, the Turkish government and the Soviet governments of Armenia and Azerbaijan agreed that “the Nakhichevan region [...] under the protection of Azerbaijan, comprises an autonomous area.”

<sup>2</sup>Initially, the pendulum appeared to swing in favor of Armenia: Under pressure from Moscow, the revolutionary committee in Baku released a declaration to Armenia in December 1920 about the separation of Nagorno-Karabakh, Zangezur and Nakhichevan. Stalin, commissioner for matters of nationality, announced this decision on 2 December. But the Azerbaijani Communist leader Nariman Narimanov contested it. Then, in the presence of Stalin, the Caucasus Bureau of the Russian/Bolshevik Communist Party (CPR(B)) approved of adding Nagorno-Karabakh to the Armenian SSR on 4 July 1921. Narimanov protested anew, causing the CPR (B) to review the issue the next day: Nagorno-Karabakh remained part of Azerbaijan.

<sup>3</sup>The small town of Khankendi, which was renamed Stepanakert in 1923 in honor of Stepan Schaumian, the Armenian leader of the Bolsheviks in Baku, became the administrative center of the new autonomous region. This was contrary to the resolution, which had named the historical town of Shusha as the administrative center.

decades, its constitutional status in the Soviet Union remained unchanged until rekindled Armenian nationalism challenged it in the late 1980s.

Years before the fall of the Soviet Union, Nagorno-Karabakh escalated into an armed conflict with enormous mobilizations on both sides: It was the first ethno-territorial conflict in the declining Soviet Union. First, an irredentist Karabakh movement sprang up in Armenia and Nagorno-Karabakh, calling for *miatsum* (“unification” in Armenian). After Nagorno-Karabakh declared its will to secede and join Armenia in February 1988, violent confrontations between Armenians and Azerbaijanis erupted throughout the region and beyond.<sup>4</sup> In September 1991, Armenians in Nagorno-Karabakh declared that they were seceding and the situation further escalated. Then, in November 1991, the Azerbaijani Parliament dissolved Nagorno-Karabakh as an autonomous region and divided it into districts (“rayons”).<sup>5</sup> The Armenian population of Nagorno-Karabakh unilaterally conducted a “referendum” on 10 December 1991, and on 6 January 1992, shortly after the dissolution of the Soviet Union, declared Nagorno-Karabakh an independent state. A war broke out between Azerbaijan and Armenia that lasted until 1994, claiming the lives of 30,000 people, and the displacement or expulsion of more than a million. There was also a massacre of Azeri civilians in Nagorno-Karabakh.<sup>6</sup> The Armenian side decided the conflict through a clear military

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<sup>4</sup>The events in Nagorno-Karabakh during the early (Soviet) phase of the conflict reached a bloody peak during the Sumgait Pogrom on 28 February 1988. In Azerbaijan's second largest industrial city, where thousands of Azeri refugees from Armenia had told of bloody attacks, an angry mob stormed houses belonging to Armenians. The Prosecutor General in Moscow announced 30 dead, 197 injured and 42 arrests.

<sup>5</sup>Shortly before the dissolution of the autonomous region, there was a military escalation in Nagorno-Karabakh. On 20 November 1991, an Azerbaijani military helicopter carrying a peacekeeping mission team consisting of 13 Azerbaijani government officials (including high-ranking government members), 2 Russian officials and 1 Kazakh, 3 Azeri journalists and 3 helicopter crew members was shot down by Armenian military forces near Karakend village in Nagorno-Karabakh. All 22 people on board were killed in the crash. As a result, the Supreme Soviet in Baku called a special session on 26 November requesting that martial law be imposed in the republic, withdrawing cadets and officers of Azeri ethnicity from the Soviet Army and ending all negotiations with Armenia. On 27 November, the Supreme Soviet voted to end Nagorno-Karabakh's autonomy and established direct rule over it. It also officially changed the name of Stepanakert to its pre-Soviet name Khankendi and re-organized the area's administrative districts.

<sup>6</sup>In the night of 25–26 February 1992, in Khojaly, a village in the conflict region populated by Azeris, Armenian troops killed around 600 civilians, including women and children, according to Azerbaijani sources – making it the largest massacre in the entire post-Soviet space.



**Fig. 2.3** Nagorno-Karabakh and the occupied surrounding areas. (© Crisis Group 2011, Source Crisis Group (2011), Armenia and Azerbaijan: Preventing War (Tbilisi/Baku/Yerevan/Istanbul/Brussels: Europe Briefing 60, <https://d2071andvip0wj.cloudfront.net/b60-armenia-and-azerbaijan-preventing-war.pdf>), 17)

victory.<sup>7</sup> Massive intervention by Armenia, with decisive military assistance from Russia, enabled Nagorno-Karabakh's de facto secession from Azerbaijan.

In the course of the war, the Armenian side occupied seven districts bordering Nagorno-Karabakh (see Fig. 2.3), establishing a military "buffer zone" around the region. Between April and November 1993, the UN Security Council (UNSC) responded by passing four resolutions demanding an immediate end to hostilities and the withdrawal of Armenian forces from the occupied areas. However, the

<sup>7</sup>An armistice agreement signed in Bishkek by representatives from Armenia, Nagorno-Karabakh, Azerbaijan and Russia formally ended the war on 5 May 1994. It took effect on 12 May.

resolutions failed to have any effect. To this day, five districts (Lachin, Kelbajar, Kubatly, Zangelan, and Jebrail) remain fully occupied, and the other two (Agdam and Fizuli) partially.<sup>8</sup> Figures regarding the total amount of territory that Armenia occupied, including Nagorno-Karabakh, fluctuate between 14 and 20%, the latter according to the Azerbaijani government (Crisis Group 2011, p. 1). Even if one takes the lower figure, the occupied districts are still twice the size of Nagorno-Karabakh alone.

Just as in Nagorno-Karabakh, all ethnic Azeris either fled the occupied districts or were expelled. The number of internal refugees totaled 750,000—in addition to over 200,000 Azeri refugees from Armenia. Altogether, the number of displaced people was five times the population of Nagorno-Karabakh. At the same time, however, another 300,000 Armenians fled from other regions in Azerbaijan.

Since 1994, Armenia's occupation of Nagorno-Karabakh has completely isolated this mountainous region from Azerbaijan.

### 2.1.2 The International Environment

Since the early 1990s, the conflict in Nagorno-Karabakh has not only been played out between these two states but has also been intimately interwoven with interests, power aspirations, and the normative concepts of external actors. For centuries, foreign powers have influenced and shaped the South Caucasus. Its natural resources and geographical location make the region strategically significant for diverse actors such as Russia, the United States (US), the European Union (EU), Iran and Turkey. Armenia and Azerbaijan cannot resolve the conflict on their own, but must take into account the interests of the numerous external stakeholders.

Prior to the actual outbreak of war in 1992, the Soviet Union and later Russia played an ambivalent role in the conflict: The former colonial power not only acted as a decisive mediator at the bilateral and multilateral levels, but was also actively involved in the conflict. The ceasefire in May 1994 came about because of major Russian pressure. Moscow continues to supply the two opponents with a great deal

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<sup>8</sup>Over time, Armenians' changed their view of this land from that of a bargaining chip to a vital security buffer and finally to "liberated territory" that is increasingly claimed to be an integral part of the de facto "Nagorno-Karabakh Republic" (Crisis Group 2016, p. 6). This has led to the partial colonization of the occupied districts between the regions. According to local sources, since Kelbajar and Lachin were militarily occupied, approximately 11,000 Armenians have been resettled there (Crisis Group 2017, p. 20).

of weapons and to keep a military presence in Armenia, 25 years after the fall of the Soviet Union.<sup>9</sup> Moreover, Armenia is also a member of the Russia-dominated post-Soviet military alliance, the Collective Security Treaty Organization (CSTO).

Armenia's accession to the Eurasian Economic Union (EAEU) with Russia in 2014 demonstrated the countries' broadened cooperation. In terms of power politics and military strategy, Armenia is a more loyal partner to Russia than resource-rich and therefore more independent Azerbaijan, with whom Russia primarily maintains pragmatic relations. The US and the EU cooperate economically and militarily with both countries; intense cooperation exists between the West and Azerbaijan particularly in the energy sector. Moreover, Armenia and Azerbaijan are both members of the EU's "Eastern Partnership," though their involvement is marginal.

International peace efforts in Nagorno-Karabakh began early; the OSCE even served as a mediator prior to the ceasefire in 1994. However, despite numerous attempts, there are no serious peace talks between Armenia and Azerbaijan. Although international mediation has managed to keep negotiations from collapsing altogether, the outcome of the conflict also depends on the external stakeholders' goals and the power interests that inform their strategies.

Meanwhile, the conflict continues to smolder with a low level of violence, which nevertheless claims more and more lives every year and hinders the entire region's development. Today, Nagorno-Karabakh and the Armenian-Azerbaijani line of contact are among the most militarized conflict zones in the world. Moreover, no international troops ensure the ceasefire and there is a lack of solid international monitoring.<sup>10</sup> Time and again, the front lines witness bloody exchanges

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<sup>9</sup>Russia maintains air and military bases in Armenia (with around 5000 personnel) and supplies nearly all of the country's weapons. In 2010, Moscow deepened its military relations with Armenia, extending the lease for the Soviet-era military base in Gyumri in the north-western part of the country until 2044. Russia also has extensive control over Armenia's airspace, as well as its borders to Iran and Turkey. At the same time, Russia supplies 85% of Azerbaijan's arms. After Russian President Putin visited Baku in 2013, President Aliyev put the value of the "military-technical cooperation" at USD 4 billion. Armenia also imports high-tech weaponry, such as drones, from Israel. A new defense minister and continuing military cooperation with Turkey, including special forces training, increased the armed force's capabilities (Crisis Group 2016, p. 11).

<sup>10</sup>As regards an international peacekeeping mission, only a small group of OSCE monitors is involved: "This group visits a pre-agreed area for a few hours twice a month. Their field trips essentially are symbolic and do not meet modern peace-monitoring requirements" (Crisis Group 2017, p. 25).

of fire, which in some instances have elevated the situation beyond the threshold of an armed conflict. There have now been thousands of dead and injured, including civilian victims.<sup>11</sup> April 2016 saw the greatest escalation in the conflict since the ceasefire was announced in 1994, resulting in hundreds of casualties.<sup>12</sup> Diplomatic debates tend to revolve around the same issues, such as the ultimate status of Nagorno-Karabakh, the withdrawal of the Armenian military from the occupied areas and the return of refugees. Both sides insist on their maximum demands and neither is willing to compromise.

The “Nagorno-Karabakh Republic (NKR)” is not internationally recognized as an independent party to the conflict, and Azerbaijan does not recognize it at all. While the NKR signed the ceasefire agreement in 1994 along with Azerbaijan and Armenia and was involved in peace talks until 1997, displaced Azerbaijanis from Nagorno-Karabakh were termed just an “interested party.” At the demand of Baku, Nagorno-Karabakh’s representation was excluded from further negotiations after 1997 (Crisis Group 2016, p. 5).<sup>13</sup> Former NKR leader Robert Kocharyan assumed the top position in the government in Yerevan (serving as prime minister after March 1997 and as president after February 1998), and is generally assumed to be the political representative of Nagorno-Karabakh.<sup>14</sup>

In effect, Nagorno-Karabakh was transformed from an autonomous region of Azerbaijan to an autonomous region of Armenia. First, separatists in Nagorno-Karabakh were de facto fused with Armenia’s security/military command and

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<sup>11</sup>A typical example of this was the deadly use of weapons on the front line in July 2017, in which two Azerbaijani civilians (a woman and a child) were killed by Armenian artillery fire. This created a wave of popular indignation in Azerbaijan. Regarding the continuing force of arms at the demarcation line see the CrisisWatch Database (2003–2017).

<sup>12</sup>Major fighting lasted from 2 to 5 April 2016. In combat that included the use of multiple-launch missile systems, heavy artillery, tanks, attack drones and highly trained special forces, and stoked powerful nationalist emotions in both countries, Azerbaijan seized small but strategically important pieces of land. Up to 200 people died on both sides. The acute threat of greater escalation drew in powerful neighboring countries and focused key international actors’ political attention on searching for a peaceful solution to the decades-old conflict, often mistakenly called “frozen” (Crisis Group 2016, p. i).

<sup>13</sup>In this context, Azerbaijan has repeatedly affirmed that it is in conflict with Armenia and that Armenians in Nagorno-Karabakh should therefore be considered “interested parties” just like Azeri refugees from Nagorno-Karabakh.

<sup>14</sup>Nagorno-Karabakh’s position as a “party to the conflict” was codified at the 1994 OSCE Budapest Summit which welcomed the “confirmation by the parties to the conflict of the ceasefire” signed by Nagorno-Karabakh, Armenia and Azerbaijan. In 1997, Nagorno-Karabakh’s rejection of the draft peace agreement from July of that year again excluded it (Crisis Group 2005a, p. 10).

power structures during the war.<sup>15</sup> Then the representatives of the Armenian separatists in Nagorno-Karabakh (under Kocharyan and Sargsyan) assumed leadership of the government in Armenia in the late 1990s, so that Yerevan represented the interests of the Nagorno-Karabakh Armenians.<sup>16</sup> Today this mountainous region is not only politically and militarily but also economically dependent on Armenia: The Armenian *dram* is the currency used in Nagorno-Karabakh, Armenian banks operating there connect the secessionist region to international money transactions, and an annual line of credit granted by Armenia finances a significant portion of Nagorno-Karabakh's budget. In terms of transport, the enclave, which was once connected to the Azerbaijani transport network, now relies on the Goris-Stepanakert highway that links Armenia and Nagorno-Karabakh. This land route is the only way to transport goods to and from Nagorno-Karabakh (Halbach and Smolnik 2013, p. 24): There is no connection by air. Financial support from the Armenian diaspora also plays a substantial role in Nagorno-Karabakh's economy. The diaspora maintains radical positions regarding the conflict and politically supports the Armenian side through intense lobbying efforts in various countries.<sup>17</sup>

The prospects for peace in the South Caucasus remain uncertain. One thing is clear: The fragile situation that has existed for 30 years cannot last forever. Armenia and Azerbaijan are neither at war nor at peace, and the two countries have no diplomatic relations. The longer they have to wait for a peace agreement, the more likely the conflict is to re-escalate and eventually erupt into a hot war—especially in light of the massive arms race that has been taking place between Azerbaijan and Armenia for years, as proven by their hugely inflated military

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<sup>15</sup>Armenia has also officially declared itself a “guarantor and supporter for the security of the population of the Nagorno-Karabakh Republic and the path to development it has chosen” (Armenian Ministry of Defense 2007, p. 2).

<sup>16</sup>Many of Armenia's highest political leaders (such as Minister of Defense Seyran Ohanyan, 2008–2016) come from Nagorno-Karabakh. On this topic and the domestic state of the “Nagorno-Karabakh Republic”, see Halbach and Smolnik (2013, pp. 25, 17–20) and Crisis Group (2005b).

<sup>17</sup>Nagorno-Karabakh adopted a constitution in 2006 that staked its claims to independence and statehood, and redrew internal administrative boundaries to create seven new districts that blur their demarcation from the surrounding occupied districts. The diaspora has sponsored numerous efforts to settle Armenians, some of them refugees from Syria, in the occupied territories (Crisis Group 2016, p. 12).

**Table 2.1** Military spending by Azerbaijan and Armenia (2000–2016)

Country	Military spending	2000	2002	2004	2006	2008	2010	2012	2014	2016
AZE	In constant (2015) USD millions	255	311	470	1130	1653	1382	2728	2770	1932
ARM	In constant (2015) USD millions.	147	142	180	260	354	385	362	413	423

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budgets. Azerbaijan increased its military spending more than sevenfold between 2000 and 2016, while Armenia nearly tripled its military budget during the same period (see Table 2.1). In addition, Azerbaijani President Aliyev established a “Ministry of Defense Industry” in December 2005 to promote the country’s military capabilities.<sup>18</sup> It is no surprise that, according to the 2016 Global Militarization Index, Armenia (rank 3) and Azerbaijan (rank 11) are among the most militarized nations in the world.<sup>19</sup>

The Nagorno-Karabakh conflict is characterized by a number of factors that make it difficult to resolve. The conflict has not only a regional dimension but an international one as well, which prevents rapprochement between Turkey and Armenia as well as regional integration and European cooperation. Severe violence has claimed countless lives and a process of “ethnic cleansing” displaced hundreds of thousands. Armenian troops’ permanent occupation of the surrounding Azerbaijani territory has also precluded any settlement. Furthermore, the Nagorno-Karabakh conflict is creating an additional shift in former state boundaries, in contrast to the conflicts in Georgia, which merely revolve around the status of respective entities. In particular, Armenia is claiming the occupied districts between Armenia and Nagorno-Karabakh for itself (Jahn 2008, p. 204).

<sup>18</sup>Baku justifies the expansion of its military budget by stating that increased oil revenues massively increased the state’s total budget. A few years ago, the government in Baku declared that Azerbaijan’s military budget would soon exceed Armenia’s entire national budget. In contrast, as a member of the Moscow-led CSTO, Armenia buys its weapons from Russia at so-called domestic prices, which somewhat mitigates its significantly smaller expenditures (Crisis Group 2016, p. 11).

<sup>19</sup>The Global Militarization Index (GMI) compares a country’s military expenditure with its gross domestic product (GDP) and health expenditures (BICC 2016).

## 2.2 International Impulses for Conflict Resolution: An Interim Assessment

Since the early 1990s, a continuous and intensive process of negotiation has taken place between Armenia and Azerbaijan, which has included plenty of proposals (including innovative ones). These have all failed, however, because of objections from one side or the other. Central to peace efforts is the OSCE Minsk Group that has been mediating the negotiations since before the ceasefire in May 1994.

In 1992, the Conference on Security and Cooperation in Europe (CSCE; since 1995, the Organization for Security and Cooperation in Europe, OSCE) established the Minsk Group, which it tasked with resolving the Armenia-Azerbaijan conflict. On 24 March 1992 in Helsinki, the CSCE Council tasked its Chairman-in-Office to convene an international conference on Nagorno-Karabakh as quickly as possible. The conference was meant to create a forum to peacefully resolve the conflict that would abide by CSCE principles, obligations, and provisions. The conference in Minsk never took place.

At the CSCE summit in Budapest on 6 December 1994, the heads of state and government decided to establish a joint chairmanship for the negotiating process. On 23 March 1995, the OSCE chairman mandated a co-chair for the Minsk process to: create a suitable framework for conflict resolution, reach an agreement ending the armed conflict and allowing the Minsk Conference to convene, and promote the peace process through a multinational OSCE peacekeeping force. In 1997, the co-chair system was transformed into a tripartite co-chairmanship with France, Russia and the US tasked to jointly carry out shuttle diplomacy and process relevant documents and proposals to advance the negotiations. The Minsk Group has assumed the leading role in international efforts to resolve the Nagorno-Karabakh conflict. Special representatives of the three co-chairs regularly convene high-level talks in the region with the parties to the conflict and brief OSCE board members and Minsk Group members.<sup>20</sup>

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<sup>20</sup>The permanent members of the Minsk Group also include Belarus, Finland, Germany, Italy, Sweden, and Turkey, along with Armenia and Azerbaijan and the rotating OSCE triumvirate. In 1995, the OSCE Chairperson-in-Office appointed a Personal Representative (PR) for all matters related to the conflict and to support the co-chairs, particularly regarding measures to maintain the ceasefire and prepare for a peacekeeping force. The current PR, a former Polish diplomat, who has been in office since 1997, works to defuse tension through contacts with key decision makers in the region developed over nearly two decades. He also heads a small team based in Tbilisi, which conducts basic ceasefire monitoring activities (Crisis Group 2016, p. 5 f.).

During the negotiations, the final status of Nagorno-Karabakh was revealed as the central point of contention. The Minsk Group nearly reached a breakthrough on this issue when the following three principles that the co-chairs recommended at the OSCE summit in Lisbon in 1996 were met with broad support:

- The territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
- Nagorno-Karabakh's final status was defined in an agreement based on self-determination, conferring on the region the highest degree of self-rule within Azerbaijan; and
- Guaranteed security for Nagorno-Karabakh and its entire population, including mutual obligations to ensure all parties' compliance with the provisions of the settlement (OSCE 1996, p. 15).

All the participating countries agreed to these basic principles—except for Armenia. From Yerevan's perspective, this proposal precluded the final status of Nagorno-Karabakh, which remained to be negotiated with due regard to the principle of national self-determination (OSCE 1996, p. 16). Hopes that the conflict would be quickly and peacefully resolved evaporated. Once again, the final status issue proved to be irresolvable.

In 1997 and 1998, an intense phase of shuttle diplomacy on the part of the Minsk co-chairs resulted in three separate proposals, which were also rejected by the parties to the conflict. The first proposal from July 1997 consisted of a “package solution” that foresaw all of the disputed issues, including the ultimate status of Nagorno-Karabakh, settled in a single agreement. The basic idea regarding the final status was to preserve Azerbaijan's territorial integrity while defining Nagorno-Karabakh as “a state-territorial entity within Azerbaijan” that enjoyed privileges and special rights approximating those of an independent state. Nagorno-Karabakh would have “its own constitution adopted by the people of Nagorno-Karabakh in a referendum [...] its own flag, coat of arms, and anthem, [...] its own legislative, executive and judicial bodies, [...] the right to maintain direct relations with foreign states and international organizations, [...] a national guard and police force... [as well as] a multi-ethnic character” (OSCE 1997a). The constitution and laws of Nagorno-Karabakh were to take precedence over Azerbaijani legislation. Moreover, the Azerbaijani army, security forces, and police would not have the right to enter Nagorno-Karabakh territory without permission. On the diplomatic floor, this package was described as making Nagorno-Karabakh “de jure part of Azerbaijan, de facto independent.” The plan was ultimately rejected by the Armenians, who insisted on Nagorno-Karabakh's complete, not merely “de facto,” independence from Azerbaijan. Azerbaijan also

rejected the idea because it undermined Baku's demand for sovereignty over its entire territory.

The second proposal from December 1997 presented a "step-by-step solution" to the conflict: First, the Armenian armed forces would withdraw from the surrounding areas, with the exception of the Lachin district that connects Nagorno-Karabakh and Armenia. Then the regions would be demilitarized under the supervision of OSCE peacekeeping forces.<sup>21</sup> In the second step, the conflict parties would "continue the conduct of negotiations [...], aimed at the urgent achievement of a comprehensive settlement for other aspects of the conflict, including political aspects such as the determination of the status of Nagorno-Karabakh [...]; following the attainment of an agreement at these negotiations [...], it would be subject to recognition by the international community at the Minsk Conference, to be convened as soon as possible" (OSCE 1997b). Armenia and Azerbaijan initially indicated their agreement with this step-by-step solution, also known as the "land for peace" formula. However, the Armenians in Nagorno-Karabakh rejected the proposal, claiming that it lacked sufficient security guarantees (Zourabian 2006, p. 259). This resulted in a governance crisis in Yerevan which forced President Ter-Petrosyan to resign. His successor, Robert Kocharyan, the former leader of the Nagorno-Karabakh Armenians, rejected the proposal.

The third and final proposal of the 1990s shuttle diplomacy came in November 1998. It promoted the idea of a "common state" between Azerbaijan and Nagorno-Karabakh. This attempt, also known as the "land for status" formula, adopted the package approach of 1997 with slight modifications. It vaguely formulated Azerbaijan's legal possession of Nagorno-Karabakh: "Nagorno-Karabakh

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<sup>21</sup>The plan envisioned the following: "Territory released as a result of this withdrawal of forces forms a buffer zone and a dividing zone. A) Upon the completion of withdrawal of armed forces the buffer zone will be located along the 1988 boundaries of the NKAO and the north and south boundaries of the Lachin corridor. The buffer zone will remain without human population and is completely demilitarized, with the exception of elements forming part of the OSCE peacekeeping mission. B) The dividing zone is demilitarized with the exception of forces assigned to assist the work of the Permanent Joint Commission, including: (1) Units forming part of the peacekeeping mission; (2) Units assigned for border patrol and demining purposes; (3) Civil police forces, the number and permitted weaponry. C) In the buffer and dividing zones a no-fly zone, into which the Sides will not conduct military flights, is established under the control of the OSCE peacekeeping mission. D) Security conditions in all districts controlled by the Nagorno-Karabakh authorities after the withdrawal of forces in accordance with Article II will be guaranteed by the existing military and security structures of Nagorno-Karabakh" (OSCE 1997b).

is a state-territorial formation in the form of a Republic and constitutes a common state with Azerbaijan in the latter's internationally recognized borders." It was a kind of confederation. "Azerbaijan and Nagorno-Karabakh shall establish a Joint Committee [...] whose mission shall be to define policies and activities within the sphere of joint competence" (OSCE 1998). This modification was met with positive reactions from the Armenian leadership under Kocharyan; Baku rejected it since it would impair Azerbaijan's sovereignty.

In 1999, Azerbaijan President, Haydar Aliyev, and Armenian President, Robert Kocharyan, entered into direct dialog in a series of bilateral meetings. After negotiations mediated by French president Jacques Chirac in March 2001 achieved some progress, the US invited both presidents to further meetings. Aliyev and Kocharyan met with the Minsk co-chairs for peace talks in Key West, Florida in April 2001. An unofficial, hitherto confidential, peace plan envisioned a "land swap" by Azerbaijan and Armenia: Azerbaijan would relinquish its rights of sovereignty over Nagorno-Karabakh (including the Lachin corridor) to Armenia, and in return, Armenia would relinquish the Meghri corridor to Baku, which would have established a land connection to the Nakhichevan exclave. Mediation by US Secretary of State Colin Powell enabled the two heads of state to make some progress but they did not agree on a comprehensive peace accord. Ultimately, the Azerbaijani delegation rejected the land swap, claiming it violated the nation's territorial integrity.<sup>22</sup>

Presidents Aliyev and Kocharyan resumed contact in multilateral meetings at the end of 2001. They even met in Nakhichevan on the border of Armenia in August 2002, but once again were unable to overcome their differences on crucial issues. In 2003, presidential elections in both countries further slowed this process of a partial rapprochement.

In 2004, the Minsk co-chairs initiated a series of bilateral meetings between the foreign ministers of Armenia and Azerbaijan in Prague. The so-called Prague Process sought to revive direct dialog between the two conflict parties, and led to regular meetings of Presidents Ilham Aliyev and Robert Kocharyan. To this end, the Minsk Group co-chairs focused on the basic principles of a peaceful settlement that could be the foundation of a peace agreement. Negotiations on the basic principles were continued in 2005 and 2006. At an OSCE Council of Ministers meeting in November 2007 in Madrid, representatives of the three

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<sup>22</sup>A follow-up meeting between the presidents planned for June 2001 in Geneva also did not materialize.

co-chairing countries officially presented a refined bundle of basic principles and invited Azerbaijan and Armenia to use them as a basis for a peace agreement (US Department of State 2008). With the aim of achieving “a reasonable compromise based on the Helsinki Final Act principles of non-use of force, territorial integrity, and the equal rights and self-determination of peoples,” the proposal, in its subsequently modified and publicized shorter version, laid out the following guidelines:

- Return of the territories surrounding Nagorno-Karabakh to Azerbaijani control;
- an interim status for Nagorno-Karabakh with guarantees for security and self-governance;
- a corridor linking Armenia to Nagorno-Karabakh;
- future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will;
- the right of all internally displaced persons and refugees to return to their former places of residence; and
- international security guarantees, including a peacekeeping operation. (OSCE 2009)

The final status of Nagorno-Karabakh was intentionally left vague to allow both parties to interpret the provision on their own terms and be able to successfully sell the peace plan to their constituencies. This idea of an “encrypted” referendum was meant to make it possible to resolve the status of Nagorno-Karabakh some time in the future, intentionally leaving open the details about how and when the referendum would be held. This approach has since paved the way for further negotiations based on a step-by-step solution. The parties to the conflict initially reacted positively to this proposal and subsequently agreed on a number of the proposed principles, but there have been no breakthroughs about how to decide the final status of Nagorno-Karabakh and set a binding deadline for the withdrawal of Armenian troops from the occupied territories (RFE/RL 2010). Armenia insists on conducting a referendum on independence that would seal the secession of Nagorno-Karabakh, while Azerbaijan insists that a referendum may not present the option of independence and that any change to its borders would have to be approved by a nationwide referendum in Azerbaijan.

In recent years, following the 2008 crisis in Georgia, the peace negotiations have gotten new impetus from Russian President Medvedev. In 2009, the parties to the conflict exhibited their willingness to reach an agreement on the basis of the Madrid Principles. Both sides indicated their earnest attitude to peace efforts by the fact that the presidents of Azerbaijan and Armenia started holding regular

meetings for the first time since 1994. New to these meetings were in-depth discussions held by the three presidents of the Minsk Group co-chairs from Russia, the US and France about settling the conflict. On 10 July 2009, at the G8 Summit in L'Aquila, Italy, they issued their first joint statement pledging to support Baku and Yerevan and urging both sides to set aside their “few remaining differences” to reach a final agreement on the “basic principles” which were to serve as a basis for a comprehensive conflict settlement (White House 2009).<sup>23</sup>

However, hopes for achieving quick success soon faded. Again. In 2010, the presidents of Azerbaijan and Armenia met three times to discuss a framework agreement on the basis of the slightly modified Madrid Principles, but made little headway. The main points of contention remained the final status of Nagorno-Karabakh and the withdrawal of Armenian troops from occupied districts in Azerbaijan. By the end of the year, both presidents had become so resentful that they refused to even meet at the OSCE Summit in December 2010 in Astana, Kazakhstan (see Crisis Group 2011, p. 8 f.).

Many had hoped that 2011 would finally bring with it the long awaited breakthrough. Following the diplomatic upset in Astana, Presidents Aliyev and Sargsyan met again in June 2011 for peace talks in Kazan under Russian President Medvedev’s mediation. In the run-up to the meeting, Robert Bradtke, the US co-chair of the Minsk Group, characterized it as “likely the most important point” in the peace process since the Key West negotiations in 2001 (RFE/RL 2011).<sup>24</sup> US President Barack Obama spoke with both presidents shortly before the meeting in Kazan, encouraging them to reach an agreement on the “basic principles” (White House 2011).

The Kazan negotiations broke down for the same reason: The parties could not overcome their opposing positions regarding a step-by-step conflict settlement. Azerbaijan indicated its disappointment that Armenia cast doubt on the previously clarified points contained in the basic principles, such as the formula and timetable for withdrawing its troops from the occupied regions, and President Aliyev refused to accept the document containing the basic principles that had been modified by the co-chairs accordingly. He demanded that Armenian armed forces

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<sup>23</sup>At the following G8 Summits in Muskoka, Canada on 26 June 2010 and in Deauville, France on 26 May 2011, the three presidents of the Minsk Group’s co-chair countries strengthened their appeal to the leaders of Azerbaijan and Armenia to strive for a quick and peaceful settlement on the basis of the Madrid Principles.

<sup>24</sup>As mentioned above, in Key West (Florida, US) the parties to the conflict came very close to reaching a compromise through the mediation efforts of US Secretary of State Colin Powell.

first withdraw from five occupied districts and then from the occupied districts of Lachin and Kelbajar, located between Armenia and Nagorno-Karabakh. In contrast, Armenia insisted that these two districts remain occupied until a final settlement was reached on the status of Nagorno-Karabakh (Ismailzade 2011, p. 4 f.).

Since the failure of the 2011 Kazan talks, the Nagorno-Karabakh peace process seems to have hit a dead end. No serious peace talks were held until the conflict escalated to a critical level in April 2016.<sup>25</sup> The negotiating format was downgraded to the ministerial level to avoid giving the impression that the process had collapsed. The three presidents of the Minsk Group co-chairs countries released another joint declaration at the G8 Summit at Camp David in the US on 18 June 2012, stating that they “regret that the Presidents of Azerbaijan and Armenia did not take the decisive steps that our countries called for” (White House 2012). One year later, on 13 June 2013, they reemphasized their regret at the G8 Summit in Lough Erne, Northern Ireland and criticized that “rather than trying to find a solution based upon mutual interests, the parties have continued to seek one-sided advantage in the negotiation process” (White House 2013).

Russia reinitiated diplomacy in 2015 to fill the void, claiming to be the main mediator. Its diplomatic activities lasted for several months, ending in the fall of 2015 with a set of proposals that observers have designated as the Lavrov Plan. Although this has not been officially publicized, according to reports it proposes that to revive the negotiations, Armenia would first withdraw from two or three of the districts around Nagorno-Karabakh that it has occupied. In a second phase, Armenia would withdraw from two additional districts—in return for Nagorno-Karabakh being granted an interim status and the deployment of peacekeeping forces to the conflict region. Subsequently, Azerbaijan would reestablish communication channels, including railway lines (Crisis Group 2016, p. 8).<sup>26</sup> In line with

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<sup>25</sup>In January 2012, the presidents of Armenia and Azerbaijan were invited by Medvedev for a trilateral meeting in Sochi. In a joint statement, the three presidents spoke of an “acceleration” of the peace process on the basis of the well-known basic principles. In fact, the meeting was only held in order to demonstrate their intention to not abandon the negotiations but to temporarily transfer them to the ministerial level. Following an extended hiatus, the first meeting of the presidents under the auspices of the Minsk Group co-chairs took place in Vienna on 19 November 2013. But they did not address the core issues of the conflict there. In December 2015, a final more or less ritualized meeting between Aliyev and Sargsyan was conducted in Switzerland, without any results.

<sup>26</sup>There was some suspicion that Russia intended to dominate the peacekeeping force so as to extend its military presence in the region but both sides made clear their opposition to such a military presence and Moscow played down that possibility.

the Madrid Principles, the Lavrov Plan proposed intermediate steps for the withdrawal from the surrounding regions. This approach supposedly also guided the two presidents' talks after the April escalation—once mediated by President Putin in Saint Petersburg on 20 June 2016—without any tangible results.

In summary, the OSCE Minsk Group has proposed five concrete peace plans based on two different approaches: “step-by-step” and “package” (see Table 2.2). First, a step-by-step solution was submitted that tasked the Minsk Group to reach a political framework agreement before the status of Nagorno-Karabakh was determined at the Minsk Conference. Because there was no progress, the co-chairs proposed a comprehensive package that also addressed the final status issue. From 1998 to 2001, the negotiators attempted to develop a package solution that envisioned the creation of a “common state” or a “territorial exchange.”

Following the failure in Key West in 2001 after nearly seven years of futile negotiations, it was clear that deep-seated mutual mistrust made it impossible to agree on Nagorno-Karabakh’s final status and that a package solution implied freezing the conflict for the long-term. This is why a step-by-step solution has been preferred since the Prague Process started in 2004, with a modified approach: “An agreement should be reached, if not on the final status of Nagorno-Karabakh, then at least on a mechanism, through which the status would be defined in the indefinite future.” (Zourabian 2006, p. 262). This can be viewed as a combination of both approaches: It doesn’t seem to matter whether the solution is termed “step-by-step” or a “package” since in both cases the parties are agreeing to a package to be implemented in phases. Now both sides are searching for ways to agree on how to eventually determine the final status of Nagorno-Karabakh, while implementing other aspects beforehand (Crisis Group 2005a, p. 11).

The main problem with the Madrid Principles is that they cannot resolve the conflicting objectives regarding territorial integrity and the right to self-determination that underlie the status issue, but rather postpone them. For Azerbaijan, recovering its territorial integrity has the greatest priority. In line with international law, Baku considers the return of the illegally occupied territories around Nagorno-Karabakh a precondition for implementing the other Madrid Principles (such as inclusive and binding security guarantees). In contrast, Armenia demands implementation of the Madrid Principles that enhance Armenians’ right to self-determination in Nagorno-Karabakh. Yerevan insists on first getting a binding agreement regarding the guarantees for security, self-determination and the final status of Nagorno-Karabakh. This precludes any formalized relationship between Azerbaijan and Nagorno-Karabakh and implies that the region will ultimately secede.

**Table 2.2** Past proposals by the Minsk OSCE Group to resolve the conflict

Proposal	Approach/Character	Official reason for failure
Lisbon Proposal, December 1996	Package solution: highest degree of autonomy within Azerbaijan	Rejected by Armenia because it prejudices the status issue
“Package” deal, July 1997	Package solution: de jure possession by Azerbaijan, de facto sovereignty	Rejected by Armenia because Nagorno-Karabakh would not be legally independent; Azerbaijan’s position also negative
“Step-by-step” deal, December 1997	Step-by-step solution: withdrawal from occupied territories and postponement of status issue (“land for peace”)	Rejected by Armenia due to insufficient security guarantees and a lack of trust
“Common state” deal, November 1998	Package solution: common state with Azerbaijan, similar to a confederation (“land for status”)	Rejected by Azerbaijan because it violates its national sovereignty
“Land swap” deal in Key West, April 2001	Package solution: recognition of Armenian sovereignty over Nagorno-Karabakh, including Lachin, in exchange for a land connection to Nakhichevan	Rejected by Azerbaijan for violating its territorial integrity
Madrid Proposal in November 2007 (with later modifications, the so-called Lavrov Plan)	Step-by-step solution: interim status with a postponed final status resolution to be determined through a referendum	Lacks acceptance to date from both parties due to disagreement about the arrangements for determining Nagorno-Karabakh’s final status and the withdrawal of Armenian troops from the occupied territories

In an atmosphere of deep-seated mistrust and persistent hostilities, no formulas have been found to reconcile the two opposing positions, one that insists on maintaining Azerbaijan's territorial integrity and the other that insists on recognizing the Nagorno-Karabakh Armenians' right to self-determination. With regard to the lengthy and futile negotiations, Azerbaijan in particular has repeatedly expressed its impatience towards the Minsk Group co-chairs from the three countries with the world's largest Armenian communities—that are on record for generally adopting pro-Armenian positions. The co-chairs are also reproached for not placing enough political or diplomatic pressure on the Armenians to withdraw from the occupied Azerbaijani territories, which protracts the negotiation process (Ismailzade 2008). Here it has been proven once again that reconciling territorial integrity with national self-determination calls for squaring a circle.

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## References

- Armenian Ministry of Defense. 2007. The military doctrine of the republic of Armenia. Yerevan. [www.mil.am/media/2015/07/825.pdf](http://www.mil.am/media/2015/07/825.pdf).
- BICC. 2016. Global militarization index. Bonn. [http://gmi.bicc.de/index.php?page=ranking-table&year=2014&sort=rank\\_asc](http://gmi.bicc.de/index.php?page=ranking-table&year=2014&sort=rank_asc).
- Crisis Group. 2005a. *Nagorno-Karabakh: A plan for peace*. Tbilisi/Brussels: Europe Report 167. <https://d2071andvip0wj.cloudfront.net/167-Nagorno-Karabakh-a-plan-for-peace.pdf>.
- Crisis Group. 2005b. Nagorno-Karabakh: Viewing the conflict from the ground. Tbilisi/Brussels: Europe Report 166. <https://d2071andvip0wj.cloudfront.net/166-Nagorno-Karabakh-viewing-the-conflict-from-the-ground.pdf>.
- Crisis Group. 2011. Armenia and Azerbaijan: Preventing war. Tbilisi/Baku/Yerevan/Istanbul/Brussels: Europe Briefing 60. <https://d2071andvip0wj.cloudfront.net/b60-armenia-and-azerbaijan-preventing-war.pdf>.
- Crisis Group. 2016. Nagorno-Karabakh: New opening, or more peril? Baku/Yerevan/Vienna/Brussels: Europe Report 239. <https://d2071andvip0wj.cloudfront.net/239-Nagorno-Karabakh-new-opening-or-more-peril.pdf>.
- Crisis Group. 2017. Nagorno-Karabakh's gathering war clouds. Yerevan/Baku/Stepanakert/Brussels/Vienna: Europe Report 244. <https://d2071andvip0wj.cloudfront.net/244-Nagorno-Karabakhs-gathering-war-clouds.pdf>.
- CrisisWatch Database. (2003–2017). Tracking conflict worldwide: Nagorno-Karabakh (Azerbaijan). Brussels. [www.crisisgroup.org/crisiswatch/database](http://www.crisisgroup.org/crisiswatch/database).
- Gulyeva, D. P. (ed.). 1989. *Кистории образования Нагорно-Карабахской автономной области Азербайджанской ССР. 1918–1925: Документы и материалы* [The History of Formation of the Nagorno-Karabakh Autonomous Oblast of the Azerbaijan SSR. 1918–1925: Documents and Materials]. Baku: Azernashr.
- Halbach, Uwe, and Franziska Smolnik. 2013. *Der Streit um Berg-Karabach: Spezifische Merkmale und die Konfliktparteien*. Berlin: SWP-Studie 2.

- Ismailzade, Fariz. 2008. Azerbaijan's relations with Minsk group hit new low. *Eurasia Daily Monitor* 5:57. [www.jamestown.org/single/?no\\_cache=1&tx\\_tnews%5Btt\\_news%5D=33494#UcrDnjtSg8w](http://www.jamestown.org/single/?no_cache=1&tx_tnews%5Btt_news%5D=33494#UcrDnjtSg8w).
- Ismailzade, Fariz. 2011. *The Nagorno-Karabakh conflict: Current trends and future scenarios*. Rom: IAI Working Papers 11: 29.
- Jahn, Egbert. 2008. *Politische Streitfragen*. Wiesbaden: Verlag für Sozialwissenschaften.
- Libaridian, Gerard J. (ed.). 1988. *The Karabagh file: Documents and facts, 1918–1988*. Cambridge: The Zoryan Institute.
- OSCE. 1996. Lisbon Document 1996. Lisbon. [www.osce.org/mc/39539?download=true](http://www.osce.org/mc/39539?download=true).
- OSCE. 1997a. *Minsk group proposal ("Package deal"): Comprehensive agreement on the resolution of the Nagorno-Karabakh conflict*. Vienna/Baku/Yerevan, July 1997.
- OSCE. 1997b. *Minsk group proposal ("Step-by-Step Deal"): Agreement on the end of the Nagorno-Karabakh armed conflict*. Vienna/Baku/Yerevan, December 1997.
- OSCE. 1998. *Minsk group proposal ("Common state deal"): On the principles for a comprehensive settlement of the armed conflict over Nagorno-Karabakh*. Vienna/Baku/Yerevan, November 1998.
- OSCE. 2009. OSCE Minsk group issues statement. Athens. [www.osce.org/mg/51685](http://www.osce.org/mg/51685).
- RFE/RL. 2010. Armenian, Azerbaijani presidents agree on preamble to "Madrid Principles". Radio Free Europe/Radio Liberty. [www.rferl.org/content/Armenian\\_Azerbaijani\\_Presidents\\_Agree\\_On\\_Preamble\\_To\\_Madrid\\_Principles/1940349.html](http://www.rferl.org/content/Armenian_Azerbaijani_Presidents_Agree_On_Preamble_To_Madrid_Principles/1940349.html).
- RFE/RL. 2011. Richard Solash: Armenia, Azerbaijan fail to finalize Karabakh agreement. Radio Free Europe/Radio Liberty. [www.rferl.org/content/armenia\\_azerbaijan\\_fail\\_finalize\\_karabakh\\_agreement/24245909.html](http://www.rferl.org/content/armenia_azerbaijan_fail_finalize_karabakh_agreement/24245909.html).
- Treaty of Brotherhood between Russia and Turkey. 1921. Moscow. [www.deutscharmenischegesellschaft.de/wp-content/uploads/2011/01/Vertrag-von-Moskau-16.-M%C3%A4rz-1921.pdf](http://www.deutscharmenischegesellschaft.de/wp-content/uploads/2011/01/Vertrag-von-Moskau-16.-M%C3%A4rz-1921.pdf).
- Treaty of Friendship between Turkey, the Azerbaijan Socialist Soviet Republic, the Socialist Soviet Republic of Armenia and the Socialist Soviet Republic of Georgia on one hand and Turkey on the other. 1921. Kars. [www.azerbaijan.az/portal/History/HistDocs/Documents/en/05.pdf](http://www.azerbaijan.az/portal/History/HistDocs/Documents/en/05.pdf).
- U.S. Department of State. 2008. The United States and the conflict over Nagorno-Karabakh. Washington. <http://2001-2009.state.gov/p/eur/rls/fs/103560.htm>.
- White House. 2009. Joint Statement on the Nagorno-Karabakh Conflict, by U.S. President Obama, Russian President Medvedev, and French President Sarkozy at the L'Aquila summit of the eight. Washington. [www.whitehouse.gov/the\\_press\\_office/Joint-Statement-on-the-Nagorno-Karabakh-Conflict/](http://www.whitehouse.gov/the_press_office/Joint-Statement-on-the-Nagorno-Karabakh-Conflict/).
- White House. 2011. President Obama speaks with leaders of Armenia and Azerbaijan. Washington. <https://obamawhitehouse.archives.gov/blog/2011/06/24/president-obama-speaks-leaders-armenia-and-azerbaijan>.
- White House. 2012. Joint statement on the Nagorno-Karabakh conflict. Washington. [www.whitehouse.gov/the-press-office/2012/06/18/joint-statement-Nagorno-Karabakh-conflict](http://www.whitehouse.gov/the-press-office/2012/06/18/joint-statement-Nagorno-Karabakh-conflict).
- White House. 2013. Joint statement on the Nagorno-Karabakh conflict by Barack Obama, president of the United States of America, Vladimir Putin, president of the Russian Federation, and François Hollande, president of the French republic. [www.whitehouse.gov/the-press-office/2013/06/18/joint-statement-Nagorno-Karabakh-conflict-barack-obama-president-united](http://www.whitehouse.gov/the-press-office/2013/06/18/joint-statement-Nagorno-Karabakh-conflict-barack-obama-president-united).
- Zourabian, Levon. 2006. The Nagorno-Karabakh settlement revisited: Is peace achievable? *Demokratizatsiya* 14 (2): 252–265.



# Settling Ethno-Territorial Conflict

3

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## 3.1 On the Genesis and the Effectiveness of Applied Models

As there exists virtually no country in the world that has achieved complete congruency between the nation and the state, each is to some extent faced with a more or less pronounced desire for national self-assertion or even self-determination among segments of its population. This demand has been addressed through various models meant to settle these conflicts (cf. Chap. 13). However, the further such rights are extended, the stronger becomes the fundamental contradiction that, while minority protections or autonomy arrangements may be able to regulate ethno-territorial conflicts without altering international borders, they are often taken to constitute preliminary phases and carte blanche for secession. All too often, the longing for political independence is not satisfied by merely providing political participation within the democratic process; rather, the aim is to achieve the prestige involved in possessing a state of one's own along with all of the privileges and symbols that go along with it—and, in some cases, this also comes at the expense of democracy (Dietrich 2010, p. 199). This fundamental

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contradiction does not lend itself to resolution, and there are numerous examples of both variants in the diverse reality of ethno-territorial conflicts. South Tyrol, Quebec and Aceh ultimately represent cases of successful domestic settlements, while South Sudan, East Timor, Kosovo and possibly even Catalonia bear witness to the fact that some national movements cannot be satisfied simply by gaining autonomy but strive for national secession.

Popular referendums are no panacea in this regard, as illustrated by the case of the Faroe Islands. Through a referendum in 1948, this island territory narrowly voted for independence from Denmark. Yet the response from the Danish crown was swift: Copenhagen dissolved the Faroe parliament and issued an order for new elections. Following negotiations with the Faroe islanders, it finally agreed to a “Home Rule Act” which did not grant the islands independence but rather constituted the territory as a “self-governing community within the State of Denmark”. As such, one may conclude that if the status of a region is to be determined through a referendum, the outcome of this process depends on whether the antagonists—namely the existing state and the region striving for independence—have previously agreed to such a referendum, to the wording of the alternative, to the scope of the territory in question, and to which individuals are entitled to vote. Otherwise, as witnessed in the disputes among linguistic and ethnic groups following the dissolution of the monarchies after the First World War, popular referendums can have the opposite effect of intensifying ethno-national conflicts rather than mitigating or even settling them. Such agreements proved to be successful in the conflicts involving Quebec and Scotland, but are pending at the time of writing in Catalonia and Iraqi Kurdistan. One case which was rather uncharacteristic was the peaceful dissolution of Czechoslovakia, an outcome that was reached by both sides without the express need for a plebiscitary agreement; this was also absent in a few other cases, including Kosovo.

As the contradiction between territorial integrity and national rights to self-determination is generally irreconcilable, the behavior of the international community and external actors is decisive as well, or, concretely, how they approach this contradiction. Various patterns can be identified in this regard. As regards the status of South Tyrol the victorious Allied powers twice decreed that sovereignty over the province belonged to Italy following both world wars, which neither Germany nor Austria were in a position to question. Contrarily, in the case of Sudan, the international community promised to grant South Sudan a referendum in a bid to gain more time; as was to be expected, this culminated in secession in 2011, and the autonomy statute merely proved to be transitory in nature (not to mention that intermittently armed conflicts continued). In other cases, such as Northern Ireland and Kosovo, external actors serving as mediators, arbitrators

or even parties to the conflict initially excluded and deferred the disputed status question from the conflict settlement. This occurred based on the premise that, for the international community and in accordance with international law, the territorial integrity of a state takes precedence over the right to self-determination of the people. Consequently, in the handful of cases in which secession could not be avoided, the international community did everything it could to declare these to be exceptions and to prevent them from setting any sort of precedent (for a detailed analysis, see Fisch 2010). This calls for the modelling of compromises, of which there already exists a broad spectrum, as described above. The following section focusses on the prerequisites and conditions for success underlying these models.

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## 3.2 Factors that Influence the Settlement of Ethno-Territorial Conflicts

Success and failure in the settlement of ethno-territorial conflicts do not only relate to how the contradiction outlined above is managed; nor do they simply depend on how well-developed the models are for bringing about and maintaining the required compromise or for the external actors' level of engagement. Of no less importance is whether the existing conditions facilitate a settlement or impede it and whether the elements comprising these conditions compete with or mutually reinforce one another.

We must consider structural factors such as historical and geographic preconditions, the prevailing economic and political circumstances, the ethnic composition, and also procedural factors such as the dynamics of the conflict and the role of external actors. These aspects play a role in nearly all of the cases investigated here, albeit with varying degrees of weight and in differing forms (see Table 3.1 for the main characteristics of the relevant cases).

### 3.2.1 Historical Narratives

While most recent research on nationalism has repeatedly shown that national narratives, traditions and myths prove to be arbitrary constructs which are selectively stored within the collective memory, these play an eminent role for ethno-territorial conflicts, carrying no less weight than language or ethnic affiliation. History, or in more precise terms, those elements of history which are taken note of and passed down, also affect the likelihood of settling such conflicts. This generally relates

**Table 3.1** Ethno-Territorial Conflict Settlements since 1918: Statistical Overview

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
Aceh (2005)	58,376 km <sup>2</sup> 3.06% (of Indonesia)	4,494,410 (2010) 1.89% (of Indonesia)	3377 (1989–2008)	4390 (2003) <sup>e</sup>	Yes (EU, ASEAN, Norway and Switzerland)
Åland Islands (1921)	1552 km <sup>2</sup> 0.46% (of Finland)	28,666 (2014) 0.53% (of Finland)	None	None	Yes (Sweden, League of Nations)
Aosta Valley (1948)	3263 km <sup>2</sup> 1.08% (of Italy)	126,806 (2011) 0.21% (of Italy)	None	None	No
Azores (1976)	2,333 km <sup>2</sup> 2.53% (of Portugal)	246,746 (2011) 2.34% (of Portugal)	None	None	No
Bangladesh (1971)	147,570 km <sup>2</sup> 18.54% (of Pakistan)	66,881 (1970) 52.96% (of Pakistan)	50,000–100,000 <sup>f</sup>	ca. 10,000,000 <sup>g</sup>	Yes (India)
Basque Country (1979)	7235 km <sup>2</sup> 1.42% (of Spain)	2,191,682 (2013) 4.65% (of Spain)	211 (1989–2011)	None	No
Belgian minority regulation (German-speaking community, 1973)	854 km <sup>2</sup> ca. 3% (of Belgium)	76,273 (2014) ca. 1% (of Belgium)	None	None	Yes (Germany)

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
Belgium (1993)	30,528 km <sup>2</sup> 44.29% (Flanders) 55.18% (Wallonia) 0.53% (Brussels)	11,099,554 (2013) 57.5% (Flanders) 32.1% (Wallonia) 10.4% (Brussels)	None	None	No
Bosnia and Herze- govina (1995)	51,209 km <sup>2</sup> 50.98% (Bosniak-Croat Federation) 48.12% (Republika Srpska) 1% (Brčko District)	3,531,159 (2013) 62.85% (Bosniak-Croat Federation) 34.79% (Republika Srpska) 2.36% (Brčko District)	26,336 (1992–1995)	1,867,553 (1995)	Yes (USA, Russia, France, Germany, UK)
Bougainville (2001)	9,300 km <sup>2</sup> 2.09% (of Papua New Guinea)	249,358 (2011) 2.43% (of Papua New Guinea)	(1989–1997) ca. 15,000 (directly and indirectly)	ca. 60,000 (mid- 1990s) <sup>h</sup>	Yes (UN, Australia, New Zealand)
Brčko District (1999)	493 km <sup>2</sup> 1% (of Bosnia)	83,516 (2013) 2.36% (of Bosnia)	<i>See the case of Bosnia and Herze- govina</i>	<i>See the case of Bosnia and Herzegovina</i>	Yes (Arbitral Tribunal)
Catalonia (1978)	32,113 km <sup>2</sup> 6.34% (of Spain)	7,553,650 (2013) 16.03% (of Spain)	None	None	No

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
Chechnya (2003)	17,300 km <sup>2</sup> 0.1% (of Russia)	1,268,989 (2010) 0.89% (of Russia)	17,967 (1994–2007)	526,668 (1999)	Yes (OSCE, EU delegation)
Corsica (1982)	8,680 km <sup>2</sup> 1.35% (of France)	324,212 (2014) 0.49% (of France)	None	None	No
Crimea (1992)	27,000 km <sup>2</sup> 4.47% (of Ukraine)	2,033,700 (2001) 4.2% (of Ukraine)	None	None	No
Cyprus (ongoing)	9,251 km <sup>2</sup> 36.27% (Turkish Republic of Northern Cyprus), 63.73% (Republic of Cyprus)	1,100 000 (combined, 2012) 25% (Turkish Republic of Northern Cyprus), 75% (Republic of Cyprus)	771 (1974)	17,572 (2016)	Yes (UK, Greece, Turkey and UN)
Danzig/Gdansk (1920–1939)	1,966 km <sup>2</sup> 0.5% (of Second Polish Republic)	366,730 (1923 est.) 1.33% (of Second Polish Republic)	None	None	Yes (Germany, Poland, League of Nations)
East Timor (2002)	14,874 km <sup>2</sup> 0.78% (of Indonesia)	1,240,977 (2015) 0.48% (of Indonesia)	18,600 (1974–1999) <sup>i</sup>	162,472 (1999)	Yes (UN, Portugal)
Eritrea (1993)	117,600 km <sup>2</sup> 9.62% (of Ethiopia)	4,153,332 (2007) 5.13% (of Ethiopia)	230,000	503,200 (1992)	Yes (USA, UN)

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
Estonian minority regulation (Rus- sian ethnic group, 1993)	N/a (most Russians live in Tallinn and other major cities)	326,235 (2011) 25.2% (of Estonia)	None	None	Yes (OSCE, EU, Russia)
Faroe Islands (1948)	1393 km <sup>2</sup> 3.14% (of Denmark)	48,228 (2014) 0.86% (of Denmark)	None	None	No
Finnish minority regulation (Sami group, 1991/95)	100,366 km <sup>2</sup> 29.65% (of Finland)	ca. 8,000 (2016) 0.16% (of Finland)	None	None	No
Canada's Nunavut (1999)	1,877,778 km <sup>2</sup> 20.94% (of Canada)	35,944 (2016) 0.10% (of Canada)	None	None	No
Friuli-Venezia Giulia (1948)	7858 km <sup>2</sup> 2.61% (of Italy)	1,218,985 (2011) 2.05% (of Italy)	None	None	No
Gagauzia (1994)	1832 km <sup>2</sup> 5.41% (of Moldova)	134,535 (2014) 4.49% (of Moldova)	None	None	Yes (CSCE)
Galicia (1979)	29,574 km <sup>2</sup> 5.84% (of Spain)	2,765,940 (2013) 5.87% (of Spain)	None	None	No

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
German minority regulation (Danish ethnic group, 1955)	N/a	ca. 50,000 <sup>k</sup> 0.06% (of Germany)	None	None	Yes (Denmark)
Greenland (1979, with later modifications)	2,166,086 km <sup>2</sup> 97.99% (of Denmark, 1979)	56,282 (2014) 1% (of Denmark)	None	None	No
Iceland (1918/1944)	103,000 km <sup>2</sup> 4.46% (of Denmark, 1944)	319,014 (2011) 5.73% (of Denmark)	None	None	No
Jeju (2006)	1849 km <sup>2</sup> 1.84% (of South Korea)	528,383 (2010) 1.1% (of South Korea)	30,000 (1948–1949) <sup>j</sup>	40,000 (1949) <sup>m</sup>	No
Kosovo (2008)	10,908 km <sup>2</sup> 12.35% (of Serbia)	1,739,825 (2011) 24.2% (of Serbia)	2648 (1996–1999)	407,409 (1999)	Yes (USA, EU, OSCE, UN, NATO)
Macedonian minority regula- tion (Albanian eth- nic group, 2001)	N/a	509,083 (2002) <sup>n</sup> 25.17% (of Macedonia)	127 (2000–2001) <sup>o</sup>	28,568 (2001)	Yes (NATO, UN, OSCE and EU)

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
Madeira (1976)	801 km <sup>2</sup> 0.86% (of Portugal)	267,785 (2011) 2.54% (of Portugal)	None	None	No
Malaysia (1957/1963)	330,396 km <sup>2</sup> Malaya (West Malaysia)—40% Sabah & Sarawak—60%	27,484,596 (2010) Malaya (West Malaysia)—79% Sabah & Sarawak—21%	None	None	Yes (UN, Indonesia, Philippines, Thailand, USA)
Muslim Mindanao (1989)	26,974 km <sup>2</sup> 11% (of Philippines)	3,781,387 (2015) 3.75% (of Philippines)	7934 (1989–2016)	600,000 (Central Mindanao) <sup>p</sup> 160,000 (IDPs)	Yes (OIC)
Northern Ireland (1998)	13,843 km <sup>2</sup> 5.68% (of UK)	1,810,863 (2011) 2.87% (of UK)	701 (1976–1998)	None	Yes (Ireland)
Norwegian minor- ity regulation (Sami group, 1987)	(Historical) settlement area—135,365 km <sup>2</sup> 35% (of Norway)	50,000–65,000 (2016) <sup>q</sup> ca. 1% (of Norway)	None	None	No
Quebec (1995)	1,542,056 km <sup>2</sup> 15.44% (of Canada)	8,164,361 (2016) 23.23% (of Canada)	None	None	No

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
Romanian minor- ity regulation (Hungarian ethnic group, 1996)	No data	1,227,623 (2011) 6.1% (of Romania)	None	None	Yes (Hungary)
Sardinia (1948)	24,090 km <sup>2</sup> 7.99% (of Italy)	1,639,362 (2011) 2.76% (of Italy)	None	None	No
Scotland (1997)	78,387 km <sup>2</sup> 32.18% (of UK)	5,295,403 (2011) 8.38% (of UK)	None	None	No
Sicily (1948)	25,711 km <sup>2</sup> 8.53% (of Italy)	5,002,904 (2011) 8.42% (of Italy)	None	None	No
Singapore (1965)	718 km <sup>2</sup> 0.21% (of Malaysia)	3,771,721 (2010) 13.72% (of Malaysia)	None	None	No
Slovakian minor- ity regulation (Hungarian ethnic group, 1995)	9,064 km <sup>2</sup> 18.48% (of Slovakia)	520,528 (2001) 9.67% (of Slovakia)	None	None	Yes (Hungary)
South Sudan (2011)	619,745 km <sup>2</sup> 24.73% (of Sudan)	8,260,490 (2008) 26.74% (of Sudan)	2,500,000 (1983–2005) <sup>f</sup>	560,162 (2011)	Yes (IGAD)

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
South Tyrol (1972)	7400 km <sup>2</sup> 2.52% (of Italy)	504,643 (2011) 0.85% (of Italy)	No data	No data	Yes (Austria, United Nations)
Tanzania (Zanzibar, 1964)	2500 km <sup>2</sup> 0.26% (of Tanzania)	1,303,569 (2012) 2.9% (of Tanzania)	No data	No data	No
Tatarstan (1994–2017)	68,000 km <sup>2</sup> 0.39% (of Russia)	3,786,488 (2010) 2.65% (of Russia)	None	None	No
Tibet (1951)	1,228,400 km <sup>2</sup> 12.79% (of China)	3,002,165 (2010) 0.22% (of China)	406 (1989, 2008) <sup>e</sup>	80,000 (1959) <sup>u</sup>	No
Trentino-Alto Adige (1948)	13,607 4.51% (of Italy)	1,036,707 1.7% (of Italy)	None	None	No
Trieste (1947/1974)	0738 km <sup>2</sup> 0.24% (of Italy)	232,601 (2011) 0.39% (of Italy)	None	None	Yes (Italy, Yugoslavia, USA, UK, UN)
Upper Silesia (1918–1922)	11,008 km <sup>2</sup> 2.32% (of Germany)	2,112,700 (1921 est.) 3.39% (of Germany)	2824 <sup>v</sup>	ca. 200,000 on either side (Ger- many/Poland) <sup>w</sup>	Yes (France, Italy, UK with troops and League of Nations)

(continued)

**Table 3.1** (continued)

Overall list of cases	Area of ethno-territorial formation (= size of affected territory, thousand km <sup>2</sup> & percentage of total territory) <sup>a</sup>	Population of ethno-territorial formation (= size of affected popu- lation & percentage of total population, year of reference is that of the last census respectively) <sup>b</sup>	Casualties (=total number of deaths, in thousands) <sup>c</sup>	Refugees & IDPs (in thousands) <sup>d</sup>	External Actors/ Mediators (yes/no)
US Indian reservations (Native Americans, 1971/1975)	227,000 km <sup>2</sup> 2.3% (of USA)	ca. 4,500,000 (2007) <sup>x</sup> 1.5% (of USA)	None	None	No
US insular areas (e.g. Puerto Rico, 1952)	8868 km <sup>2</sup> (Puerto Rico) 0.09% (of USA)	3,725,789 (Puerto Rico, 2010) 1.21% (of USA)	None	None	No
West Papua (2003, but ongoing low-intensity conflict)	420,540 km <sup>2</sup> 2.22% (of Indonesia)	2,833,381 (2010) 1.19% (of Indonesia)	100,000 (1963–2016) <sup>y</sup>	15,000 (2016) <sup>z</sup>	Yes (USA, UN, Australia, New Guinea)

<sup>a</sup>Calculations are based on diverse sources including UNdata (<http://data.un.org/>) and national statistical offices of individual states  
<sup>b</sup>Calculations are based on diverse sources including World Statistics (<http://world-statistics.org/>) and The World Bank ([www.worldbank.org](http://www.worldbank.org))

<sup>c</sup>Data are from diverse sources including UCDP Data (Yearly Datasets covering 1989–2016, <http://ucdp.uu.se>)  
<sup>d</sup>Data are from UNHCR's Statistics Database ([http://popstats.unhcr.org/en/overview#\\_ga=2.27831477.88442709.1500748987-1987621759.1500748987](http://popstats.unhcr.org/en/overview#_ga=2.27831477.88442709.1500748987-1987621759.1500748987))

<sup>e</sup>Human Rights Watch ([www.hrw.org/rn/node/12153/section/5](http://www.hrw.org/rn/node/12153/section/5))

<sup>f</sup>Bose, Sarmila (2011). *Dead Reckoning: Memories of the 1971 Bangladesh War* (London: Hurst), 181

<sup>g</sup>Encyclopedia Britannica (Chicago & London: [www.britannica.com/place/Bangladesh/The-Pakistani-period-1947-71](http://www.britannica.com/place/Bangladesh/The-Pakistani-period-1947-71))

- <sup>h</sup>Woodbury, Jo (2015), *The Bougainville Independence Referendum: Assessing the Risks and Challenges Before, During and After the Referendum* (Canberra: Australian Defence College/Centre for Defence and Strategic Studies (CDSS), Indo-Pacific Strategy Papers), 6
- <sup>i</sup>According to a report prepared for the Commission for Reception, Truth and Reconciliation of Timor-Leste, there were 102,800 conflict-related deaths in 1974–1999, and of this total, approximately 18,600 killings and 84,200 ‘excess’ deaths from hunger and illness (Silva, Romesh and Patrick Ball (2006), *The Profile of Human Rights Violations in Timor-Leste, 1974–1999*, (Palo Alto: Benetech Human Rights Data Analysis Group, <https://fhrg.org/content/timorlestebenetech-report-to-CAVR.pdf>)
- <sup>j</sup>Indigenous peoples in Sápmi, (The International Work Group for Indigenous Affairs, [www.iwgia.org/regions/arctic/sapmi](http://www.iwgia.org/regions/arctic/sapmi))
- <sup>k</sup>Minderheiten in Schleswig-Holstein – dänische Minderheit (Land Schleswig-Holstein, [www.schleswig-holstein.de/DE/Fachinhalte/M/minderheiten/minderheiten\\_daenen.html](http://www.schleswig-holstein.de/DE/Fachinhalte/M/minderheiten/minderheiten_daenen.html))
- <sup>l</sup>Deane, Hugh (1999), *The Korean War 1945–1953* (San Francisco: China Books and Periodicals), 58
- <sup>m</sup>Deane, Hugh (1999), *The Korean War 1945–1953* (San Francisco: China Books and Periodicals), 58
- <sup>n</sup>Census of Population, Households and Dwellings in the Republic of Macedonia, 2002 (Republic of Macedonia State Statistical Office, [www.stat.gov.mk/Publikacii/knigaXIII.pdf](http://www.stat.gov.mk/Publikacii/knigaXIII.pdf))
- <sup>o</sup>‘What Do the Casualties of War Amount to?’ 25 December 2001 (Skopje: Alternative Information Network, [www.aimpress.ch/dyn/trate/archivedata/200112/111230-003-trae-sko.htm](http://www.aimpress.ch/dyn/trate/archivedata/200112/111230-003-trae-sko.htm))
- <sup>p</sup>International Relations and Security Network ([www.isn.ethz.ch/Digital-Library/Articles/Detail/?ot591=4888CAA0-B3DB-1461-98B9-E20E7B9C13D&lang=en&id=102019](http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?ot591=4888CAA0-B3DB-1461-98B9-E20E7B9C13D&lang=en&id=102019))
- <sup>q</sup>Indigenous peoples in Sápmi (The International Work Group for Indigenous Affairs, [www.iwgia.org/regions/arctic/sapmi](http://www.iwgia.org/regions/arctic/sapmi))
- <sup>r</sup>Hungarians in the Slovak Republic ([www.slovakia.org/society-hungary2.htm](http://www.slovakia.org/society-hungary2.htm))
- <sup>s</sup>Sudan: 1985–2005 (World Peace Foundation, <https://sites.tufts.edu/atrocityendings/2015/08/07/sudan-2nd-civil-war-darfur/#Fatalities>)
- <sup>t</sup>Tibet Fast Facts (CNN Library, <http://edition.cnn.com/2013/10/30/world/asia/tibet-fast-facts/index.html>)
- <sup>u</sup>Tibet Fast Facts (CNN Library, <http://edition.cnn.com/2013/10/30/world/asia/tibet-fast-facts/index.html>)
- <sup>v</sup>Wilson, Timothy (2010), Frontiers of Violence. Conflict and Identity in Ulster and Upper Silesia 1918–1922, Oxford (University Press)
- <sup>w</sup>Ther, Philipp (2012), Die dunkle Seite der Nationalstaaten. “Ethnische Säuberungen” im modernen Europa, Bonn (Bundeszentrale für politische Bildung)
- <sup>x</sup>U.S. Department of the Interior Indian Affairs ([www.bia.gov/FAQs](http://www.bia.gov/FAQs))
- <sup>y</sup>Assessment Report on the Conflict in the West Papua Region of Indonesia (Politics of Papua Project at the University of Warwick, July 2016), 4
- <sup>z</sup>Indonesia: Figures analysis, The Internal Displacement Monitoring Centre (IDMC, [www.internal-displacement.org/assets/country-profiles/IDN-Indonesia-Figures-Analysis.pdf](http://www.internal-displacement.org/assets/country-profiles/IDN-Indonesia-Figures-Analysis.pdf))

to competing ethno-national narratives, in which one excludes the other. Past battles for independence or autonomy carry particular weight, as do resistance against conquest, forced changes to state sovereignty, and recourse to previous periods of statehood or autonomy which were at some point oppressed. The most enduring factor seems to be elapsed independence: if a collective which considers itself to be one people once attained independence in its past, this memory will serve as a powerful catalyst for the desire to achieve secession, hindering domestic settlements or even rendering them impossible. Generally, historical references tend to have the effect of inhibiting rather than facilitating an amicable resolution to such conflicts.

One prominent case which bears witness of the effects of history is Tibet, where two diametrically opposed interpretations of history coexist. According to their own interpretation, the Tibetans and their line of Buddhism had been an independent nation under theocratic rule for centuries. Due to turmoil and war in China, they came into possession of a de facto independent state from 1911 to 1950, a state which the People's Republic of China subsequently occupied. From Beijing's perspective, Tibet is undeniably a part of China, having been a tributary state of the Middle Kingdom since time immemorial. The Tibetans' national narrative is viewed suspiciously as a form of dangerous secessionism that threatens the unity of China and makes territorial claims far beyond today's provincial borders. Moreover, their reactionary theocracy is seen to contradict social modernization. Autonomy arrangements from 1951, 1984 and 2001, which, at least on paper, extended far beyond common centralist state practice, have so far been unable to settle the conflict. For many Tibetans, the highest religious and political authority still lies with the Dalai Lama, currently living in exile in India, and in Tibet itself, national unrest flares up at periodic intervals.

In Europe, Corsica is archetypal for history's lasting legacy. For centuries, the island belonged to the Republic of Genoa. After a prolonged and bloody struggle for independence in the eighteenth century, it attained de facto independence for a brief period and adopted a constitution in 1755, which was a sensation for many contemporaries of the Enlightenment. But in 1769, Genoa sold Corsica to France, which proceeded to subject the island to military control. Since the 1960s, Corsican nationalists and autonomists have repeatedly protested and occasionally carried out terrorist attacks against what they interpret to be France degrading the island to the status of a "colony". In 1982 and 1991, the French government granted Corsica a "statut particulier" with its own regional government, parliament and numerous legislative powers. In 1991, however, the constitutional court annulled Article 1 of the statute as violating the French constitution since it declared a "peuple corse, composante du peuple français" which undermined the

unity of the “République une et indivisible”. The former struggles for independence and specifically the short-lived yet glorified Republic of Corsica continue to inspire social, cultural and xenophobic protest movements in Corsica up to today with nationalistic zeal.

The hypostatization of collective victimhood and combat experiences is a recurrent and no less efficacious motif. In Chechnya, after the fall of the Soviet Union, the rapidly rising independence movement not only made reference to Islam but also to the tradition of violent resistance in the Caucasus against Russian domination in the nineteenth century along with the deportation of almost all Chechynes in 1944. The situation is similar in the Nagorno-Karabakh conflict, which is marked by bloody fights between Armenians and Azerbaijanis and mutual massacres including ethnic cleansings in the early twentieth century.

While the secessionists in Scotland are unable to claim linguistic differentiation from England, there have existed differences in religious confession since the Reformation. Additionally there is a mystic history of heroic battles and of Scottish kingdoms that have been united with England in 1707. Both have served as a source of emotional mobilization for the increasingly successful nationalists since the 1970s. After an overwhelming majority had voted for the reintroduction of a Scottish parliament in 1997, the demand for independence became ever stronger. Yet, when this came to a vote in 2014, a total of 55% of Scots voted against secession.<sup>1</sup>

Cases have proved to be particularly complicated when a change in state sovereignty is imposed upon a region. The history of South Tyrol is a prime example of this. Since the fourteenth century, the County of Tyrol had belonged to House of Habsburg under the Holy Roman Empire of the German Nation and was considered particularly loyal to the king. In 1919, the victors of the First World War gave South Tyrol, up to the Brenner Pass, to Italy as a reward for entering the war. This decision was reinforced after 1945 and supplemented with an annex added to the peace agreement obliging Italy to grant the German-speaking South Tyrolese equal rights and to protect their “ethnical character and the cultural and economic development of the German-speaking element” (quoted in Huter 1965, p. 395). The implementation of this condition dragged on for years, in part because it functioned as a vehicle for dissatisfaction with the territorial status

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<sup>1</sup>This result is now questioned once again because, unlike their English counterparts, a clear majority of Scots voted to remain in the EU during the Brexit vote in June 2016. Yet the loss of votes by the Scottish nationalists during the early parliamentary elections in May 2017 once again demonstrates that nationalistic single-issue politics only manage to achieve a limited effect in Scotland.

quo, even though a revision was out of the question. It was not until 1992 that Austria, as the protector of the South Tyrolese, officially declared to the UN Secretary-General that the dispute was over. With its exceptionally broad degree of democratic self-governance within Italy, South Tyrol today takes itself as a model that can be used for settling similar conflicts.

In many cases, earlier autonomy statutes also serve as a reference point and therefore as a catalyst for the escalation of ethno-territorial conflicts, which are then repressively revoked. In Spain, the first Catalan Republic (1931) and that of the Basques (1936) each possessed an autonomy statute; both were retracted in the course of the civil war and the victorious Franco regime oppressed any attempts to achieve national autonomy using all means available until his death in 1975. At the same time, anti-fascist resistance became amalgamated in both of these “historical nations” with a national revolutionary impetus. Through the constitution of 1978, Spain’s democratic transformation granted the nationalities and regions tiered—and, in Catalonia and Basque Country, extensive—degrees of autonomy rights, although these were unable to settle the conflict.

The national aspirations held by the Kurds also remain unsatisfied until today, though they have never been able to achieve their own state or any notable autonomy in the past. The Allied powers did, however, promise them national independence in 1920 through the Treaty of Sèvres (Art. 65) following the First World War. After resolute military opposition by Turkey under Atatürk, however, the topic of an independent Kurdish state was no longer mentioned in the Treaty of Lausanne. Ever since, the Kurds have lived as a national minority in several states, including Turkey, Iran, Iraq, Syria and, in lower numbers, also in Azerbaijan. Throughout their national liberation struggle which has been ongoing for generations, there have been alternating phases of political and armed engagement. In Iraq, for example, this struggle has repeatedly been suspended through offers of autonomy (1943, 1960, constitution of 2005), which, in turn, were repeatedly revoked. These failures can ultimately be attributed to the fact that the Kurds have allowed themselves to be externally exploited time and again: while the autocratic regimes in the region generally oppressed their Kurdish populations, they also selectively supported the fights for independence undertaken by Kurds in neighboring states in order to undermine the stability of their neighbors.

Lastly, similar cases function as historical precedents and serve as triggers for both sides of the conflict, as purported by most of the relevant literature.<sup>2</sup> The

<sup>2</sup>See, e.g., Horowitz (1985); Stedman (1996); Saideman (1998); Sambanis and Schulhofer-Wohl (2009); Hale (2000). Differing viewpoints do not question the domino effect itself rather than its relevance in regards to the emergence of separatist movements (see, e.g., Kaufmann 1996; Johnson 2008; Downes 2004).

Faroe Islanders, for example, referred to the precedent of Iceland separating from Denmark in 1944. The guerrilla warfare waged by the rebels in the Aceh region of Indonesia was inspired by the successful secession of East Timor. The intransigence with which the Kosovars had demanded their independence since 1999 not only made reference to oppression under Belgrade's apartheid system. Rather, they also referred to the independence of the other former Yugoslav republics and to the fact that, although a part of Serbia and not their own republic, they possessed the same status as the other republics in Yugoslavia at the federal level.

### **3.2.2 Geographic Conditions**

Geographic conditions exhibit a similarly lasting effect as precedents in regards to settling ethno-territorial conflicts. The intensity of competing territorial claims is likewise determined by logistic advantages such as access to the open ocean or control of transport routes and waterways as well as natural resources located on disputed grounds. For ethnic groups, geographic locations at times also constitute a reference point of their identity: The disputed territory is seen as a site which solidifies the collective memory into an indispensable component of the national "character" (Wolff 2011, pp. 178–179). One prime example here would be the Serbian myth of the Kosovo field, which makes reference to the battle against the Ottomans in Kosovo in 1389. Consequently, the greater the strategic value of a territory, the more difficult it is to reach a compromise.

At the same time, a spatial division not only has the effect of driving efforts to achieve independence for the region geographically separated from the heartland, it also permits the central state to take a more relaxed approach. This is, of course, provided that no significant economic grounds stand opposed to this, overt discrimination by the titular nation does not subsequently manifest itself, and the objective is not a definitive separation from the heartland. However, ethnic particularities only play a significant role in few of the cases considered here.

Examples in which autonomy arrangements have been partially facilitated and partially inspired by the remote or separated geographic locations of the disputed regions are islands: the Azores and Madeira, the Faroe Islands and Greenland, Sardinia and Sicily, Corsica, the Korean island of Jeju and also the (Finnish) Åland Islands with their predominantly Swedish population. They have been subject to special arrangements which, however, do not apply to all islands belonging to the state (such as in Denmark) nor do they necessarily constitute any special island privilege (such as in Italy). Achieving settlements in the cases above was anything but free of conflict; they have, however, turned out to be predominantly stable. Yet in nearly all of these cases, we are dealing with law-governed democratic states.

This, however, is not to say that centrifugal effects emanate from all islands per se; Hawaii and Puerto Rico as well as other American “insular areas” demonstrate the contrary. And Indonesia, with its 17,500 islands, and the Philippines, with their 7100 islands, would also hardly be able to survive on such premises. Measured against this rule, ethno-territorial conflicts in these two countries are scarce: in Indonesia, the criteria of territorial separation is only fulfilled in West Papua as well as in Mindanao in the Philippines. The two other conflict regions, Aceh on the island of Sumatra and East Timor, constitute territorial sub-units. The situation in these two places has proven to be far less peaceful, though the roots of the conflicts trace back to the years of respective dictatorships.

### **3.2.3 Economic Opportunities Versus Economic Costs**

The fact that economic factors influence both the readiness to enter into conflict as well as the chances for its containment is indisputable. Various aspects play a role in this regard, and the cases under investigation here do not provide a clear picture. The significant factors include the level of economic development (measured as gross domestic product, GDP) as well as its relative distribution within the state and, connected to this, the economic growth rates and prospects of development. These aspects likewise play a central role in research on civil wars. According to the predominant view, political conditions prove to be considerably less stable in countries with a low GDP per capita compared to more advanced countries, demonstrating a positive correlation between the level of development and the effectiveness of political institutions.<sup>3</sup> Additionally, poorer states have less resources to distribute, a lower level of income and lower economic growth rates, all of which decrease the opportunity costs—based on rational choice—of the rebels and increase the chances for recruitment among the pauperized unemployed (Collier and Hoeffer 2002). Here, Kosovo and Chechnya may serve as examples from our sample.

Pointing in a similar direction is the observation that the likelihood of conflicts between ethnic groups decreases and that of cooperative conflict resolution

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<sup>3</sup>See Hegre (2003). In this context, Collier has identified an income threshold of USD 2700 and an inverse effect on democratic and authoritarian systems: above this threshold, stable democracies are able to form and authoritarian regimes find themselves under social pressures. Below this threshold, however, the effect of real incomes is opposite (Collier 2009; Collier and Rohner 2008).

increases given the absence of pronounced socio-economic disparities between them (Schneckener 2002, pp. 309, 452). This is based on the assumption that there is less demand for redistribution under such conditions. This criterion is all the more pertinent since economic nationalism and the expectation of faring better on one's own are among the most virulent sources of separatism. This applies to the economically stronger as well as the weaker side in equal measure: while the former wishes to eschew redistribution, the latter seeks to place the blame for its misery on the others—and both sides possess significant and proven potential for mobilization.<sup>4</sup> The breakup of the Soviet Union, Yugoslavia and Czechoslovakia were primarily driven and directed by this kind of expectations. In Yugoslavia, the per capita income of Slovenia was six times higher than in Kosovo. Currently, the example of Cyprus demonstrates how socio-economic inequality between the parties to the conflict proves detrimental to a political settlement. One of the central reasons why the Annan Plan and all subsequent efforts failed lies in the lack of willingness among Greek Cypriots to share their political power with the considerably poorer Turkish Cypriots.

One especially sensitive issue has to do with changing fortunes which have, time and again, proven to be explosive, especially when economic parameters within an existing ethno-territorial conflict area shift. The separatism of the Flemish in Belgium is nourished by the fact that they are now in a much better economic position than the Walloons who today occupy regions marked by deindustrialization. Previously, their flourishing coal and steel industries allowed the Walloons to set the tone for the country and to dominate their mostly agrarian Flemish compatriots. Yet, such inversion can also have a different effect. Outside of its three small cities, South Tyrol used to primarily be inhabited by poor mountain farmers trying to eke out a living on the barren slopes. Since then, and thanks to subsidies from Rome and the EU as well as a boost in tourism, the province is among the richest in all of Italy and also free of debt. In conjunction with its far-reaching democratic self-rule, this has likely significantly contributed to the peaceful settlement of the former conflict. Such achievements do, however, become critical when transfer demands for poorer parts of the country are derived

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<sup>4</sup>This constellation illustrates the debate on “greed” and “grievances” as sources of conflict. While Ted Gurr (1993) cites grievances, Collier and Hoeffler (2002) emphasize greed and – keeping with the utility maximization of rebels – refer to the prospect of benefits to be drawn from raw materials as well as the operational possibilities and restrictions held by potential rebels (which they dress in a so-called “feasibility hypothesis”, Collier et al. 2006).

from them—which is even a point of contention in consolidated federations such as the Federal Republic of Germany.

The economic importance of the conflict area in question, such as its richness in natural resources or raw materials, has an equally great impact. Numerous examples can be identified in which demands for secession or autonomy are fanned based on the intention of wanting to exclusively exploit “their own” resources, which, in turn, motivates opposition on the part of the central government out of fear of losing lucrative sources of income. Moreover, civil war research has pointed out that the size as well as the portion of oil-based income in relation to the national economy is significant sources of political instability and that they influence the intensity of social conflict (Mansfield and Snyder 2008). Both of these factors are also illustrated in the cases we investigate here.

Greenland is a classic example of this. Though its conflict with Denmark concerned more than just fishing rights, these have led to a peculiar situation in which, though Greenland did not resign from the Kingdom of Denmark, it did exit from the EEC/EU in 1982 in order to keep their fishing fleets out of its own coastal waters (thereby allowing Greenland to export the fish it catches to Europe on its own). In a further step, Greenland also succeeded in securing complete control over its natural resources. Denmark had originally guaranteed these through the first autonomy statute, which designated Greenland as a “distinct community” within Denmark. Following a referendum in 2008 addressing a law for expanding its self-administration, full control and ownership of the natural resources went to Greenland.<sup>5</sup> The oil reserves located off the coast of Scotland played a similar role in the Scottish independence referendum.

Economic considerations are not only of central importance in the analysis of the causes of the conflict, but also in regards to peace-building. In cases in which long-running civil wars have led to the destruction of a country’s material basis, reconstruction becomes a pre-condition for ensuring stable peace (Crocker and Hampson 1996; Woodward 2002). This includes the rebuilding of infrastructure as well as economic revitalization, both of which serve to provide the population with positive perspectives for the future as well as to overcome the war-time economy. Furthermore, what is also required is sufficient financial underpinning of respective peace treaties, including those furnished by foreign donors, and the establishment of a stable economic basis in the long term (Woodward 2002, p. 185; Harris 1999, p. 117). The Stability Pact for South Eastern Europe from

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<sup>5</sup>The considerable subsidies being provided to Greenland from the EU and, even more so, from Denmark have tempered further secessionist ambitions for the time being.

1999 to 2008 is a classic example of this, albeit one that was singularly well-equipped from the EU, and it made an important contribution to bringing peace to the Balkans. Financial transfers from the EU and the Irish diaspora, primarily in the United States, played a helping role in deescalating the conflict in Northern Ireland; South Tyrol likewise benefited from EU support—as opposed to North and East Tyrol, since Austria only joined the EU in 1995.

### 3.2.4 The Ambivalence of Political Regimes

The character of the political regime is understood to assume an ambivalent role, both in terms of risks to stability and conflict and in terms of the prospects for achieving peaceful settlements. On the one hand, the finding holds true that democracies facilitate peaceful conflict settlements while authoritarian regimes are less likely to do so. This is even purported for cases in which civil war breaks out in a democracy: yet even in these cases, conflicts tend to be resolved faster and more sustainably. Among our case studies, the examples of Northern Ireland and Cyprus only support this finding in part, while Quebec and South Tyrol as well as the Danish overseas territories (Greenland, the Faroe Islands) and the Åland Islands demonstrate the potential for peaceful democratic resolutions without previous escalations in violence. This positive assessment is justified on the grounds that democracies are said to exhibit a political culture of peaceful conflict resolution and compromise and they have more experience in balancing differing interests (Hartzell et al. 2001, p. 189; Walter 2002, pp. 10–11). This culminates in the conclusion that: “the more democratic a state, the more likely the government will be to negotiate a settlement to war” (Walter 2002, p. 11).

While models for compromise may also be found in states under authoritarian regimes, these compromises often only exist on paper; the gap between entitlements and reality is great since the loss of control is anathema to such regimes. A vast number of autonomy provisions do, in fact, bear witness to this. The People’s Republic of China, for example, has an elaborate system of autonomy arrangements in place, but these are hardly ever applied in practice. Tibet is one particularly blatant example in this regard. Here, the “17 Point Agreement on Measures for the Peaceful Liberation of Tibet”, adopted in 1951, along with the autonomy statute of 1984 meant to guarantee the constitutionally granted minority rights (Art. 4 of the constitution of PR China). In reality, however, these are used by the central government as instruments for carrying out strict authoritarian

control over the autonomous region. It is therefore no wonder that the Tibetans have repeatedly sought a revision of the autonomy arrangements, leading to violent protests in 1959, at the end of the 1980s and again in 2008. The autonomy arrangements for the Kurds in Iraq have turned out not much different, as mentioned above.

In contrast to these positive effects offered by democracy, semi-democratic regimes and states undergoing processes of democratization prove to be particularly prone to conflict, even when compared to authoritarian regimes. Studies on “civil democratic peace” purport that the likelihood of civil war is four times higher in such “intermediate regimes” when compared to “consistent democracies” or autocracies (Hegre et al. 2001, p. 38; see also Regan and Norton 2005). The reason for this is that semi-democracies are “partly open yet somewhat repressive, a combination that invites protest, rebellion, and other forms of civil violence. Repression leads to grievances that induce groups to take action, and openness allows for them to organize and engage in activities against the regime. Such institutional contradictions imply a level of political incoherence, which is linked to civil conflict.”<sup>6</sup>

In this context, both the ideology of nationalism and the *ethnos*—akin to the twin brother of *demos* which has been raised to the status of the democratic sovereign—assume a key role as resources for mobilization. The weakening of central state power in the transition from an authoritarian to a democratic order amplifies the risks involved. Initially, rudimentary democratic institutions may not be able to integrate opposing interests, political parties remain weak and attempts at voting fraud are common practice. These put in place practically ideal conditions for the emergence of nationalism as a universally applicable ideology—not because war would be popular but rather because domestic political pressure creates incentives for the elite to promote nationalist sentiment and thereby mobilize the support of the masses. The civil war in former Yugoslavia as well as the dissolution of the Soviet Union are cases in point in which previously settled or “discontinued” ethno-territorial conflicts arose in the aftermath of the breakdown of the authoritarian order and ultimately triggered state collapse.

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<sup>6</sup>Hegre (2003, p. 33). By contrast, democracies are less repressive and open up possibilities for organized transfers of power, raising the costs of resorting to violence and thereby reducing incentives to do so. Moreover, checks and balances institutionally limit the scope of actions the political elite is able to take and, as such, the use of violence as well. See also Mansfield and Snyder (2008).

These contradictory findings beg the question as to whether democratization should be an integral component of ethno-territorial conflict resolution. While some studies have arrived at the conclusion that democratization helps stabilize such settlements (Gurses et al. 2008; Mukherjee 2006), others see no connection between the two and refer to the aforementioned risks involved in such transformation processes (Derouen et al. 2009; Fortna 2008; Jarstad and Sisk 2008). However, the question then remains as to which plausible alternatives could exist (Gromes 2012, pp. 290–293).

### **3.2.5 The Ethnic Composition**

Three structural factors which characterize the relation between a majority and a minority within a state have garnered attention in analyses of the roots of conflicts and their containment, namely: 1) whether compact settlements of ethnic minorities exist or if the various ethnic groups are distributed across the entire state; 2) the ethnic homogeneity or heterogeneity in the disputed areas; and 3) the quantitative relation between the majority and the minority group(s) throughout the state territory (Wolff 2011, p. 179).

In principle, ethnically compact settlements are a resolatory condition for secession conflicts while ethnic heterogeneity within such disputed territories is a source of long-lasting struggles. In consideration of the third dimension pertaining to the relation in numbers throughout the state, two competing interpretations exist: One holds that equal numbers between the various ethnic groups assume a stabilizing function, whereas the other points to a clear prevalence of the majority group. Allegedly, this renders it easier for the majority to grant minority rights, since such concessions do not pose a threat to their own majority position. On the other hand, in the case of balanced relations, equality in negotiating power is said to force the parties to compromise, provided that the integrity of the common state is not put into doubt (Schneckener 2002, pp. 308–309).

Belgium and Bosnia-Herzegovina are examples of the (fragile) balance among two, or even three, constitutive population groups who today live in relatively compact settlement areas in a common state. Whereas the Åland Islands as well as the Faroe Islands and Greenland are, on the other hand, prototypes of compact peripheral areas of ethnic minorities, the same does not apply to Quebec since this province is situated in the middle of the Canadian state territory and is also home to a significant English-speaking minority. Cyprus and Bosnia experienced

radical ethnic cleansings, the outcomes of which led to the establishment of compact settlement areas.<sup>7</sup>

In these constellations, ethnic changes can trigger conflicts—similar to economic factors—when, for example, immigration generates fears of being outvoted. This is happening in Cyprus through the arrival of settlers from the Turkish mainland, which has significantly impaired negotiations over territorial status. In South Tyrol, this occurred on account of industrialization, first driven by Italian fascism and then by the governing Christian Democrats in Rome, which is connected to the influx of Italian-speaking citizens. In order to control or prevent such ethnic displacement, the Åland Islands, for example, adopted strict immigration rules, which represent an often demanded yet rarely accepted minority privilege. In South Tyrol, a language provision in the autonomy statute is meant to hinder the progress of Italianization.

Superordinate loyalties as well as dual identities or cross-cutting cleavages between the various population groups within a state are all effective barriers that have been put in place against nationalistic mobilization. With this in mind, Seymour Lipset (1960, p. 92) summarized “Democracy needs cleavages within linguistic or religious groups, not between them”. The fact that its language and religious borders are not identical but rather traverse one another is one of the reasons why linguistic peace has never been at risk in multi-lingual Switzerland. The same may occur when loyalty to the common state is greater than loyalty towards one’s own ethnic group—because, for example, the state is providing (social) services for which the clan or, as an extension thereof, the ethnic group is itself actually responsible. Joint symbols, ideals, memories and values function in a similar vein (Schneckener 2002, p. 311).

### 3.2.6 Violence as an Obstacle to Agreement

Arriving at a peace agreement proves to be exceptionally difficult when an ethno-territorial conflict has been subject to violence; in Kosovo and in Bosnia-Herzegovina, such agreement was first achieved after a massive external military

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<sup>7</sup>Beyond this, there are two additional compositions: an ethnic group may be in the minority both within the disputed area as well as within the overall state (Corsica, Abkhazia and the Danish minority in Germany); at the same time, a balanced relation may prevail in the disputed area, such as in the case of Tatarstan. Finally, stark ethnic fragmentation within the population of the conflict area may also exist, as in the autonomous province of Papua, for the Canada Inuit or in the Brčko district.

intervention, and, in Sri Lanka, following a brutal victory on the part of the central government over the Tamil LTTE. Moreover, such peace agreements achieved after civil wars often prove to be unstable: according to Paul Collier, nearly half fail within the first ten years alone.<sup>8</sup>

In this context, the probability of a renewed civil war rises in proportion with the degree of violence and number of victims, which has been overwhelmingly confirmed by the relevant studies.<sup>9</sup> This is plausible insofar as the brutality of a civil war augments the cleft between the conflict parties to such a degree that they can no longer be convinced of living in a common state together (particularly when this state intends, or is meant, to establish a democratic order through peace-building). However, along with Collier, one could at the same time argue that attrition on the part of one or both of the parties to the conflict reduces both the predilection as well as the ability to enter into a new armed struggle (Collier 2000, p. 8).

These findings prove to be valid regardless of the power relations between the conflict parties and regardless of whether the civil war was terminated on account of the victory of one party or through a compromise that entailed giving up on the complete implementation of one's own objectives. This distinction has also led to a lively debate as to whether victories or peace agreements prove to be more stable, but the relevant literature has not managed to provide significant findings.<sup>10</sup>

### 3.2.7 The Timing of Negotiations

Along with the structural preconditions and the concrete objects of negotiation, another aspect has also entered into the debate on successful conflict resolution: timing. In this context, William Zartman (1985/1989) coined the term “ripe

<sup>8</sup>Collier and Hoeffler (2002, p. 17). Other researchers have arrived at less pessimistic findings: for the period from 1940 to 2000, Toft identifies relapse rates of between 13%, in the case of military victories, and 33%, in the case of ceasefires (Toft 2010a, p. 9).

<sup>9</sup>See the literature report in Gromes (2012); Toft (2010b).

<sup>10</sup>Vgl. Gromes (2012). An analysis of 27 violent ethnic conflicts resolved between 1944 and 1994, found that 16 of the cases, or 59%, ended either in a military victory or in a partition that stemmed from a military victory (Kaufmann 1996). A typical military victory was achieved in Nigeria, where the government crushed the efforts of the Ibo minority to create the separate state of Biafra in the late 1960s; a prominent example of partition occurred in 1971, when the ethnic Bengalis backed by India created the separate state of Bangladesh in a war against (West-) Pakistan.

moment”. This point is given when the parties to the conflict find themselves in a “mutually hurting stalemate” (Zartman 2001). Characteristic of this situation is that the costs of the stalemate—in full accordance with the cost-benefit logic of rational choice—are evaluated to be unacceptably high and additional escalations in the conflict are not expected to ensure victory. Other possible considerations are that the costs involved in undertaking further efforts are measurable yet deemed to be too great or, additionally, that a military balance will impair the expectation to ultimately prevail (Walter 2002, S. 9). Another condition is that there must be a “way out”, not necessarily as a concrete settlement to the conflict, but at least as a visible willingness to enter into negotiations (Zartman 2001).

Bosnia-Herzegovina is one frequently referenced example here. The settlement of this conflict is said to have arisen out of a stalemate, as the conflict parties were only able to gain control of one respective part of the state territory. By the time NATO intervened, both sides were forced to accept the fact that neither was in a position to achieve a unilateral victory. The Dayton Agreement from 1995 was the result of this and has held until the present day. The peace accords in South Sudan and Lebanon have been interpreted in the same way.

Even if the balancing argument indicates that objective factors play a role in defining the “ripe moment”, perceptions prove to be the decisive factor. However, as these are often (irrationally) distorted, especially in conflict situations, the result turns out to be everything other than predictable or calculable. In most civil wars, the “ripe moment” has in fact tended to manifest itself ex post only, while the concept’s ability to deliver a prognosis leaves much to be desired. Since the majority of civil wars are accompanied by enduring internal and external attempts to peacefully resolve them, it is hardly surprising when in the end one of these ultimately proves successful. This is also demonstrated through the cases under investigation here: under closer consideration, it is hard to identify a “ripe moment” neither for initiating negotiations in the civil wars nor for their success. In Bosnia and Herzegovina and in Kosovo, for instance, this moment in no way came to mature on its own, but was rather made possible through the military intervention by NATO.

### **3.2.8 Modes of Negotiation**

Timing is also fundamentally influenced by whether the conflict settlement is supposed to be achieved with all parties to the conflict, involving the respective radical elements, or only between the powers willing to compromise. Research has shown that inclusive settlements are more stable (Ohlson and Söderberg

2002; Hampson 1996, p. 217; Licklider 2001, p. 701; Rubin 2002, p. 100). This comes as no surprise, but requires that an agreement will be reached under such conditions, which is in no way guaranteed.

The crux of the problem lies in how the so-called spoilers are handled—political powers which aspire to torpedo the peace process or peace settlement for any number of reasons. These can assume various forms. Stephan Stedman (1997, pp. 10–11) distinguishes between “inside spoilers” and “outside spoilers”, the first of which agree to conflict resolutions in principle yet fail to implement them or even seek to undermine them in practice while the latter distance themselves from the negotiating process from the very beginning and tend to fight against it. Additionally, he differentiates “limited spoilers”, which exclusively focus on particular objectives, from “total spoilers”, which are not open to any form of compromise, as well as “greedy spoilers”, whose relation to the conflict settlement are shaped by egoistic cost-benefit calculations. Stedman (1997, p. 14 ff.) follows this analysis with differentiated strategies: while the total spoiler is to be completely excluded, the limited and the greedy spoilers are to be approached with certain incentives, provided that these are compatible with the conflict resolution; otherwise, pressure ought to be applied.

This distinction suggests, moreover, that in certain constellations it may not be advisable to involve all parties to the conflict in a negotiation process. Assuming that the preferences even of total spoilers may shift over time, it has been suggested to gradually involve those powers which initially stand opposed to a consensual settlement. As the existence of relevant opponents generally poses a risk to an agreement over time, it is necessary to successively neutralize them (Schneckener 2002).

Other authors have pointed to additional conditions for successful negotiations. Especially in ethno-territorial conflicts marked by issues of identity, the specific requirements of the parties to the conflict—or, more precisely, their chances of survival and claims for status, legitimacy and their cultural and political rights—must be appropriately incorporated into the agreement (Pearson 2001, p. 278). In other words, the conflict parties must credibly acknowledge and institutionally guarantee their mutual demands and rights within the common state as well as their respective identities. Furthermore, the conflict parties must make efforts to resolutely and completely implement the targeted agreement, which includes exhibiting the willingness to remain flexible in adjusting the regulations when these have shown themselves to be dysfunctional (Beardsley 2008; Werner 1999; Werner and Yuen 2005). Concurrently, this demands a minimum degree of trust on both sides. Finally, the negotiators must possess sufficient authority to be able to assert themselves in the face of (unavoidable) critique and to prevent

critics from mobilizing supporters which can pose a danger to the process. Such a degree of autonomy is generally assumed of authoritarian regimes in which the decision-making processes are short and the opportunities for organizing protests and opposition limited. However, conflicts of this sort often serve as a source of legitimacy for such regimes.

### **3.2.9 Arbitration, Mediation, Facilitation—External Actors in the Negotiation Process**

In most cases, ethno-territorial conflicts in individual states also affect the neighboring states and, in the event of violent escalation, they concern the international community as well. This can, for one, be due to the fact that neighboring states take their security to be under threat or, inversely, that they seek to draw strategic benefits from the destabilization of the state in question. In most cases, however, neighboring states are impacted because the disputed ethnic groups live in more than one country, such as the Albanians or the Kurds, a circumstance which directly involves such states in the conflict. Consequently, the initiation and the sustainability of conflict settlements are significantly affected by whether they are supported or torpedoed by the external environment.

So-called patron states have, in the past, often played an equally crucial, as well as questionable, role in the negotiation process, as “the biggest potential liability (yet source of possible leverage) in managing spoilers is [other] states that are patrons of the spoiler” (Stedman 1997, p. 16). Just as Turkey or Greece in the Cyprus conflict, such an ambivalent role has been ascribed to the Soviet Union in most post-Soviet conflicts. In this regard, Bercovitch (2005, p. 108) has also highlighted that patron states impede the mediation process by creating an asymmetry between the conflict parties.

This notwithstanding, external actors—from involved states, to regional and global powers, to regional and international organizations and NGOs—have contributed to peaceful resolutions in numerous conflicts. Mark Hoffmann (1992, pp. 263–264) distinguishes between three types of external influences: arbitration, mediation and facilitation. In the case of arbitration, external actors take decisions alone that are binding for all involved parties, as is classically the case in legal disputes; however, this has limited applicability for ethno-territorial conflicts. Mediation is certainly the most common case through which external actors seek to influence the parties to the conflict and likewise also exert pressure, such as in the form of frequently imposed sanctions and the suspension of arms deliveries. The Dayton negotiations regarding Bosnia-Herzegovina are a classic example

of this. Facilitation represents the weakest form, as external parties merely offer their good services aimed at bringing the conflict parties to the table. In violent conflicts, facilitation generally marks the first step of external intervention, yet it is seldom capable of breaking the spiral of violence. On the other hand, facilitation best guarantees that the required ownership of the conflict settlement is observed. This is necessary as external imposition will only be able to survive when it is accompanied by significant and, as a rule, military engagement, as illustrated by the Balkan wars.

Along with these three roles which external actors may assume when initiating and implementing conflict settlements, they are also often forced to fulfill a function which they cannot avoid: serving as a guarantor for an agreement in which they were involved. This guarantee must be credible, yet it can also proceed with varying levels of intensity: at times materially, such as the stationing of peace-keeping troops in Bosnia and East Timor, or through contractual obligations, such as in the Good Friday Agreement in Northern Ireland. This involves neutralizing the precarious “security dilemma” faced by the conflict parties and initiating a confidence-building process, without which any form of demilitarization should fail (Stedman 1997, p. 9). One precondition here is sufficient confidence between the conflict parties and the mediators, which generally depends on the neutrality and the fairness of the latter (Hoffmann and Bercovitch 2011, p. 402).

In this capacity, external parties are ascribed a positive and, at times, indispensable influence on resolving the ethno-territorial conflict. There does, however, also exist a flip side to this: this manifests in the asymmetry between the mediator and the conflict parties, rendering it easy for the former to unilaterally leave its mark on the settlement—at times in disregard for local demands, traditions and interests.<sup>11</sup> Added to this is the classic Western conflict resolution agenda, namely democratization, which, in the presence of only nascent preconditions, often culminates in the mere simulation of democratic practices (Bliesemann de Guevara and Kühn 2010).<sup>12</sup>

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<sup>11</sup>“While external mediators often have long-standing experience in conflict management and can draw on a wide range of settlement mechanisms from other negotiations they were involved with or know of, the ‘lessons’ learned there may not be directly or easily transferable to another conflict situation. Local parties often lack such wide comparative knowledge, but have a better, if at times biased, understanding of the specific local context of their conflict” (Wolff 2011, p. 183).

<sup>12</sup>With a rather sarcastic tone, David Chandler (2010, p. 40–41) remarks that by arguing that other societies are simply “not ready for liberal frameworks of governance”, they transform the shortcomings of the former (practices of liberal state-building) to a shortcoming of the recipient of intervention, thus still reproducing those states as the “spoiler” of successful state-building practices.

The outlines of the conditions that must be considered when analyzing the character of ethno-territorial conflicts and the prospects for successfully resolving them demonstrate the complexity and the interdependencies of the many factors. It is neither possible to derive general lessons from this nor blueprints for successful conflict resolution. The determinants do, however, sharpen our view, structure the analysis of conflict processes, and allow us to more precisely determine which conflict strategies prove to be more promising than others and under which premises. In this regard, the findings from the conflict mapping outlined here are also highly relevant for the conflict in Nagorno-Karabakh. This will be presented in further detail in the concluding chapter of the volume.

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## References

- Beardsley, Kyle. 2008. Agreement without peace? International mediation and time inconsistency problems. *American Journal of Political Science* 52 (4):723–740.
- Bercovitch, Jacob. 2005. Mediation in the most resistant cases. In *Grasping the nettle. Analyzing cases of intractable conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, 99–121. Washington D.C.: United States Institute of Peace Press.
- Bliesemann de Guevara, Berit, and Florian Kühn. 2010. *Illusion Statebuilding. Warum der westliche Staat sich so schwer exportieren lässt*. Hamburg: Körber-Stiftung.
- Chandler, David. 2010. *International statebuilding. The rise of post-liberal governance*. London: Routledge.
- Collier, Paul. 2000. *Policy for post-conflict societies: Reducing the risks of renewed conflict*. Washington: The World Bank. <http://documents.worldbank.org/curated/en/499851468762015290/pdf/28135.pdf>.
- Collier, Paul. 2009. *Wars, guns, and votes. Democracy in dangerous places*. New York: Harper Collins.
- Collier, Paul, and Anke Hoeffler. 2002. *Greed and grievance in civil war*. Policy Research Working Paper Series No. 2355, The World Bank, Washington. <http://documents.worldbank.org/curated/en/359271468739530199/pdf/multi-page.pdf>.
- Collier, Paul, and Dominic Rohner. 2008. Democracy, development and conflict. *Journal of the European Economic Association* 6 (2–3):531–540.
- Collier, Paul, Anke Hoeffler, and Dominic Rohner. 2006. *Beyond greed and Grievance: Feasibility and civil war*. Centre for the Study of African Economies, CSAE WPS/2006–2010, University of Oxford.
- Crocker, Chester, and Fen Osler Hampson. 1996. Making peace settlements work. *Foreign Policy* 104:54–71.
- Derouen, Karl J., Jenna Lea, and Peter Wallensteen. 2009. The duration of civil war peace agreements. *Conflict Management and Peace Science* 26 (4):367–387.
- Dietrich, Frank. 2010. *Sezession und Demokratie. Eine philosophische Untersuchung*. Berlin: De Gruyter.
- Downes, Alexander B. 2004. The problem with negotiated settlements to end ethnic war. *Security Studies* 13 (4):230–279.

- Fisch, Jörg. 2010. *Das Selbstbestimmungsrecht der Völker. Die Domestizierung einer Illusion.* Munich: Beck.
- Fortna, Virginia Page. 2008. *Does peacekeeping work? Shaping Belligerents' choices after civil war.* Princeton: Princeton University Press.
- Gromes, Thorsten. 2012. Der Rückfall in den Bürgerkrieg. *Zeitschrift für Friedens- und Konfliktforschung* 1 (2):275–306.
- Gurr, Ted Robert. 1993. Why Minorities Rebel: A Global Analysis of Communal Mobilization and Conflict Since 1945. In *International Political Science Review* 14 (2): 161–201.
- Gurses, Mehmet, Nicolas Rost, and Patrick McLeod. 2008. Mediating civil war settlements and the duration of peace. *International Interactions* 34 (2):129–155.
- Hale, Henry E. 2000. The parade of sovereignties: Testing theories of secession in the Soviet setting. *British Journal of Political Science* 30 (1):31–56.
- Hampson, Fen Osler. 1996. *Nurturing peace: Why peace settlements succeed or fail.* Washington D.C.: United States Institute of Peace Press.
- Harris, Geoff. 1999. Peacebuilding and reconstruction after war in developing countries. *The Journal of Interdisciplinary Economics* 10 (2):107–122.
- Hartzell, Caroline, Matthew Hoddie, and Donald Rothchild. 2001. Stabilizing the peace after civil war: An investigation of some key variables. *International Organization* 55 (1):183–208.
- Hegre, Håvard. 2003. *Disentangling democracy and development as determinants of armed conflict.* Washington: The World Bank.
- Hegre, Håvard, Tanja Ellingsen, Scott Gates, and Nils Petter Gleditsch. 2001. Toward a democratic civil peace? Democracy, political change, and civil war, 1816–1992. *American Political Science Review* 95 (1):33–48.
- Hoffman, Evan, and Jacob Bercovitch. 2011. Examining structural components of peace agreements and their durability. *Conflict Resolution Quarterly* 28 (4):399–426.
- Hoffmann, Mark. 1992. Third-party mediation and conflict-resolution in the post-cold war world. In *Dilemmas of world politics: International issues in a changing world*, ed. John Baylis and N.J. Rengger, 261–286. Oxford: Clarendon.
- Horowitz, Donald L. 1985. *Ethnic groups in conflict.* Berkeley: University of California Press.
- Huter, Franz (ed.). 1965. *Südtirol. Eine Frage des europäischen Gewissens.* Munich: Verlag für Geschichte und Politik.
- Jarstad, Anna K., and Timothy D. Sisk (eds.). 2008. *From war to democracy: Dilemmas of peacebuilding.* Cambridge: Cambridge University Press.
- Johnson, Carter. 2008. Partitioning for peace: Sovereignty, demography, and ethnic civil wars. *International Security* 32 (4):140–169.
- Kaufmann, Chaim D. 1996. Possible and impossible solutions to ethnic civil wars. *International Security* 20 (4):136–175.
- Licklider, Roy. 2001. Obstacles to peace settlements. In *Turbulent peace: The challenges of managing international conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall. Washington D.C.: United States Institute of Peace.
- Lipset, Seymour Martin. 1960. *Political man: The social bases of politics.* New York: Anchor.
- Mansfield, Edward, and Jack Snyder. 2008. *Democratization and civil war.* Saltzman Working Paper No. 5, Columbia University, New York.

- Mukherjee, Bumba. 2006. Why political power-sharing agreements lead to enduring peaceful resolution of some civil wars, but not others? *International Studies Quarterly* 50 (2):479–504.
- Ohlson, Thomas, and Mimmi Söderberg. 2002. *From intra-state war to democratic peace in weak states*. Uppsala: Uppsala Peace Research Papers.
- Pearson, Frederic S. 2001. Dimensions of conflict resolution in ethnopolitical disputes. *Journal of Peace Research* 38 (3):275–287.
- Regan, Patrick M., and Daniel Norton. 2005. Greed, grievance and mobilization in civil wars. *Journal of Conflict Resolution* 49 (3):319–336.
- Rubin, Jeffrey. 2002. The actors in negotiations. In *International negotiations: Analysis, approaches, issues*, ed. Victor Kremenyuk, 97–109. San Francisco: Jossey-Bass.
- Saideman, Stephen M. 1998. Is Pandora's box half full or half-empty: The limited virulence of secessionism and the domestic sources of disintegration. In *International spread of ethnic conflict: Fear, diffusion, and escalation*, ed. David A. Lake, and Donald Rothchild, 127–150. Princeton: Princeton University Press.
- Sambanis, Nicholas, and Jonah Schulhofer-Wohl. 2009. What's in a line? Is partition a solution to civil war? *International Security* 34 (2):82–118.
- Schneckener, Ulrich. 2002. *Auswege aus dem Bürgerkrieg: Modelle zur Regulierung ethno-nationalistischer Konflikte in Europa*. Frankfurt a. M.: Suhrkamp.
- Stedman, Stephen J. 1996. Conflict and conciliation in Sub-Saharan Africa. In *The international dimensions of internal conflict*, ed. Michael E. Brown, 235–265. Cambridge: The MIT Press.
- Stedman, Stephen J. 1997. Spoiler problems in peace processes. *International Security* 22 (2):5–53.
- Toft, Monica D. 2010a. *Securing the peace. The durable settlement of civil wars*. Princeton: Princeton University Press.
- Toft, Monica D. 2010b. Ending civil wars. A case for rebel victory? *International Security* 34 (4):7–36.
- Walter, Barbara F. 2002. *Committing to peace. The successful settlement of civil wars*. Princeton: Princeton University Press.
- Werner, Suzanne. 1999. The precarious nature of peace: Resolving the issues, enforcing the settlement, and renegotiating the terms. *American Journal of Political Science* 43 (3):912–934.
- Werner, Suzanne, and Amy Yuen. 2005. Making and keeping peace. *International Organization* 59 (2):261–292.
- Wolff, Stefan. 2011. Managing ethno-national conflict: Towards an analytical framework. *Commonwealth and Comparative Politics* 49 (2):162–195.
- Woodward, Susan L. 2002. Economic priorities for successful implementation. In *Ending civil wars. The implementation of peace agreements*, ed. Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens. Boulder: Lynne Rienner.
- Zartman, I. William. 1989. *Ripe for resolution: Conflict and intervention in Africa*. Oxford: Oxford University Press. 1985.
- Zartman, I. William. 2001. The timing of peace initiatives: Hurting stalemates and ripe moments. *The Global Review of Ethnopolitics* 1 (1):8–18.

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**Part II**

**Case studies of ethno-territorial conflict  
settlement**



# Introduction to the Case Studies

4

Hans-Joachim Spanger

In selecting our case studies from a tableau of over 50 instances of ethno-territorial conflict settlement which have taken place since the times of the League of Nations, we did not adhere to any strict methodological research design. The cases are much too disparate and complex to allow for preliminary generalizations. No cases exist that can seamlessly be applied to settling the Nagorno-Karabakh conflict, while the sum of cases likewise does not lend itself to deriving general lessons. Nevertheless, this diversity presents us useful ideas and insights since hardly anything remains unaccounted for within the broad field of ethno-territorial conflict resolution. As such, our investigation does not pursue the goal of general findings. Rather, through a detailed presentation of the respective conflict conditions, of the progression of the conflicts, and of initiation and agreement on conflict settlements in the selected cases, we take advantage of the diverse empirical possibilities to gain in-depth insights which hold the promise of opening up new perspectives for the Nagorno-Karabakh conflict.

With this objective in mind, we have chosen eight case studies of ethno-territorial conflict settlements. In alphabetical order, these include: the Åland Islands (Finland), Bosnia and Herzegovina, Cyprus, Kosovo, Northern Ireland (United Kingdom), Quebec (Canada), South Tyrol (Italy) and Trieste (Italy and Yugoslavia). The commonality shared by these cases is that, as in Nagorno-Karabakh,

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they all took place in the northern hemisphere and most in Europe. They are well documented and readily accessible, which allowed the respective investigators to conduct extensive field and archive studies along with interviews in all countries. Moreover, a couple of the cases, namely Kosovo and South Tyrol, are among the most frequently cited reference cases for ethno-territorial conflict management of our time, albeit with differing political connotations. The same also applies for the Åland Islands: this territory has the longest-running autonomy settlement in place, which has persisted since the League of Nations era, minor adjustments notwithstanding. The Åland Islands are therefore evaluated as an exemplary sample case across academic literature.

The cases likewise exhibit similarities in regards to their structural and procedural characteristics; at the same time, contrasting cases are also respectively assigned to these:

- Sustainability: The conflict settlement has persisted for an extended period of time. The Åland Islands represent one paradigmatic example of this. Exceptions in this regard are: Cyprus, for which the status quo is internationally guaranteed yet all efforts at settling the conflict have failed; Kosovo, which first declared its independence in 2008, but still lacks complete recognition under international law; Trieste, in which the theory and the practice of conflict settlement were far removed from one another without, however, resulting in renewed conflict.
- Compromise between national sovereignty and self-determination: As has generally been the case in previous ethno-territorial conflicts, almost none of the cases considered here have seen a shift in national borders for ethnically motivated reasons. The exceptions to this are the successful secession of Kosovo and with reservations the case of Trieste.
- Geographic conditions: In most of the cases, the conflicts took place along the geographic boundaries of the states in question, namely in Kosovo, South Tyrol, Trieste and Northern Ireland. Two cases concerned even further remote islands (Åland and Cyprus), whereas one case concerned a region reaching far into the heartland (Quebec).
- Ethnic composition: Nearly all of the cases entail population groups which are a minority in the overall state but comprise the majority of the disputed territory where they reside and in which they mostly keep their homes in ethnically homogeneous settlement areas. In Cyprus and Bosnia-Herzegovina, this situation

- emerged through violence, and ever since Bosnia-Herzegovina gained its independence from Yugoslavia, it has hosted three population groups of similar size.
- Political regimes: In the majority of the cases, conflict settlement went hand in hand with a democratization of the political system. One exception here is the province of Quebec within democratically constituted Canada; democratic systems also existed in Northern Ireland and South Tyrol, though they were defective and temporarily suspended.
  - Historical precedents: Nearly all of the disputed territories addressed here never possessed an independent state in the past, and were, at most, surrogate entities such as the Duchy of Tyrol or Bosnia Eyâlet (a direct province of the Ottoman Empire from 1580–1865). One tentative exception is Cyprus, which ruled over a kingdom established by the Crusaders in 1192, prior to its incorporation within the Republic of Venice in 1489. This kingdom had, however, been subject to massive pressure from the Genoese and the Venetians since its inception and throughout the subsequent two centuries. The conflict in Northern Ireland is equally inconceivable without the dissolution of the Republic of Ireland from the English crown which progressed since 1922.
  - Violence: In most of the cases, the conflict settlements were preceded by disputes exhibiting greater or lesser degrees of violence, the bloodiest being that in the Balkans. The Åland Islands and Quebec remain the exceptions here, while the level of violence was relatively limited in South Tyrol, apart from the final phase of the Second World War, as well as in Northern Ireland.
  - External patronage: Influential patron states played a role in nearly all of the cases; these were involved in both the conflicts and their settlements, most notably in Cyprus, but also in Northern Ireland, South Tyrol and Trieste. If one looks beyond De Gaulle's grandiose rhetoric of "Vive le Québec libre", Quebec was not subject to any relevant international involvement.
  - External mediation: External actors exhibiting influence to varying degrees were significantly involved in conflict resolution, ranging up to massive military intervention by third parties as in the Balkans. The exceptional case here is again Quebec.
  - External engagement: Our portfolio of conflict settlements was subject to security guarantees by international organizations or by external actors. This was particularly the case in the Balkans and Trieste, while Quebec and to some extent the Åland Islands constitute the exceptions.

- Timing of negotiations: Prolonged negotiations were required in two cases (Northern Ireland and South Tyrol) before any agreement could be achieved; in one case (Cyprus), negotiations proved to be a failure and in another case (Quebec) their success was limited. In three of the cases, the necessary conditions for successful negotiations could only be achieved after external military intervention (Bosnia-Herzegovina, Kosovo, Trieste).
- Economic incentives: In a number of our cases, the prospect of economic benefits contributed to settlements being accepted, either by way of membership within the EU (Cyprus), prospective membership (the Balkans) or economic assistance from the EU (Northern Ireland, South Tyrol). This factor did not play a role in Trieste, Quebec or the Åland Islands.

On the basis of the conflict determinants which we systematically outlined in the previous chapter, the Table 4.1 presents an overview of the characteristics for the eight cases under investigation. We differentiate among structural and procedural factors under the influence factors column. We have included a second column that compiles key words of the possible lessons to be drawn for the Nagorno-Karabakh conflict.

**Table 4.1** Relevant factors in the case studies (authors own)

Selected cases	Influencing factors	Potential of the model/lessons to be learned
Åland Islands	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>• constructive international influence (esp. League of Nations);</li> <li>• positive role on the part of Sweden as patron state;</li> <li>• demilitarization and neutralization</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>• island location of peripheral economic significance;</li> <li>• ethnically homogenous;</li> <li>• absence of violence;</li> <li>• (semi-)democratic institutions;</li> <li>• large asymmetry in terms of geography and populations</li> </ul>	<ul style="list-style-type: none"> <li>• autonomy within Finland;</li> <li>• positive role of international actors and neighboring/ patron states; conflict without violence; demilitarization;</li> <li>• far-reaching autonomy including right of domicile (hembygdsrätt – home region rights)</li> </ul>

(continued)

**Table 4.1** (continued)

Selected cases	Influencing factors	Potential of the model/lessons to be learned
Bosnia and Herzegovina	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>international intervention and sustainable engagement (esp. NATO, USA and EU); effectiveness of international guarantees with robust military presence;</li> <li>involvement of Serbia and Croatia as patron states under international pressure; attractiveness of EU membership</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>civil war marked by extreme violence, yet without definitive victor;</li> <li>large-scale ethnic cleansing;</li> <li>balanced relative size of the three population groups</li> </ul>	<ul style="list-style-type: none"> <li>independence with special provisions for ethnic groups;</li> <li>central role of international actors and “power mediation” by the USA in particular;</li> <li>obligatory negotiation conclave with all conflict parties;</li> <li>effective international guarantees;</li> <li>no irredentist solution</li> </ul>
Cyprus	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>ineffectiveness of international guarantor powers;</li> <li>continuously negative role of Greece and Turkey as patron states</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>pronounced violence;</li> <li>ethnic cleansing;</li> <li>asymmetry in terms of geography and populations;</li> <li>historically charged;</li> <li>marked ethno-cultural differences;</li> <li>uneven economic development</li> </ul>	<ul style="list-style-type: none"> <li>unsettled division;</li> <li>design flaws in the original consociational model; insufficient or lacking “power mediation”;</li> <li>effective international peacekeeping; bi-national approach to conflict settlement</li> </ul>
Kosovo	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>massive international intervention (NATO and subsequently UN); attractiveness of EU membership</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>pronounced violence;</li> <li>ethnically relatively homogenous within Kosovo;</li> <li>little economic relevance and geographically remote;</li> <li>historically highly charged;</li> <li>stark asymmetry in terms of populations with respect to Serbia;</li> <li>ethno-cultural differences</li> </ul>	<ul style="list-style-type: none"> <li>conditional independence;</li> <li>effective international guarantees;</li> <li>ambivalent role of external actors;</li> <li>renunciation of violence; protection of minority rights;</li> <li>no irredentist solution</li> </ul>

(continued)

**Table 4.1** (continued)

Selected cases	Influencing factors	Potential of the model/lessons to be learned
Northern Ireland	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>constructive international influence/engagement (esp. EU and USA); active role of Ireland and Great Britain as patron states;</li> <li>prolonged settlement process (1969–1998)</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>relatively high degree of economic development;</li> <li>religious cleavage;</li> <li>low degree of ethничal differences; democratic institutions and political culture</li> </ul>	<ul style="list-style-type: none"> <li>special status within United Kingdom;</li> <li>constructive role of international actors and patron states within negotiation process</li> </ul>
Quebec	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>no international engagement;</li> <li>prolonged on-and-off settlement process (1963–1995)</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>negligible level of violence;</li> <li>high level of economic development;</li> <li>geographically not peripheral;</li> <li>ethnically mixed, with French-speaking majority;</li> <li>democratic institutions and political culture</li> </ul>	<ul style="list-style-type: none"> <li>some special provisions;</li> <li>resolution of the linguistic issue on the basis of bilingual approach;</li> <li>agreement on and through popular referendum</li> </ul>
South Tyrol	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>status internationally determined and constructive international influence (esp. EU and UN);</li> <li>by and large positive role of Austria as patron state;</li> <li>intermittent efforts by Italy to change ethnic composition;</li> <li>prolonged settlement process (1946–1992)</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>low level of violence post-1945;</li> <li>increasing (i.e., initially little) economic relevance;</li> <li>compact German settlements with constant Italian influx in urban areas;</li> <li>located in a border area;</li> <li>currently relatively high level of economic development;</li> <li>linguistic difference but common religion</li> </ul>	<ul style="list-style-type: none"> <li>far-reaching autonomy within Italy;</li> <li>clear international guidelines by victorious powers in WWI and WWII;</li> <li>positive role of international actors and patron state;</li> <li>direct negotiations; progressive implementation of conflict settlement</li> </ul>

(continued)

**Table 4.1** (continued)

Selected cases	Influencing factors	Potential of the model/lessons to be learned
Trieste	<p><i>Procedural factors:</i></p> <ul style="list-style-type: none"> <li>• international octroy (esp. USA and UN);</li> </ul> <p><i>Structural factors:</i></p> <ul style="list-style-type: none"> <li>• limited violence post-1945;</li> <li>• economically and logically attractive in spite of peripheral location;</li> <li>• ethnically predominantly Italian;</li> <li>• high degree of asymmetry in terms of geography and populations with respect to neighboring states</li> </ul>	<ul style="list-style-type: none"> <li>• transitory UN mandate;</li> <li>• clear international guidelines;</li> <li>• positive role of international actors;</li> <li>• coming to terms with history</li> </ul>



# Åland: A Precedent for Internationally Safeguarded Autonomy

5

Egbert Jahn

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## 5.1 Introduction: The Subject of the Conflict Regulation and the Actors Involved

For many contested inner- and interstate issues, the subject of dispute is a conflict between the principle enshrined in international law of the territorial integrity of sovereign states and the right to self-determination by peoples.<sup>1</sup> This has been a key political theme since the American and French revolutions as in international law since the ratification of the Charter of the United Nations in 1945.<sup>2</sup> The Åland conflict is regarded as the first conflict “in which the states involved cited the principles of self-determination and territorial integrity, and regarding which an international commission of international lawyers expressed an opinion in

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<sup>1</sup>The Charter of the United Nations includes among its goals the creation of friendly relations between the nations, based on the respect for the basic principle of equal rights and self-determination of peoples (Article 1, clause 2). In order to pursue its goals, the members of the UN should “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state” (Article 2, clause 4).

<sup>2</sup>There are considerable controversies in international jurisprudence and in politics regarding the precise legal character of the right to self-determination, in particular regarding the bearer of this right, the people or the nation (Fisch 2011). However, the older literature is also of importance, e.g., Thürer (1976); Heidelmeyer (1973); Sureda (1973); Rabl (1973); Decker (1955).

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**Fig. 5.1** Åland Islands in a regional context. (© [freeworldmaps.net](http://freeworldmaps.net), Source Finland Physical Map. [www.freeworldmaps.net/europe/finland/finland-physical-map.jpg](http://www.freeworldmaps.net/europe/finland/finland-physical-map.jpg))

relation to a solution to the conflict" (Mack 1993, p. 137). Far-reaching autonomy was created for Åland as one of 19 regions (*Maakunta*) of Finland, which was both internationally guaranteed by the League of Nations and legally anchored in the constitution and in a self-administration law in Finland. The regulation of the conflict was so satisfactory for all those involved that the League of Nations never once had to deal with a complaint (Gütermann 1979, p. 30, note 51).

The Åland Islands (see Fig. 5.1) at the mouth of the Gulf of Bothnia in the Baltic Sea are a complex of over 6700 islands covering an overall area of 1552 km<sup>2</sup>. Its population of 28,502 (2012) inhabits 60 of these islands (Åland in Figures 2013, p. 3). The main island, *Fasta Åland* (Finnish *Manner-Ahvenanmaa*) is home to 90% of these inhabitants, almost half of whom live in the capital, *Mariehamn/Maarianhamina*. It lies approx. 40 km off the coast of Sweden, and 100 km from the Finnish mainland, although only 15 km separate the east of the archipelago from the coast of Finland. The Åland Islands only constitute a small part of Finland, which is almost as large as Germany with an area of 338,000 km<sup>2</sup>, but with a population of only 5.4 million. By contrast, Sweden has a population of 9.5 million, and covers an area of 450,000 km<sup>2</sup>.

The islands, which are predominantly populated by ethnic Swedes (89.1%) and a small number of Finns (4.8%), enjoy extensive autonomy. Today, Åland's autonomy is not seriously disputed either in Finland or in Sweden (Åland in Figures 2013, p. 4), but it was established only after severe political disputes between the two states that also included military threats. According to a treaty of 20 October 1921 signed by ten states (including Germany, but without Soviet Russia), the Åland Islands were demilitarised and neutralised, and were placed under the protection of the League of Nations. The Soviet Union did not sign an agreement regarding the demilitarisation of the Åland Islands until after the Winter War with Finland in 1940.<sup>3</sup>

The autonomy of Åland and the official dual language policy of Finland were an exception in the reconstitution of the twelve at least nominal nation states in Europe following the First World War. All new states—including those that had been re-established (Poland) or extended (Serbia, Romania)—that were borne by a national majority insisted on a unitary state with just one national language. Only in the case of the Czechoslovak and the later so-called Yugoslav (ethno) nations that were officially recognised, two closely related languages (Czech and Slovak, Serbo-Croat and Slovenian) were regarded as being the national and state languages of a single nominal nation. However, several of these states contained unusually large ethnic-linguistic minorities, including some minorities that were frequently described as “false”. Included among these were so-called borderland minorities, in other words, minorities that form the majority in a border region that is adjacent to the ethnic-linguistic co-national neighbouring state. The politically motivated drawing of borders is the sole reason for their becoming minorities. These included, among others, around 3 million Germans in the border regions of Czechoslovakia, 570,000 Magyars (Hungarians) in southern Slovakia, almost 4.8 million White Russians and Ukrainians in eastern Poland, and 220,000 southern Tyrolese in Italy. To a very large extent, they had a national consciousness that aimed to achieve annexation of their settlement area to the co-national neighbouring state (separatism), a demand that met with significant support there (irredentism, i.e., the desire for the liberation of “unsaved territories”). Neither the linguistic-ethnic majority nor the minorities regarded themselves as being parts of a common nation consisting of all citizens.

Åland, too, was a border country of this type. The inhabitants were in favour of separatism in 1918 and could count on support from irredentism in Sweden.

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<sup>3</sup>The text of both agreements in: Gardberg (1995, pp. 90–97).

Due to the extensive autonomy they were, however, gradually able to become accustomed to being part of Finland. Finland was also the only country which, in accordance with the Swiss model, officially recognised both the language of the Finnish majority and that of the Swedish minority as equal national languages of the Finnish nation state. The other new states did not allow equal status of the languages of their ethnic minorities, since they had not fought to create the new state. By contrast, in Finland, both Finns and Swedes had fought for the independence of their country from Russia. The tolerant language and minority policy in Finland caused the victorious powers to refrain from forcing a minority protection agreement onto it, as had been the case with all the other new states.

Unlike the President of the USA, Woodrow Wilson,<sup>4</sup> the victorious European powers were not interested in drawing boundaries that took into account the will of the people living in central and eastern Europe, and in part pursued their own national-imperial goals. They wanted to establish a state system in which the new, re-established and extended states would be economically and militarily strong. This state system would guarantee a stable post-war order within a formal or informal alliance with the western powers in order to prevent revisionism among the defeated Central Powers and, above all, the re-emergence of Germany as a leading continental power in Europe and a world power.

The victorious powers correctly feared that the “false” minorities that they had created and the defeated states that had lost territory would not so easily come to terms with the new borders in Europe. They developed a vague concept for minority protection as a substitute for the national right to self-determination that they had forced onto the new states as a precondition for their official recognition and acceptance into the League of Nations. Additionally, the relevant clauses were incorporated into the peace accords with Austria, Hungary, Bulgaria and Turkey. Germany, which continued to be regarded as a major power, and where above all a Polish minority was still living, was not forced to do so. Neither was the major power Italy, which territorially was supplemented not only by German but also by southern Slav areas. The political representatives of Czechoslovakia announced at the Paris peace negotiations that they would make their country “a kind of Switzerland” (Viehaus 1960, p. 175), i.e., a federation with strong local autonomy, which would give the language groups extensive local and

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<sup>4</sup>On the thoroughly fractured relation of Woodrow Wilson to the right of self-determination, which he was only willing to grant to European peoples, see Ambrosius (2008); Clements (1992); Walworth (1986).

regional rights to self-determination. These stated aims were never put into practice, a fact which during the 1930s would lead to fatal consequences.

The guarantee of the protection of minorities by the League of Nations was designed to promote compromises between the majority and the minorities in the new states, to remove the grounds for possible interventions by co-national neighbouring states, and thus to stabilise international peace. However, the methods used for minority protection first had to be determined in a drawn-out process following the conclusion of the peace and minority protection agreements. The new states regarded these agreements as being discriminatory and as a threat to their national statehood and sovereignty, since they granted the League of Nations a political right to intervention, albeit an extremely weak one. Above all, they feared that these agreements would contribute to disloyalty among the minorities towards the existing states. They also criticised the political-moral double standard of the established western European states, since they did not grant their own minorities the same rights that they demanded from the new states. France, in particular, officially claims that there are no national, ethnic or linguistic minorities in France at all, only French people with special linguistic characteristics (Kintz 1998, p. 25).<sup>5</sup>

According to the dominant view, the protection of minorities was not designed to guarantee the permanent ethnic-cultural existence of the minorities, but rather make it easier for them to gradually disappear over time, first through the linguistic-ethnic assimilation of the minorities to the majority, and second, through the stimulation of emigration to the co-national reference state. In the most extreme cases, the contractually agreed forced resettlement such as that between Bulgaria and Greece, and, later, between Greece and Turkey was considered. Most proponents of minority protection thus pursued the political goal of a linguistically and hence, in the long-term, ethnically homogeneous nation state according to the French model, and in particular that of the US American melting pot. They, therefore, regarded the protection of minorities simply as being an interim solution, as it were, until the peaceful dissolution (absorption) of the minorities, while at the same time securing their individual civilian and human rights.

The protection of minorities at the Paris peace negotiations succeeded in being included in the accords not as a result of the representatives of the new minorities, which demanded their right to self-determination. Yet, they mostly belonged to the majority of the population of the defeated Central Powers, which were not

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<sup>5</sup>Accordingly, France did not ratify the European Charter for Regional or Minority Languages of 1992.

involved at all in the peace negotiations. Of decisive importance was the intensive lobbying by representatives of the millions of central and eastern European Jews, who were supported by Jewish organisations in the USA and who at times had a significant influence on the US delegation.<sup>6</sup> These Jews felt that they were different from most western European Jews, not only as a religious minority, but also as one with its own language (Yiddish) and culture. Since they nowhere formed a larger regional majority, in other words, one that was capable of forming a state by democratic means, but were instead a “real minority” everywhere—including majorities living in local language islands—these Jews did not support the concept of territorial autonomy. They favoured a personal-cultural one, which towards the end of the 19th century had been developed by the social democratic movement in Austria-Hungary. Ultimately, the representatives of the Jewish organisations were forced to accept the dilution of the concept of national-cultural autonomy and group rights to minority protection, which only recognised individual rights of members of the minorities, but no collective rights of the minorities as such. To date, elements of a-territorial, personal-cultural autonomy have only been realised in a handful of states,<sup>7</sup> so that linguistic-ethnic minorities are usually only able to obtain particular rights in places where they have achieved territorial autonomy or even member statehood in a federation.

In most nation states, there is a strong tendency to make a single language binding as national language for official communication by state pressure or even force, with the result that it also becomes obligatory in many social and business relations. Other languages are pushed to the edges of social and private life, and thus tend to die out. If a language loses its social and political recognition, it also loses value in the minds of many people in their attempts to obtain employment and social recognition. This encourages the inclination to adopt the official language for the education of children. Already since the French Revolution, the national language has served the political purpose of guaranteeing the unity of the nation. This was the starting point for an enormous impetus to Frenchify society. In a democratic understanding of peoples’ sovereignty, this also has a plausible advantage in that the communication between members of the nation and state and the decision-making regarding the *res publica* requires a shared language. Many nation states and democracies are accordingly phonocratic, and strive to give a particular language dominance in state and society. Most of the nation

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<sup>6</sup>For a detailed account, see Viefhaus (1960, pp. 74–100).

<sup>7</sup>For more detailed information on this subject, see Jahn (2015).

states that were later created imitated the phonocratic model of France. Only Switzerland developed early into an alternative model of a nation with initially three, and later four languages. Each of the four national languages dominate somewhere in the state, either in a region or in a community, and there have a phonocratic monopoly, particularly in the field of education.

For Åland it was most noticeable and important that the key actors in the conflict—Sweden, Finland, the great European powers and, to a lesser degree, also the small population of Åland—succeeded in finding a solution without war. This differs from the predominant model whereby a linguistic-ethnic minority is expected to assimilate, and where pressure is exerted on it to do so.

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## 5.2 Paths to Conflict Settlement

In order to be able to explain how it was possible for the autonomy of Åland to be established, it is not only necessary to present the causes and the progress of the preceding conflict, but also the advantageous factors that enabled a peaceful and lasting conflict regulation. These factors included a particular element that is not present currently in Crimea, and also not in Kosovo or in Nagorno-Karabakh—and not only during the conflict phase, but already in the preceding decades and centuries. In each and every conflict, the historical images of the parties to the conflict play an extremely important and sometimes even decisive role. Here, an eminent factor is not only state-political history, but also the history of the settlement.

The significant historic non-events in the Åland conflict include the fact that the almost entirely homogeneous ethnic and religious-confessional composition of the population on the islands has not changed dramatically over hundreds of years, and has not been characterised by large-scale forced migrations and refugee movements. While there was repeatedly a change of rule, it was hardly linked at all to a replacement of the population, as is usually the case in the history of other national-territorial conflicts. The Åland Islands were already settled by the ancestors of today's Swedes in the 7th century, and thus never by any significant number of Finns, Russians, Balts, Germans and Danes, who played a more important political role in the Baltic Sea region. Inhabitants of Åland repeatedly fled during wars and change of rule to the Swedish mainland. They later returned, so that there was never any change to the ethnic composition of the islands; hence, the situation was entirely different to that of Gotland or in Crimea, for example. After 1000, the islands were also Christianised by the Swedes, and 1157 became incorporated into the Swedish Empire. With the Reformation in Sweden, the population also became Lutheran Protestant, like that of Finland. Thus, there

are neither ethnic nor religious-confessional cleavages among the population of Åland and its history, or in the dispute regarding the state to which it belongs.

In the extended Middle Ages, the Åland Islands were, like other islands, frequently fought over due to their strategic position in the Baltic Sea region. They were thus of greater importance than the size of the islands and their population would lead one to think. On Fasta Island, the Kastelholm castle was built towards the end of the 14th century. It changed hands several times during the disputes between Denmark and Sweden before the islands came under Swedish rule for a longer period of time. At the beginning of the 18th century, Russia under Peter the Great attempted to achieve dominance in the Baltic Sea region. In order to underscore this, he had his new capital city, St. Petersburg, built on the River Neva. During the Northern War, he succeeded in weakening Sweden significantly as a major power—a defeat from which it would never recover. As a result, the Åland Islands were repeatedly occupied by Russia (1714–1721 and 1741–1743) and parts of Finland were annexed. In 1809, Sweden was finally forced to relinquish the whole of Finland together with the Åland Islands, which in 1309 had already been assigned to the diocese and tax collection district of Åbo (Turku), to Russia, but obtained Norway from Denmark five years later. In order to counteract a demand for a return to Swedish rule by the upper classes in Finland, which in cultural terms largely identified with Sweden, Finland was granted by Russia the status of a Grand Duchy with a certain degree of autonomy and a four Estates regional diet. The Swedish laws continued to apply. During the Crimean War of 1853–1856 between Russia on the one side and the Ottoman Empire, Great Britain, France and Sardinia on the other, French and British troops conquered the Åland Islands in August 1854 and destroyed the Bomarsund fortification. Later, the Paris peace accord decreed that the islands should be demilitarised.<sup>8</sup> However, with French and British agreement, Russia again fortified the islands during the First World War, which is why right-leaning Swedish forces demanded the entry by Sweden into the war on the side of the Axis Powers, although without success. Just as was the case during the Crimean War, Sweden under a liberal-social democrat government preferred to remain neutral.

The February Revolution of 1917 in Russia led to the creation of the independence movement of the Grand Duchy of Finland. However, it was only after the October Revolution, on 6 December 1917, that parliament dared to declare

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<sup>8</sup>For a detailed account of the frequently changing strategic situation in the Baltic Sea and northern Europe, and of the various attempts to use the Åland Islands as a negotiating object for political-military alliances of Finland and Sweden, see Gardberg (1995).

Finland's independence (see Jussila et al. 1999, pp. 107–123; Hoesch 2009, pp. 112–120). On the Åland Islands, already in August a petition demanded unification with Sweden. In January 1918, a civil war broke out between the Finnish Red Guard and civilian protection corps, during which the "Whites" occupied the Åland Islands on 7 February 1918. On 20 February, Swedish warships arrived, claiming responsibility for protecting the population of Åland. Both the Finnish and Russian troops left the islands. After the government of Finland turned to the German Empire for support in its fight against the Russians, German troops occupied the Åland Islands on 5 March. The Swedish troops withdrew without a fight. After the November Revolution in the German Empire, the German troops left the islands.<sup>9</sup>

A Swedish national movement on the Åland Islands strove for incorporation into Sweden in the name of the right to self-determination of the peoples, which was supported by the King and by the social democratic government in Stockholm. In June 1919, the population of Åland voted in a referendum for reunification with Sweden. The representatives of the Åland separation movement were then arrested by the Finnish authorities as traitors to their country. In 1919, Sweden made two futile attempts to bring the Åland question to the table at the Paris Peace Conference in the hope that, like the Schleswig issue, it would be resolved by means of a referendum. In the spring of 1920, Finland sent troops to the islands and on 6 May quickly passed a law that gave the islands extensive autonomy in order to appease the victorious powers. The population of Åland was not involved in the legislative process. In December 1920, Finland was accepted into the League of Nations. As a neutral state, Sweden had already joined the League when it was founded on 10 January 1920. In order to prevent a war between Finland and Sweden, the League of Nations, upon a British initiative, tackled the question of the Åland Islands. It referred to the Paris Peace Accord of 1856 and the internationally guaranteed demilitarisation of Åland and Article 11 of the Covenant of the League of Nations (Sureda 1973, p. 30), in which it is stated that: "Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations." However, Finland initially insisted that the Åland issue was an internal matter of a sovereign state in accordance with clause 15, item 8.

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<sup>9</sup>According to Gardberg (1995, p. 9), the German troops already left Åland in the summer of 1918.

Finally, Finland agreed, as did Sweden, that the Council of the League of Nations should deal with the matter. A commission of three experts from Switzerland, the Netherlands and France were given the task of an advisory opinion as to whether the Council of the League of Nations had the right to handle the issue at all. This opinion was the first thorough legal study of the relationship between state sovereignty and integrity to which Finland referred, and the right to self-determination of the peoples that was being claimed by Sweden.<sup>10</sup> The assessors first underscored the right of any state to its territory as a feature of its sovereignty. However, in a political situation in which a new state is not yet fully formed, or in which a state is undergoing transformation and dissolution, the Council of the League of Nations did have the competence, they claimed, to deal with the area of dispute. The principle of the right to self-determination by the peoples was, they said, an important component of modern political thought, particularly following the Great War, and was anchored in some international treaties, but not in the Covenant of the League of Nations. It was not a standard of positive international law in contrast to the territorial integrity of a sovereign state. It was a matter for a sovereign state alone whether or not to grant a plebiscite to a part of its population regarding its political future. Such a plebiscite could not be demanded by another state, although the formation, transformation and division of states as a result of revolutions and wars could not be regulated by the application of international law alone. They could give rise to aspirations by parts of a nation with reference to old traditions or their own language and culture that would have to be taken into account in the interest of inner and inter-state peace, and would thus also be a matter for the League of Nations. A tangible and sustained abuse of the sovereign power to the detriment of a part of the population could lead to an international conflict, they claimed. However, in the case of Åland this did not apply. Even so, with regard to Åland, the best solution for conveying the principle of the integrity of a state and the right to self-determination in the interest of peace would be an autonomy that guaranteed extensive freedom for minorities.

The Council of the League of Nations then invoked a further commission of three rapporteurs, former high-ranking politicians from Belgium, Switzerland and the USA, who reached a contradictory conclusion on one decisive issue. It determined, namely, a consolidation of the new state of Finland, and thus also confirmed the sovereignty of this country over the Åland Islands. A minority that

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<sup>10</sup>For a detailed account, see Mack (1993, pp. 138–142), Sureda (1973, pp. 29–34).

is not refused the rights and obligations of the other citizens of a state had no right to declare its independence and to detach itself from this state, since this would lead to a destruction of international order and stability and would lead to anarchy in international life. This, conversely, implied already at that time that a minority suffering from severe discrimination certainly did have a right to separation: When the state lacks either the will or the power to enact and apply just and effective guarantees for the rights of the minority, a separation would be an exceptional and final possible solution. Also, a state that had established itself with reference to the right to self-determination of peoples could hardly refuse a part of its population that was also referring to the right to self-determination the separation from this state. In the particular case of Åland, this commission, too, recommended autonomy as a compromise between the state integrity of Finland and the wish for self-determination of the population of Åland.

Accordingly, the Council of the League of Nations decided on 24 June 1921 that the Åland Islands should remain with Finland, but should again be demilitarised (not fortified) and neutralised (Wahlberg 1993, pp. 14–21). Also, the Swedish language and culture should be internationally guaranteed. On 20 October 1921, the representatives of Finland and Sweden, together with eight other European states—including Germany, but not the Soviet Union—signed a corresponding agreement that also provided the guarantee of autonomy by the League of Nations. This and other regulations agreed informally between Finland and Sweden were retrospectively adopted in the autonomy legislation of 1920. A formal agreement between the two states was not signed, since Sweden has no rights to Åland, and Finland wished to underscore its sovereignty over the islands.

The Åland Islands were not directly involved in the Soviet-Finnish Winter War from 30 November 1939 to 12 March 1940. In the peace agreement with the Soviet Union, however, Finland pledged to continue not to fortify the islands to make them a springboard for any war against the Soviet Union. Towards the end of the Second World War, the German Reich planned to occupy the Åland Islands due to their geostrategic position, but was no longer capable of doing so. After 1946, the Soviet Union rejected the proposal that the United Nations should adopt the League of Nations guarantee for the demilitarisation and autonomy of the Åland Islands. As a result, today only the bi- and multilateral agreements are valid.

The willingness on the part of Sweden and Finland to accept the autonomy compromise cannot only be explained by the interests of both states in avoiding a war. It is also due to the great importance of the Swedish language and culture in mainland Finland even over a hundred years after Swedish rule over Finland ended. The inhabitants of Åland are only a small minority among the Swedish

Finns. According to the census of 1920, there were 340,963 Swedish Finns alongside the 2,754,228 native Finns (Modeen 1997, p. 69),<sup>11</sup> as well as a few Lapps or Sami, Russians, Tatars, Germans, Sinti, Roma and others. The Swedish population of mainland Finland lives predominantly on the south-western coast where it forms a majority of the population only in a handful of communities.

Even under Russian rule, Swedish initially remained the sole official language. However, imperial policy supported the Finnish cultural movement in order to also deepen the separation of the country from Sweden in political terms. In 1858, the first Finnish grammar school was established. It was not until 1883 that Finnish was also made an official language in Finland, with Russian not even following until 1900 (Modeen 1997, p. 68). In the four Estate diet, Swedish was the language of the nobility and of the burghers, while Finnish was the language of the peasants and the clergy. Only the introduction of general suffrage in 1906 led to the dominance of the Finnish language national movement. Thus, here too, democratisation went hand in hand with the rise of nationalism.

After 1919, the official dual language status of Finland was repeatedly subject to strong right-wing nationalist Finnish criticism, but remains in place until today, even though the Finland Swedes are in the minority everywhere on the mainland. However, a district is regarded as having two languages when at least eight percent of the population speak Swedish. Here, all civil servants are required to have sufficient knowledge of Swedish alongside their very high standard of Finnish.<sup>12</sup>

The population of Åland celebrates 9 June as national holiday to commemorate the first session of its parliament in 1922. From then on, it gradually gained more of its own national symbols, such as stamps and a flag, which shows a red cross on the Swedish flag with the red borrowed from the Swedish coat of arms for Finland. In Finland, this is not regarded as being a hostile provocation of the state.

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### 5.3 The Sustainability of the Conflict Settlement

The conflict settlement between Sweden and Finland over Åland proved stable over the subsequent decades. The autonomy law was re-drafted in greater detail in 1951, and then again in 1991, with an extension of autonomous competencies

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<sup>11</sup>Today, only 295,000 Swedish speakers remain in Finland (5.8% of the total population).

<sup>12</sup>Regarding further stipulations of the language law of 1922, see Modeen (1997, p. 72 et seqq.). Today, a municipality is bilingual when there are at least 8% or at least 3000 Swedish-speaking persons (Daftary 2000, p. 14).

(Act on the Autonomy of Åland 1991). The residents of Åland now have their own right of domicile (*hembygdsrätt/kotiseutuikeus*) (Spiliopoulos Åkermark 2009) alongside their citizenship of Finland, which is necessary in order to be eligible to vote in elections to the diet. They are exempt from military service in the Finnish armed forces. The right to citizenship of Åland can only be obtained by Finnish citizens, who have lived in Åland without interruption for at least five years and who are able to speak Swedish. It can also be lost, however, if the holder has not lived on the islands for five consecutive years. The official language used by the authorities and the language used in schools is Swedish. Finnish is only an optional subject, while English is mandatory. The language used to communicate with the Finnish authorities is Swedish. Only around a third of the people living in Åland speaks Finnish, while a further third understands the language. One feature that is of great significance for the future is that on the one hand, the number of Swedish Finns and Finns with knowledge of Swedish on the mainland is decreasing, and the more highly educated Ålanders now only rarely study at the Swedish Academy in Turku; instead, the majority chooses to study in Sweden,<sup>13</sup> so that the social distance between Ålanders and Finns is growing at an increasing rate. This appears to be playing into the hands of the weak efforts to gain independence on the islands, the success of which would significantly weaken the position of the Finland Swedes on the mainland.

Due to Art. 120 of the Finnish constitution and a self-administration law, Åland has legislative competencies for internal administration, the economy, social provision and the maintenance of internal order. International treaties that also relate to Åland need to be agreed by its parliament. The president of Finland can only veto laws that exceed the autonomy competencies or are a threat to the security of Finland. Finland retains competencies relating to foreign and defence policy, the major part of civil and penal law, the organisation of the courts and for customs and tax legislation. Åland receives 0.45% of the tax revenues of the state, a share that can be increased if the islands are economically successful. The islands generate a higher gross domestic product than the mainland in agriculture, fishing and, above all, due to customs and toll-free shipping between Finland, Åland and Sweden, in tourism.

The Åland Islands have their own party system, in which a secessionist party (*Ålands Framtid*) is represented, which in 2011 won 9.9% of the votes. Today,

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<sup>13</sup>Of 1455 students from Åland in 2016, 450 studied in Finland and 926 in Sweden (Åland in Figures 2017).

there are no longer any parties in favour of incorporation into Sweden, while in 1945 the diet had again made a futile application for unification with Sweden. Currently, 30 delegates from six parties sit in parliament (*Lagting*). The government (*Landskapsstyrelse*) under the leadership of a *Lantråd* consists of five to seven people. The Åland Islands send one delegate to the Finnish parliament (200 delegates), who, as a rule, joins the Swedish People's Party faction, which represents the mainland Swedes.

In 1970, the Åland Islands became, like the Faroes and Greenland and the five independent Nordic states, equal members of the Nordic Council, which has been in existence since 1952. This council gives recommendations for relations between the Nordic states. Although Åland has extensive self-government and self-administration competencies, in recent years, there has been discussion as to whether they should be further increased according to the Faroe Islands model. This, for instance, concerns calls for sole responsibility for tax legislation and, moreover, for decisions what should be a matter for Åland and what for Finland within the scope of a fourth law on autonomy, which is currently being negotiated (Klaus 2007).

In 1995, Finland entered the EU following a country-wide referendum and a second in Åland.<sup>14</sup> The islands could have remained outside the EU, although this would have entailed significant economic disadvantages. The international status of the autonomy of Åland was guaranteed in a separate protocol that was inserted into the membership agreement (Scarpulla 1999, pp. 84–90), and exceptions for the adoption of EU regulations were specified (Loughlin and Daftary 1998; see also Myntti and Scheinin 1997, p. 143). Apart from that, Åland is now also subject to EU legislation and jurisdiction, such as with regard to the equal rights of Finnish and EU citizens to take up employment in Åland and to live there. However, Åland remains outside of the area of EU legislation for tax harmonisation, and the Åland right of domicile remains a requirement for participation in parliamentary elections, the ownership of property and for trade and service companies that employ people who are not family members (Lindström 1997, p. 237 et seqq.).<sup>15</sup> EU citizens without the right of domicile must live in Åland for one year in order to vote in municipal elections.

While Åland has not succeeded in obtaining a seat in the European Parliament, it is represented in the advisory European Committee of the Regions and also sends its own delegate to the Finnish representation in Brussels.

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<sup>14</sup>On the political debate in Åland on this issue, see Eriksson et al. (2006, p. 117).

<sup>15</sup>For a detailed account of the consequences of Finland joining the EU for the autonomy, see Fagerlund (1997).

## 5.4 Conclusion: A Model for Conflict Settlement?

The resolution of the conflict between Sweden and Finland over Åland still serves as a frequently presented model for the regulation of other disputes in which one side refers to the territorial integrity of an internationally recognised state, while the other insists on the right to self-determination of the peoples, and in which the territorial autonomy of a small nation or ethno-national group appears to be a compromise between complete independence and the maintenance of the existing state. Thus, attention turned to Åland when for example it came to regulating the dispute over South Tyrol, or in the cases of Abkhazia, South Ossetia and Nagorno-Karabakh<sup>16</sup> in the southern Caucasus, or the conflicts over Transnistria, Corsica or the Kuril Islands to the east of Russia (Burger 1964; Ackrén 2011; Loughlin and Daftary 1998; Daftary 2000; Nauclér 2007; Spiliopoulou Åkermark 2011). In the dispute over Gibraltar, the Falkland Islands and the remaining overseas territories of the former European colonial powers, reference could also be made to the precedent set by the Åland Islands.

However, many arguments can be presented in support of the claim that the autonomy ruling for Åland was an exception that was made easier by the fact that in 1920, Finland was not yet a long-established and internationally recognised state, but was only in the process of being formed as a state, and had not yet assumed and secured state authority over the islands from the Russian state organs. For all other minority conflicts that were created through the establishment of new nominal nation states in central and eastern Europe, the Åland conflict resolution was not taken into account, but rather, attempts were made to de-escalate them through minority agreements under the protection of the Council of the League of Nations.<sup>17</sup> In most cases, this failed utterly, so that the system of minority protection agreements was abandoned after 1945. Those disputes are different from the exceptional situation in Åland in which there is a struggle for the establishment of territorial autonomy in a unitary state that has been

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<sup>16</sup>In the literature on the Åland issue, it is incidentally mentioned that the conflict between Azerbaijan and Armenia that had already flared up over Nagorno-Karabakh was presented to the Council of the League of Nations in 1921, but that it found no resolution to the conflict (Jansson 1997, p. 3).

<sup>17</sup>The essential reference on the creation of the agreements remains Viehaus (1960). Accordingly, territorial autonomy was only to be created for Carpatho-Russia (Ukraine) within the Czechoslovak Republic, which was never realised, however.

established for a long time, or in which through international understanding or international pressure a de facto state is to be again incorporated into the state to which the region of the de facto state belongs according to the prevailing international law and political opinion. A de facto state is a state in which the state authority over a region and a population—which are regarded as being part of an internationally recognised state that is at intervals not in a position to exert state authority over this region and its population—is effectively exerted over a longer period of time by state organs that are not internationally recognised.<sup>18</sup> In order to find a peaceful solution to the current crisis in Crimea, the experiences with the Åland conflict regulation of 1921 could be used as a reference.

There are numerous factors that suggest that a simple transfer of the regulation of the conflict over Åland to other ethnic-territorial conflicts is not possible. The smaller size of Åland bears less weight as an argument, however, since the military-strategic position of the islands played a far greater role in the conflict than the linguistic-ethnic composition of the population and its own political will. Of decisive importance was the fact that the conflicting parties were two rather smaller states, whereby in the more powerful state, Sweden, the inclination towards a military solution to the conflict remained constantly low due to the decades-long dominance of liberals and subsequently of social democrats. Sweden repeatedly rejected the offer by great powers to annex Åland if it were to participate in war, or to agree to join an alliance against other great powers. There is no doubt that the fact that Finland separated from Russia at the end of 1917 and not from Swedish foreign rule reduced the Finnish-Swedish contradictions within Finland and between the two states. The almost complete linguistic-ethnic homogeneity of Åland and its centuries-old roots also made it easier to grant autonomy. In many other conflicts, the regional linguistic-ethnic heterogeneity and repeated change of the dominant linguistic-ethnic population group played an extremely important role, so that both the legitimacy of the current political rule as well as the mere presence of another group is a contentious issue.

Repeatedly, the opportunity was missed to achieve the concession of autonomy for a disputed region through international pressure in return for international

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<sup>18</sup>In German international jurisprudence, occasional attempts are being made to deny statehood from the de facto states, and to describe them as de facto regimes, thus since Frowein (1968). According to the traditional principle of international law, the international recognition of states is not a decisive criterion for statehood, since many states have only been recognized by some states, but not by others, e.g., during the period following 1949 with regard to the People's Republic of China, or the GDR, today the Republic of China.

recognition of the state during the process of its formation. Abchasia, South Ossetia and Nagorno Karabakh are cases in point. In the case of Åland, the political pressure and the unwillingness on the part of Britain to see a war between Sweden and Finland, as well as the political paralysis of Germany and Soviet Russia at the time, were of extreme significance for the peaceful regulation of the conflict under the aegis of the League of Nations. In the southern Caucasus, by contrast, the western powers and the United Nations show only limited interest, and Russia has been incapable of forging a compromise that would have been acceptable to all parties to the conflict. Instead, for a long time, Russia promoted the stabilizing “freezing” of conflicts, in order to keep the southern Caucasian states under its own hegemony within the framework of the Commonwealth of Independent States. In Cyprus, attempts were at least made to reach a compromise, even if they were in vain. By contrast, in the case of the autonomy of the Mitrovica region within the state of Kosovo, an agreement may be reached.

It is extremely difficult and to date with no precedent to peacefully return a linguistic-ethnically varied de facto state to the state to which the territory belongs according to the prevailing view in international law. It is much easier to grant ethnic-linguistic territorial autonomy as a result of an emphatic expression of national will among a regional population in democratic states, or in states that are in the process of becoming democratic. The conversion of nominally unitary states into states with autonomies has apparently succeeded in Italy, Spain and also to a certain degree in Great Britain (Northern Ireland, Scotland) and France (Corsica). The prerequisite is the mutual recognition of the legitimacy of the conflicting parties, their linguistic-ethnic desires, and willingness for compromise and peace. Certainly, in many cases, a demilitarisation and neutralisation of the disputed area can be emulated, so that it can be used by neither side as a terrain for military activity. There is certainly something to be learned from the regulation of the conflict over Åland, if examined closely, for other national-territorial conflicts. However, it cannot be adopted as a model.

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## References

- Ackrén, Maria. 2011. *Successful examples of minority government – The case of the Åland Islands and South Tyrol*. Report No. 1. Mariehamn: Åland Islands Peace Institute.
- Act on the Autonomy of Åland. 1991/1144. [www.finlex.fi/fi/laki/kaannokset/1991/en19911144.pdf](http://www.finlex.fi/fi/laki/kaannokset/1991/en19911144.pdf).
- Åland in Figures. 2013. [www.asub.ax/en/publications/aland-figures](http://www.asub.ax/en/publications/aland-figures).
- Åland in Figures. 2017. [www.asub.ax/en/publications/aland-figures](http://www.asub.ax/en/publications/aland-figures).

- Ambrosius, Lloyd E. 2008. Democracy, peace, and world order. In *Reconsidering Woodrow Wilson. Progressivism, internationalism, war, and peace*, ed. John M. Cooper Jr. Washington: Johns Hopkins University Press.
- Burger, Norbert. 1964. *Die Selbstverwaltung der Ålands-Inseln. Eine Studie über die Lösung einer Minderheitenfrage durch eine wirkliche Autonomie. Mit Vergleichen zur Südtirolfrage*. Mondsee: Walla.
- Clements, Kendrick A. 1992. *The presidency of Woodrow Wilson*. Lawrence: University Press of Kansas.
- Daftary, Farimah. 2000. *Insular autonomy: A comparative study of Corsica and the Åland Islands*. ECMI Working Paper 9, Flensburg.
- Decker, Günter. 1955. *Das Selbstbestimmungsrecht der Nationen*. Göttingen: Schwartz.
- Eriksson, Susanne, Lars Ingmar Johansson, and Barbro Sundback. 2006. *Islands of peace. Åland's autonomy, demilitarisation and neutralisation*. Mariehamn: Åland Islands Peace Institute.
- Fagerlund, Niklas. 1997. The special status of the islands in the European Union. In *Autonomy and demilitarisation in international law: The Åland Islands in a changing Europe*, ed. Lauri Hannikainen and Frank Horn, 191–256. The Hague: Kluwer.
- Fisch, Jörg (ed.). 2011. *Die Verteilung der Welt. Selbstbestimmung und das Selbstbestimmungsrecht der Völker*. München: Oldenbourg.
- Frowein, Jochen A. 1968. *Das de facto-Regime im Völkerrecht. Eine Untersuchung zur Rechtsstellung "nicht anerkannter Staaten" und ähnlicher Gebilde*. Köln: Heymanns.
- Gardberg, Anders. 1995. *Åland Islands. A strategic survey*. Finnish Defence Studies 8, Helsinki.
- Gütermann, Christoph. 1979. *Das Minderheitenschutzverfahren des Völkerbundes*. Berlin: Duncker & Humblot.
- Heidelmeyer, Wolfgang. 1973. *Das Selbstbestimmungsrecht der Völker. Zur Geschichte und Bedeutung eines internationalen Prinzips in Praxis und Lehre von den Anfängen bis zu den Menschenrechtspakten der Vereinten Nationen*. Paderborn: Schöningh.
- Hoesch, Edgar. 2009. *Kleine Geschichte Finnlands*. München: Beck.
- Jahn, Egbert. 2015. A Global-human perspective: The United Nation States of Europe and the world. In *World political challenges. Political issues under debate*, vol. 3, ed. Egbert Jahn, 37–53. Wiesbaden: Springer.
- Jansson, Gunnar. 1997. Introduction. In *Autonomy and demilitarisation in international law: The Åland Islands in a changing Europe*, ed. Lauri Hannikainen and Frank Horn. The Hague: Kluwer.
- Jussila, Osmo, Seppo Hentilä, and Jukka Nevakivi. 1999. *Politische Geschichte Finnlands seit 1809. Vom Großfürstentum zur Europäischen Union*. Berlin: Spitz.
- Kintz, Patrick. 1998. Die Bedeutung des Minderheitenschutzes für europäische Belange aus französischer Sicht. In *Rechtsanspruch und Rechtswirkung des europäischen Minderheitenschutzes*, ed. Dieter Blumenwitz, Gilbert H. Gornig, and Dietrich Murswieck, 25–28. Köln: Wissenschaft und Politik.
- Klaus. 2007. Färöisches Selbstverwaltungssystem Vorbild für Åland (Blogpost). <http://forum.faroe-islands.de/phpBB2/viewtopic.php?t=790&sid=e9ee0983e70826ac8904f25613e1727e>.
- Lindström, Bjarne. 1997. Åaland's autonomy – A compromise made in Finland. In *Socio-economic developments in Greenland and in other small Nordic jurisdictions*, ed. Lise Lyck. Copenhagen: Copenhagen Business School.

- Loughlin, John, and Farimah Daftary. 1998. *Insular regions and european integration: Corsica and the Åland Islands compared*. European Centre for Minority Issues Report 5, Helsinki.
- Mack, Carlos E. 1993. *Der völkerrechtliche Konflikt zwischen dem Prinzip der freien Selbstbestimmung der Völker und dem Prinzip der territorialen Integrität (Souveränität der Staaten) im Rahmen des Entkolonialisierungsprozesses*. München: VVF.
- Modeen, Tore. 1997. Die Lage der schwedischen Volksgruppe in Finnland in der Zwischenkriegszeit. In *Die Minderheiten zwischen den beiden Weltkriegen*, ed. Umberto Corsini and Davide Zaffi, 67–75. Berlin: Duncker & Humblot.
- Myntti, Kristian, and Martin Scheinin. 1997. The right of domicile in the Åland Islands in the light of human rights treaties and the European integration process. In *Autonomy and demilitarisation in international law: The Åland Islands in a changing Europe*, ed. Lauri Hannikainen and Frank Horn, 131–149. The Hague: Kluwer.
- Nauclér, Elisabeth. 2007. The Autonomy of Åland and Conflict Resolution. In Kimie Hara, and Geoffrey Jukes, *New initiatives for solving the northern territories issue between Japan and Russia: An inspiration from the Åland Islands. Proceedings of a Conference, Mariehamn, 18–20 August 2006* (Pacific Forum CSIS, Issues and Insights, 7: 4), 15–23.
- Rabl, Kurt. 1973. *Das Selbstbestimmungsrecht der Völker*. Köln: Böhlau.
- Scarpulla, Claudio. 1999. *The constitutional framework for the autonomy of Åland. A survey of the status of an autonomous region in the throes of European integration*. Mariehamn: Åland Islands Peace Institute.
- Spiliopoulou Åkermark, Sia (ed.). 2009. *The right of domicile on Åland*. Mariehamn: Åland Islands Peace Institute.
- Spiliopoulou Åkermark, Sia (ed.). 2011. *The Åland example and its components – Relevance for international conflict resolution*. Mariehamn: Åland Islands Peace Institute.
- Sureda, A. Rigo. 1973. *The evolution of the right of self-determination. A study of United Nations practice*. Leiden: A.W. Sijthoff.
- Thürer, Daniel. 1976. *Das Selbstbestimmungsrecht der Völker. Mit einem Exkurs zur Jurafrage*. Bern: Stämpfli.
- Viefhaus, Erwin. 1960. *Die Minderheitenfrage und die Entstehung der Minderheitenschutzverträge auf der Pariser Friedenskonferenz 1919. Eine Studie zur Geschichte des Nationalitätenproblems im 19. und 20. Jahrhundert*. Würzburg: Holzner.
- Wahlberg, Peter (ed.). 1993. *Internationella avtal och dokument rörande Åland. International Treaties and Documents Concerning Åland Islands 1856–1992*. Mariehamn: Åland Islands Peace Institute.
- Walworth, Arthur. 1986. *Wilson and his peacemakers. American diplomacy at the Paris peace conference, 1919*. New York: Norton.



# Bosnia and Herzegovina: Persistent Divisions

6

Thorsten Gromes

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## 6.1 Introduction: Conflict Overview<sup>1</sup>

Of all the wars occurring during and after the dissolution of Yugoslavia, the war in Bosnia and Herzegovina proved to be the longest and bloodiest. Between the spring of 1992 and the autumn of 1995, nearly three times as many people died as in all other armed conflicts in former Yugoslavia combined. The “Book of the Dead” compiled by the Research and Documentation Center in Sarajevo documents the names of 96,000 people who lost their lives<sup>2</sup>; according to studies done on behalf of the International Criminal Tribunal for the former Yugoslavia, the number of fatalities stands at 105,000.<sup>3</sup> The war was characterized by murders occurring outside of battles, by displacement, by devastation and by the siege of Sarajevo. The violence reached its climax with the massacre of 8,000 Bosniak men and boys in Srebrenica in July 1995, an event that the International Court of Justice (2007) classified as genocide. More than two million people were forced to flee or were expelled during the war. The conflict destroyed or damaged

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<sup>1</sup>Parts of the text are reworked borrowings from Gromes (2012) and (2014).

<sup>2</sup>“Bosanska knjiga mrtvih” Mirsada Tokače, [www.otisak.ba/bih/15677-bosanska-knjiga-mrvih-mirsada-tokae.html](http://www.otisak.ba/bih/15677-bosanska-knjiga-mrvih-mirsada-tokae.html).

<sup>3</sup>Nezavisne novine: Hag: U BiH tokom rata stradalo više od 100 hiljada ljudi, 29/03/2011 (online edition).

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60% of all residential buildings and caused industrial production to plummet by 90% (Nation 2003, p. 202).

A tri-polar constellation exists in Bosnia and Herzegovina where Muslims/Bosniaks, Serbs and Croats stand and have stood in opposition to one another. According to the 1991 census, 44% of the 4.4 million residents are “Muslims”, who would later prefer to carry the name Bosniaks. People identifying as Serbs made up 31% and Croats accounted for another 17%. The remaining 8% identified as Yugoslavian and either belonged to small minorities or did not want to identify with an ethnicity (Tomić and Herceg 1999, pp. 410–416). These ethno-national groups were not concentrated in any particular settlement area; only relative majorities existed in many areas while the respective centers of various groups were strewn throughout the country. Maps of the country’s ethnic structure prior to the war represented the coat of a leopard.

Ethno-national identity is delineated according to religious affiliation. Practically every person with Islamic beliefs is Bosniak, every orthodox Christian a Serb and every Catholic a Croat. Beyond that, many non-religious people also consider themselves as part of one of these groups. The ethno-national groups also differ from one another through opposing views of history. As opposed to Bosniak interpretations, Serbs and Croats consider the four centuries during which present-day Bosnia and Herzegovina was under Ottoman rule as an era of oppression. Many Croats have more positive memories of Austro-Hungarian rule in the late 19th and early 20th centuries than do Bosniaks or Serbs. The Kingdom of Yugoslavia that was established after the First World War receives far greater support from Serbs than from Bosniaks or Croats. Finally, socialist Yugoslavia primarily has a good reputation among Serbs and non-religious Bosniaks, whereas many Croats felt they were marginalized while living under this state (Kasapović 2005, pp. 83–86).

At the beginning of the 1990s, Bosniaks, Serbs and Croats were pursuing disparate political goals. The issue of conflict prior to the war was the question of whether the Socialist Republic of Bosnia and Herzegovina should secede from Yugoslavia. The vast majority of Bosniaks and Croats were pushing for independence while most Serbs rejected secession. In March and April of 1992, the Bosniaks and Croats separated the federal state from Yugoslavia under the name of “Republic of Bosnia and Herzegovina” which quickly received international recognition. After that, the conflict focused on the question of whether the new state should maintain its borders. Most Bosniaks fought for the preservation of the Republic of Bosnia and Herzegovina during the war; though they promoted the idea of a multi-ethnic state that grants them a dominant position as the largest ethno-national group. At the same time, most Serbs called for a secession of the areas that were controlled by Serbian troops at the time under the self-proclaimed

“Republika Srpska”. This republic would have the option to merge with Serbia and Serbian-controlled areas in Croatia (the “Republika Srpska Krajina”). With massive support from the Federal Republic of Yugoslavia, the Bosnian-Herzegovinian Serbian troops took control of more than two thirds of the Republic of Bosnia and Herzegovina in the first months of war. Changing leadership of the Croats supported an undivided Republic of Bosnia and Herzegovina at the beginning and at the end of the war, but balked at any dominance by the Bosniaks. During the Bosniak-Croatian War from the beginning of 1993 to the end of February 1994, Croatian leadership attempted to wrest away areas of the Republic of Bosnia and Herzegovina in order to unite the proclaimed “Croatian Republic of Herceg-Bosna” with Croatia, which sent funds, arms and troops.<sup>4</sup>

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## 6.2 Conflict Settlement Arrangements

After many failed ceasefires and peace plans, the war over Bosnia and Herzegovina finally ended with a peace accord. This occurred in two phases: the Washington Agreement from March 1994 created a separate peace settlement between the Bosniak-dominated government of Bosnia and Herzegovina and the troops of the Croatian Republic of Herceg-Bosna. In November of 1995, the Dayton Agreement also ended the war with the Republika Srpska.

### 6.2.1 The Washington Agreement

External pressure and incentives combined with a military stalemate and impacts from the war against the Republika Srpska formed the framework for the peace accord in the Bosniak-Croatian war.

The Croatian forces in Bosnia and Herzegovina—organized within the Croatian Defence Council—were better armed but smaller in number than the government’s troops (Calic 1996, pp. 99–102; Nation 2003, pp. 155–160). At the beginning of the Bosniak-Croatian War, the Croatian forces were able to enlarge the area they controlled but would later come to face ever greater difficulties. It is likely that the defeat of the Croatian Defence Council was only avoided on account of the Croatian military intervention that saw the deployment of tens of thousands of troops

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<sup>4</sup>For a detailed account about the war, see Burg and Shoup (1999); Calic (1996); Silber and Little (1997).

(Burg and Shoup 1999, p. 294; CIA 2002, p. 207). This resulted in a military stalemate that lasted until the peace agreement was concluded.<sup>5</sup>

At the beginning of 1994, a combination of pressure and incentives forced Croatia to abandon its support for the secessionist efforts of Bosnian-Herzegovinian Croats. The UN Security Council took economic sanctions into consideration and the United States threatened to no longer insist on the dissolution of the secessionist Republika Srpska Krajina, which had claimed more than a quarter of Croatia's territory at the end of 1991. The incentives included the possibility of integration into the EU and NATO. In response to this, Croatia ceased military operations in the Republic of Bosnia and Herzegovina and replaced the radical Mate Boban by the more moderate Krešimir Zubak as leader of the Bosnian-Herzegovinian Croats.<sup>6</sup> This countered Croatia's attempt to militarily separate areas of the Republic of Bosnia and Herzegovina. The separate peace agreement increased the chances for the Bosniak-dominated government of Bosnia and Herzegovina to assert itself against troops belonging to the Republika Srpska (Nation 2003, p. 184).

On 1 March 1994, Haris Silajdžić, Prime Minister of the Republic of Bosnia and Herzegovina, Krešimir Zubak, acting representative of the Bosnian-Herzegovinian Croats, and Mate Granić, Croatia's Foreign Minister, signed the Washington Agreement and declared the establishment of the "Federation of Bosnia and Herzegovina". When the peace accord was signed, the option remained open for the areas of Bosnia and Herzegovina controlled by Serbian troops to one day join the Federation. However, the result of the Dayton Agreement changed the situation leading to the Federation to become one of two constituent republics called "Entities".

The Washington Agreement sought to strike a balance between the partition of Bosnia and Herzegovina—which many Croats desired—and the protection of territorial integrity with strong centralized institutions—within which the Bosniaks could exercise their numerical advantage. The Washington Agreement (1994, p. I) deemed the sovereignty and territorial integrity of Bosnia and Herzegovina to be the foundations of the Federation. The peace accord allowed for a possible confederation with Croatia, which, in the end, never materialized. The Federation was intended to have weak centralized institutions paired with strong cantons (Washington Agreement 1994, p. III). Following the end of the war with the Republika Srpska, the Federation formed into ten cantons: three primarily Croat, five dominated by Bosniaks and two that are mixed.

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<sup>5</sup>Bougarel (1999, p. 210); Calic (1996, p. 107); Nation (2003, pp. 168, 183); Ramet (2006, p. 437).

<sup>6</sup>Burg and Shoup (1999, pp. 293–295); Giersch (1998, p. 171 f.); Silber and Little (1997, pp. 320–322).

Along with federalism, the peace accord demanded the establishment of a consociational democracy with power-sharing, veto rights and either proportional or equal representation (Lijphart 1977, pp. 25–47). The Federation's original constitution—based on the Washington Agreement—stipulated the election of a president and a vice president, one of whom was to be a Bosniak and one a Croat representative (Constitution 2003, B.1).<sup>7</sup> Croatian politicians were supposed to account for one third of all ministerial posts in the cabinet (Constitution 2003, B.2). Veto mechanisms existed both within this cabinet and in the parliament, comprised of a house of representatives and a house of peoples (Constitution 2003, A.4.18, B.2.6.1). With the statement “maintaining the external borders, but decentralizing the state”, the Washington Agreement anticipated crucial provisions that were later incorporated into the Dayton Agreement. This applied to power-sharing and an obligation to consensus as well as to the right of all refugees and displaced people to return to their original domiciles (Washington Agreement 1994, Art. V.2).

### 6.2.2 The Dayton Agreement

Owing to their superior armaments, troops from the Republika Srpska controlled two thirds of Bosnia and Herzegovina for most of the war. On account of gradual equipment and organizational improvements of the government's troops and their cooperation with Croat forces, the military balance started to change. From the end of August to the middle of September of 1995, military aircraft along with NATO ground troops in Sarajevo supported the offensive against the Republika Srpska. It was not the intention of NATO, however, to defeat troops from the Republika Srpska but rather enforce a peace plan that would demand extensive concessions from all sides. This peace plan consisted of a previously created Contact Group through which the US, Russia, the UK, France and Germany coordinated their policies. Once the government's troops along with the Croat forces, on the one side, and troops from the Republika Srpska, on the other, each controlled roughly half of the country by October of 1995, a window of opportunity opened for a peace through compromise.

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<sup>7</sup>An English version of the often-amended constitution is available at: [www.bihdaytonproject.com/wp-content/uploads/2011/06/fbih-constitution.pdf](http://www.bihdaytonproject.com/wp-content/uploads/2011/06/fbih-constitution.pdf). Footnotes document the original wording of changed articles.

This peace accord was the result of weeks of negotiations in the US city of Dayton; it was heavily influenced by external powers. The US government, most of all, proposed penalties and rewards to persuade the conflicting parties to accept the accord. On 21 November 1995, the President of the Republic of Bosnia and Herzegovina, Alija Izetbegović, the President of the Republic of Croatia, Franjo Tuđman, and the President of the Federal Republic of Yugoslavia, Slobodan Milošević, agreed on the “General Framework Agreement” (GFA).<sup>8</sup> The Bosnian-Herzegovinian Serbs did not dispatch their own delegation but participated through the Yugoslav one. Milošević, who held the decisive vote for this delegation, by and large excluded the Bosnian-Herzegovinian Serbs from the discussions (Bildt 1998, pp. 159–162; Holbrooke 1998, pp. 170 f., 445–449; Ischinger 1998, p. 33).

The Dayton Agreement did not resolve the conflict in Bosnia and Herzegovina to the particular advantage of any one party but ensured a comprehensive balance of interests. Though the Bosniak-dominated government was able to maintain the territorial integrity of Bosnia and Herzegovina, it was not granted its wish for centralized institutions with as much power as possible. Accordingly, though the Republika Srpska did not become an independent state, it was turned into an Entity with more prerogatives than a typical federal state. The “Institutions of Bosnia and Herzegovina”, as the peace agreement refers to the federal level, assumed responsibility for foreign affairs, foreign trade, customs, currency, immigration, refugees and asylum along with cross-entity international prosecution, communication, transport regulation and air traffic surveillance. All other competences were retained by the Entities (GFA 1995, annex 4.III), including defense policies. The Dayton Agreement thus allowed for separate armed forces to exist in Bosnia and Herzegovina. The military balance, however, was meant to be reshuffled. Whereas the army belonging to the Republika Srpska held a significant majority of the heavy weapons during the war, following the peace accord, it was only entitled to hold half the number of heavy weapons as held by Federation troops (GFA 1995, annex 1B.IV.2–3).

The peace agreement was a concession to the Serbs and Croats insofar as it dictated an obligation to consensus and power-sharing in the institutions of Bosnia and Herzegovina. Thus the Bosniaks, as the largest portion of the population, could not bypass Serbs and Croats when taking decisions. According to the constitution (a part of the peace agreement), the tripartite presidency had to consist

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<sup>8</sup>In the references: General Framework Agreement for Peace in Bosnia and Herzegovina (1995).

of a Serb from the Republika Srpska, a Bosniak representative and a Croat representative from the Federation. The Republika Srpska had to account for at least one third of the Council of Ministers (GFA 1995, annex 4.V). Two thirds of the House of Representatives consist of members from the Federation and one third from the Republika Srpska. In the House of Peoples, the second chamber of parliamentary assembly, an additional stipulation applied stating that the Bosniaks, Serbs and Croats each had to send five delegates (GFA 1995, annex 4.IV.1).

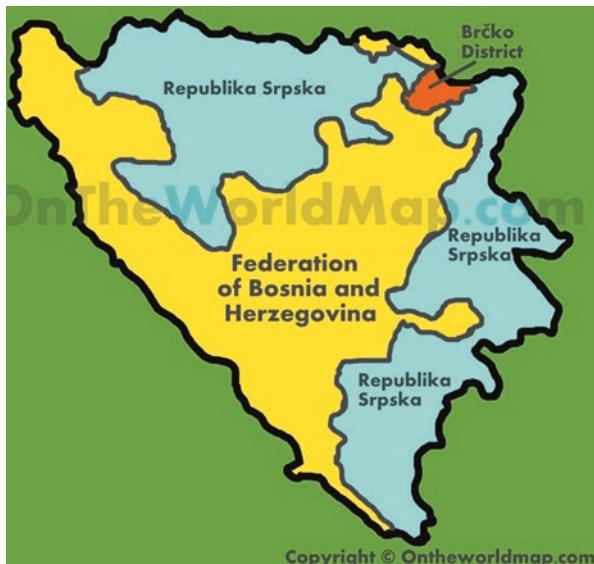
The constitution granted each of the three members of the presidency a veto right (GFA 1995, annex 4.V.2). A majority was also required to pass any legislation in the parliamentary assembly, “which includes at least one-third of the votes of Delegates or Members from the territory of each Entity” (GFA 1995, annex 4.IV.3d). Every bill had to be approved by each chamber of parliament with the House of Peoples holding an additional veto right. For decisions that affected the vital interests, not otherwise specifically defined, of the Bosniaks, Serbs or Croats, a majority was required among the delegations of each of the three groups (GFA 1995, annex 4.IV.3d). All of these obligations to consensus existed in 2018.

The aim of the Dayton Agreement was to compel the conflicting parties to peace through an inclusive framework. Furthermore, the agreement sought to exclude certain persons from political life. The contractual parties had to fully cooperate with the International Criminal Tribunal for the former Yugoslavia (GFA 1995, art. IX). Any individual served or charged by the tribunal who did not appear at court was not entitled to run for elected office or public office or engage in similar practices (GFA 1995, annex 4. IX.1).<sup>9</sup> After some delay, international peacekeeping troops eventually enforced this provision and arrested a number of high politicians. Radovan Karadžić, serving president of the Republika Srpska during the war, went underground and could therefore no longer directly influence the politics of Bosnia and Herzegovina up to his arrest in 2008.

The Dayton Agreement set forth that the Federation would occupy 51% of the territory of Bosnia and Herzegovina and the Republika Srpska the remaining 49%. But the negotiated border between the Entities created a breaking point for the Republika Srpska. Its northwestern half—home to the most important cities and economic areas—was connected to the poorer and more sparsely-settled eastern half only through a small corridor around the municipality of Brčko in the far north (see Fig. 6.1). The Dayton Agreement left open the issue of which Entity

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<sup>9</sup>This arrangement allowed for charged war criminals to run for office following their sentence.



**Fig. 6.1** Bosnia and Herzegovina after the civil war. (© [ontheworldmap.com](http://ontheworldmap.com/bosnia-and-herzegovina/administrative-map-of-bosnia-and-herzegovina.jpg/), Source Administrative Map of Bosnia and Herzegovina. <http://ontheworldmap.com/bosnia-and-herzegovina/administrative-map-of-bosnia-and-herzegovina.jpg/>)

Brčko would belong to (GFA 1995, annex 2nd ed.). In 1999, an internationally appointed arbitrator declared the municipality to be part of a neutral district, an area which would allow for the freedom of movement, as the rest of Bosnia and Herzegovina (High Representative 2000).

The marked influence of foreign actors following the war was not only represented by the settlement of the Brčko issue; international peace-keeping troops also ensured that peace persisted (GFA 1995, annex 1a). Considering the country's relatively small territory and population, the 60,000 troops initially stationed there ensured a very extensive military presence. By January 2019, the number of peace-keeping troops had dwindled down to 600.<sup>10</sup> Following the peace accord, international police missions were also dispatched to the country, first from the United Nations and then from the European Union (GFA 1995, annex 11). The Organization for Security and Cooperation in Europe received the task of carrying

<sup>10</sup>See EUFOR Fact Sheet in: [http://www.euforbih.org/eufor/images/pdfs/Mission\\_Factsheet.pdf](http://www.euforbih.org/eufor/images/pdfs/Mission_Factsheet.pdf).

out democratic elections (GFA 1995, annex 3, art. II); it was not until 2006 that local actors began organizing elections exclusively. As outlined in an arrangement that was still valid in 2018, the President of the European Court of Human Rights appoints three of the nine judges for the Constitutional Court. These three judges may not be citizens of Bosnia and Herzegovina nor of a neighboring country (GFA 1995, annex 4, art. VI.1).<sup>11</sup> However, the most significant influence resulting from the post-war process concerns the High Representative appointed by the Dayton Agreement who is to coordinate efforts for implementing the non-military guidelines set by the peace accord (GFA 1995, annex 10).

### 6.2.3 Adjustment of the Peace Arrangements

The post-war order was greatly altered once the High Representative was granted expanded authority. In December 1997, the states and international organizations that had been involved in the peace process assembled for a conference in Bonn and conferred to the High Representative the authority to dismiss politicians and officials, to alter or annul decisions made by elected Bosnian-Herzegovinian institutions, and to enact laws independently (Peace Implementation Council 1997, p. XI). The High Representative did not assume the position of the democratically elected parliaments or governments but did have the power to bypass decisions made by voters and elected officials. There were a total of 900 cases in which the High Representative exercised his authority, including the dismissal of nearly 200 politicians, officials and even members of the presidency. Since 2006, the High Representative has seldom made use of these powers other than to retract encroachments made in the past.<sup>12</sup>

The majority of interventions were aimed at promoting the return of refugees and internally displaced persons as well as at ensuring cooperation with the International Criminal Tribunal for the former Yugoslavia. Many reforms that were ordered or initiated by the High Representative were intended to strengthen the institutions of Bosnia and Herzegovina at the expense of the Entities. This power boost for the federal level was the second most significant alteration under the Dayton peace arrangements. Between 2000 and 2006, the institutions of Bosnia and Herzegovina gained authority in the areas of justice, border defense, police, secret service and finances. The most striking gain, however, was in the area of defense policies, over which the state institutions have more power than directly after the war. The defense ministries within the Entities were dissolved and

<sup>11</sup> Additionally, foreigners also played a key role in the Central Bank (GFA 1995, annex 4, art. VII.2) and the Commission for Human Rights (GFA 1995, Annex 6, Art. IV und VII).

<sup>12</sup> See Office of the High Representative, [www.ohr.int/decisions/archive.asp](http://www.ohr.int/decisions/archive.asp).

replaced by a corresponding ministry on the federal level. Troops from the Entities were sent to the newly-created Armed Forces of Bosnia and Herzegovina, in which Bosniaks, Serbs and Croats are now represented in roughly equal proportion (BiH Ministry of Defense 2011, p. 15).

The European Union was, along with the High Representative, another driving force behind this shift in authority towards institutions at the federal level. In the wake of the crisis in Kosovo, the prospect of EU accession became a possibility for Bosnia and Herzegovina in 1999. The path to membership was contingent upon fulfilling conditions such as standards of democracy and the rule of law as well as strengthened federal institutions. In February 2016, Bosnia and Herzegovina applied for EU membership.

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### **6.3 Assessing the Conflict Settlement**

Between 1990 and 2009, fifty civil wars ended around the globe. However, civil war resumed in more than 40% of the cases by the end of 2012. If one considers armed conflicts that do not classify as wars with at least 1000 fatalities, then the rate of renewed military conflicts rises to more than 70%.<sup>13</sup> As of 2018, Bosnia and Herzegovina was spared from any new wars or armed conflicts, indicating that the conflict settlement can, in fact, be deemed successful.

This positive impression is reinforced when one looks at the politically motivated instances of violence that remain under the threshold of armed conflict. In the first years following the end of the war, there were many cases of organized attacks on refugees and internally displaced persons wanting to return as well as on other groups. According to reports from the media and human rights organizations, attacks on such returnees have only occurred in isolated cases in recent years. While the first elections after the war were marked by violence against the opposition, election observers have reported on elections that have been free of violence for many years now. Though Bosnia and Herzegovina has not been completely free of politically-motivated or inter-ethnic violence in recent years, it can be considered a relatively safe country. The year 2015 had a homicide rate of 1.5 murders per 100,000 inhabitants, while the corresponding values in the US were 5.45 per 100,000 and 0.85 per 100,000 in Germany.<sup>14</sup>

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<sup>13</sup>The data was taken from a PRIF project about post-civil war orders after 1990 supported by the German Research Foundation (see Gromes 2014).

<sup>14</sup>See the entries for “rate of homicide” in the category “death and injury” at: [www.gunpolicy.org/firearms/region](http://www.gunpolicy.org/firearms/region).

The immediate risk of a war primarily depends on whether the conflicting parties have access to the resources for an armed conflict. Whereas the Federation and the Republika Srpska collectively had more than 400,000 armed soldiers under their control by the end of the war (Defence Reform Commission 2003, p. 68), the united Armed Forces of Bosnia and Herzegovina only had around 10,500 active troops by 2013 (IISS 2019, p. 91). The military draft has been abolished and the number of heavy weapons has been drastically reduced since the war. In 1995, the conflicting parties were in possession of nearly 700 tanks, 400 armored aircraft and 4000 artillery pieces (IISS 1996/1997, p. 81 f.). By 2013, the Bosnian-Herzegovinian armed forces had a total of 45 tanks, 20 armored aircraft and 224 pieces of artillery (IISS 2019, p. 91). Based on this inventory, it would seem, at least, that a renewed war with the same scope and intensity as in the 1990s is now out of the question. There is, however, plenty of potential for attacks to be committed by individual perpetrators or underground groups; in 2010, nearly 1.1 million private individuals were in the possession of firearms (United Nations Development Programme 2012, p. 5).

The willingness to make use of existing weapons and acquire more of them primarily depends on the degree to which potential adversaries deem the past conflict to be resolved or even overcome. Unfortunately the good news stops here for Bosnia and Herzegovina. Even by 2018, the situation in Bosnia and Herzegovina was still marked by deep divisions along ethno-national lines. The conflict between the Bosniak, Serb and Croat camps has marginalized other issues and even subjected them to its logic. There have since been political parties that have labeled themselves as conservative, liberal, social-democratic or socialist, parties for farmers, youth, seniors and retirees; yet despite this, the determining issue has revolved around the division between the ethno-national groups and the state of Bosnia and Herzegovina. Politicians who are Bosniak or multi-ethnically oriented have called for the federalist system to be simplified or abolished and the veto-mechanisms reduced within the institutional level.<sup>15</sup> The leading Croat parties, on the other hand, want to create their own independent Entity.<sup>16</sup> Furthermore, the highest Serb representatives assert that the foreign powers are the only factor that keeps the

<sup>15</sup>See <http://sda.ba/home/wp-content/uploads/2014/08/Izborna-platforma-SDA-za-opce-izbore-2014.pdf>, p. 7; [www.sdp.ba/upload/documents/dokumenti/4.Kongres\\_SD\\_PBiH-Zakljucci.pdf](http://www.sdp.ba/upload/documents/dokumenti/4.Kongres_SD_PBiH-Zakljucci.pdf), p. 4; [www.szabih.com/wp-content/uploads/2014/09/Program-SBiH-u-periodu-2015-2020.pdf](http://www.szabih.com/wp-content/uploads/2014/09/Program-SBiH-u-periodu-2015-2020.pdf), p. 28; <http://sbb.ba/pdf/PROGRAMSKA%20DEKLARACIJA%20SBB%20BiH.pdf>, pp. 47–50.

<sup>16</sup>See the joint statement by Croat parties (Kreševska deklaracija) at: [www.hdzbih.org/e-dokumenti/hdz-bih/doc\\_download/3-kreevska-deklaracija.html](http://www.hdzbih.org/e-dokumenti/hdz-bih/doc_download/3-kreevska-deklaracija.html) and the two largest Croat parties' political platforms at [www.hdzbih.org/ustavne-promjene-samo-one-koje-rjesavaju-hrvatsko-nacionalno-pitanje-u-bih-s45](http://www.hdzbih.org/ustavne-promjene-samo-one-koje-rjesavaju-hrvatsko-nacionalno-pitanje-u-bih-s45) and <http://www.hdz1990.org/programska-deklaracija>.

state of Bosnia and Herzegovina afloat. Republika Srpska's government has continuously held onto the prospect of the Entity's secession and has emphasized that this goal can only be pursued by peaceful means.<sup>17</sup> Serb leadership, up to now, has not yet crossed the red line and taken any concrete steps towards secession. Separation without agreement from the other conflicting parties would be risky for the Republika Srpska, especially in view of the vulnerability of its eastern half, which is connected to the northwest of the entity only via a narrow corridor.

Prospects of EU membership also curtail the Serbs' efforts to achieve independence: as repeatedly emphasized by representatives from the European Union, only a unified Bosnia and Herzegovina and not an independent Republika Srpska would be able to accede. The EU's offer of integrations was and is also targeted at Croatia and Serbia, demanding that they commit to the territorial integrity of Bosnia and Herzegovina and do not strengthen the centrifugal forces in the country any further. The EU has been attempting to mitigate the consequences of the ethnic divisions but has not yet been able to fully overcome them. The parties to the conflict strive for integration into the EU, yet this mutual goal also fuels the fans of conflict over the joint state of Bosnia and Herzegovina. Representatives from the Republika Srpska lament that their Entity would have made further progress towards membership if it had been an independent state.<sup>18</sup>

Even democracy has not been able to eliminate the ethnic divisions or the conflict over the Bosnian-Herzegovinian state, although it has helped to keep the conflict free of violence. Political parties and other organizations have been able to operate freely for years now, and the media also enjoy diversity. The elections in 2018, however, indicate a setback in this regard, particularly in the Republika Srpska. Elections have repeatedly led to peaceful shifts in power at all political levels and have likewise embodied the sustainability of the democratic process. Democracy is, however, incomplete in terms of universal suffrage<sup>19</sup> and the rule of law. Moreover, the democratic institutions have operated poorly, as evidenced by protracted and instable majority-building processes, boycotts of parliamentary and governmental meetings, and the

<sup>17</sup>A couple of examples: Nezavisne novine, Dodik: BiH nema konsenzus za svoj život, 04/07/2014 (online edition); Nezavisne novine: Dodik: RS ima potencijala da ode iz BiH, 09/07/2014 (online edition).

<sup>18</sup>See Nezavisne novine: Radojičić: Haos u FBiH nam svima nanosi štetu, 16/04/2013 (online edition).

<sup>19</sup>This was due to the constitution, which reserves important posts for Bosniaks, Serbs and Croats. Anyone belonging to another ethnic group or not wanting to define oneself ethnically does not have access to the state presidency or to the House of Peoples. The authority of the High Representative to dismiss elected politicians also attacks the active and passive suffrage.

low amount of passed legislation.<sup>20</sup> This has led many in Bosnia and Herzegovina to view the elected institutions as being caught in permanent crisis.

The deep division of the ethno-national groups have not only split parliaments and governments, but have likewise impacted society as a whole, as can be seen from religious communities, the media or the educational system. The Islamic Community, the Serbian Orthodox Church and the Roman Catholic Church have all got entangled in politics and see themselves as advocates “of their people” (Džihić 2010, pp. 325–328). Most of the many daily and weekly newspapers are targeted at one single ethno-national group, as are electronic media sources. Since the beginning of the 1990s, school children have gone through an educational system marked by ethno-nationalism (Batarilo and Lenhart 2002). Being that most municipalities have largely remained ethnically homogenous<sup>21</sup>—despite the right of refugees and internally displaced persons to return to their homes—and mobility has voluntarily been limited to areas inhabited by people of one’s own ethno-nationality, the majority of young people rarely, if ever, come into contact with people from other ethno-national groups. This situation can easily breed prejudice and distorted views. On account of these persistent trends, Bosnia and Herzegovina will likely remain a deeply-divided society.

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## 6.4 Conclusion: Potential for Other Conflict Settlements

The ultimate test for a lasting peace in Bosnia and Herzegovina is still to come. The withdrawal of all remaining peace missions will demonstrate whether or not the country is able to ensure that war remains absent in the long run. By comparison, Bosnia and Herzegovina can be considered a success story. The fact, however, that there have been more than 20 years of peace since the end of the war should not be taken for granted. The question therefore arises as to whether the arrangements that were implemented and followed here can serve as an appropriate example for other violent conflicts between ethnically-defined groups. Any discussion about the

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<sup>20</sup>It reached its climax in 2004 before falling back to levels from 1997 to 2000 between 2011 and 2013. See [www.parlament.ba/sadrzaj/zakonodavstvo/Archive.aspx?langTag=bs-BA&pril=b](http://www.parlament.ba/sadrzaj/zakonodavstvo/Archive.aspx?langTag=bs-BA&pril=b).

<sup>21</sup>The *UN High Commissioner for Refugees* (UNHCR 2013, p. 1) registered more than a million returned refugees and displaced people by the end of 2012. Around 470,000 returned to areas where they comprised the minority population, though many of these returnees would again leave their original domiciles.

potential transferability cannot focus on the arrangements alone but must also consider the context. The context consists of the characteristics of the conflict, the structure of the population, the geographical peculiarities of the country and the role of external actors.

The Dayton Agreement sought a way out of a violent secession and reached a compromise: maintain the external borders of Bosnia and Herzegovina but greatly federalize the state by granting the Entities as much power as possible. The weak federal institutions maintained a consociational democratic structure with numerous quotas, quorums and veto rights to ensure that none of the conflicting parties could overrule the others. The background for this compromise was a war in which none of the adversaries was able to claim victory. Had the Serb or Croat troops been victorious, the country would likely have broken up; had the Bosniak-dominated government been victorious, Bosnia and Herzegovina would likely not have had the same degree of federalism and power-sharing as it did in 2018.

The Dayton peace accord reflected the existent ethnic structure in which neither Bosniaks nor Serbs along with Croats formed an absolute majority. Such a far-reaching obligation to consensus according to the Bosnian-Herzegovinian model would likely be inappropriate for places with highly asymmetrical population ratios.

The triangular structure that was present in Bosnia and Herzegovina led to an extremely complex political system. The Dayton peace accord did not extend the Federation to the entire country but placed it under the umbrella of another federally based state alongside the Republika Srpska. This resulted in a high degree of entanglement along the political levels, which meant that the building of majorities within the institutions of Bosnia and Herzegovina could not solely be accomplished by coalitions in both Entities but was likewise dependent on the cantons in the Federation. These sorts of excesses can and should be avoided in any society seeking to emulate Bosnia and Herzegovina and its federalist consociational democracy. Another recommendation would be to implement only one veto mechanism and not several as is the case in Bosnia and Herzegovina. The case outlined here also has an excessive number of governments and parliaments: if one counts the federal institutions, both Entities and the ten cantons, there are thirteen parliaments and thirteen governments with over 130 ministries presiding over less than four million inhabitants. The people of Bosnia and Herzegovina do not have a good government but they have many.

Strong civilian and military peace commissions were able to guarantee that the Dayton Agreement was implemented, with the peace-keeping troops ensuring the

armistice as well as the massive disarmament of the conflicting parties. The country's relatively small total area made it possible to deploy such a large number of peace-keeping troops. If the same number of peace-keeping troops per area were deployed in the Democratic Republic of the Congo, a total of 2.8 million soldiers would be required. In relation to the population, a total of 700,000 troops would have been deployed in former Zaire in 1996.

With regard to civilian aspects, Bosnia and Herzegovina also benefited from the opportunities offered by geography. Incentives such as EU membership are not part of the conflict resolution toolbox for other regions. Regardless of the prospect of EU integration, the country's position within Europe ensured a high degree of attention, comprehensive material assistance as well as thorough and long-term engagement from external actors. Between 1996 and 2007, international support amounted to US\$14 billion for the peace process in Bosnia and Herzegovina (McMahon and Western 2009, p. 71). From 2008 to 2017, additional 700 million Euros were invested by the EU alone within the framework of its *Instrument for Pre-accession Assistance*.<sup>22</sup> A corresponding transfer of funds to the Democratic Republic of the Congo would reach dizzying proportions. In light of these large numbers, however, one caveat should be mentioned: just because international engagement was so comprehensive does not mean that the peace process would have fallen apart if less effort had been made. The case of Bosnia and Herzegovina alone does not allow us to conjecture exactly how much military and civilian presence is needed at a minimum.

During the war, discordance among external powers hindered attempts to establish freedom for some time. The Contact Group, in which the most important states discussed their approaches, was a crucial step on the way to concluding the Dayton Agreement. Despite all the quarrels and rivalries, the post-war period was characterized by a relatively high degree of accord. A federal Bosnia and Herzegovina, in which the conflicting parties shared power, was an arrangement that the decisive external powers could all agree to. An arrangement that was less oriented to compromise would likely have resulted in more disagreement in international politics and thereby impeded the peace-building process.

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<sup>22</sup>This figure has been taken from the annual progress report by the European Union. Also see [https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/bosnia-herzegovina\\_en](https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/bosnia-herzegovina_en).

## References

- Batarilo, Katarina, and Volker Lenhart. 2002. Bosnien-Herzegowina. In *Die Schulsysteme Europas*, ed. Hans Döbert, Wolfgang Hörner, Botho von Kopp, and Wolfgang Mitter. Hohengehren: Schneider.
- BiH Ministry of Defense. 2011. Brochure of the ministry of defense and the armed forces of Bosnia and Herzegovina (Sarajevo). [www.mod.gov.ba/files/file/maj\\_2011/bosura%20eng%20mail.pdf](http://www.mod.gov.ba/files/file/maj_2011/bosura%20eng%20mail.pdf).
- Bildt, Carl. 1998. *Peace journey. The struggle for peace in Bosnia*. London: Weidenfeld and Nicolson.
- Bougarel, Xavier. 1999. Zur Ökonomie des Bosnien-Konflikts: Zwischen Raub und Produktion. In *Ökonomie der Bürgerkriege*, ed. Francois Jean and Jean-Christophe Rufin, 191–218. Hamburg: Hamburg Edition.
- Burg, Steven L., and Paul S. Shoup. 1999. *The war in Bosnia-Herzegovina. Ethnic conflict and international intervention*. London: M. E. Sharpe.
- Calic, Marie-Janine. 1996. *Krieg und Frieden in Bosnien-Hercegovina*. Frankfurt a. M.: Suhrkamp.
- CIA. 2002. *Balkan battlegrounds: A military history of the Yugoslav conflict, 1990–1995*, vol. 1. Washington D.C.: Central Intelligence Agency.
- Constitution of the Federation of Bosnia and Herzegovina. 2003. “Official Gazette” of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03. [www.bihdaytonproject.com/wp-content/uploads/2011/06/fbih-constitution.pdf](http://www.bihdaytonproject.com/wp-content/uploads/2011/06/fbih-constitution.pdf).
- Defence Reform Commission. 2003. The path to partnership for peace, Sarajevo. [www.ohr.int/ohr-dept/pol/drc/pdf/drc-eng.pdf](http://www.ohr.int/ohr-dept/pol/drc/pdf/drc-eng.pdf).
- Džihić, Vedran. 2010. *Ethnopolitik in Bosnien-Herzegovina: Staat und Gesellschaft in der Krise*. Baden-Baden: Nomos.
- General Framework Agreement for Peace in Bosnia and Herzegovina. 1995. [www.ohr.int/dpa/default.asp?content\\_id=380](http://www.ohr.int/dpa/default.asp?content_id=380).
- Giersch, Carsten. 1998. *Konfliktregulierung in Jugoslawien 1991–1995. Die Rolle von OSZE, EU, UNO und NATO*. Baden-Baden: Nomos.
- Gromes, Thorsten. 2012. *Ohne Staat und Nation ist keine Demokratie zu machen. Bosnien und Herzegovina, Kosovo und Makedonien nach den Bürgerkriegen*. Baden-Baden: Nomos.
- Gromes, Thorsten. 2014. Die Nachkriegsordnungen in Südosteuropa im Vergleich, *HSFK-Report*, 4. Frankfurt a. M.: Peace Research Institute Frankfurt.
- High Representative. 2000. High Representative's Decision on the Establishment of the Brčko District of Bosnia and Herzegovina, 8 March. [www.ohr.int/ohr-offices/brcko/arbitration/default.asp?content\\_id=5265](http://www.ohr.int/ohr-offices/brcko/arbitration/default.asp?content_id=5265).
- Holbrooke, Richard. 1998. *Meine Mission. Vom Krieg zum Frieden in Bosnien*. München: Piper.
- IISS. 1996/1997–2019. *The military balance. The annual assessment of global military capabilities and defence economics*. London: Routledge.
- International Court of Justice. 2007. Case concerning the application of the convention on the prevention and punishment of the crime of genocide (Bosnia and Herzegovina v. Serbia and Montenegro). Judgment, February 26. [www.icj-cij.org/docket/files/91/13685.pdf](http://www.icj-cij.org/docket/files/91/13685.pdf).

- Ischinger, Wolfgang. 1998. 21 Tage Dayton. In *Deutsche Außenpolitik 1995. Auf dem Weg zu einer Friedensregelung für Bosnien und Herzegowina: 53 Telegramme aus Dayton. Eine Dokumentation*, ed. Auswärtiges Amt, 29–35. Bonn: Auswärtiges Amt.
- Kasapović, Mirjana. 2005. *Bosna i Hercegovina: Podijeljeno društvo i nestabilna država*. Zagreb: Politička kultura.
- Lijphart, Arend. 1977. *Democracy in plural societies: A comparative exploration*. New Haven: Yale University Press.
- McMahon, Patrice C., and Jon Western. 2009. The death of Dayton. How to stop Bosnia from falling apart. *Foreign Affairs* 88 (5): 69–83.
- Nation, R. Craig. 2003. *War in the Balkans, 1991–2002*. Carlisle: U.S. Army War College.
- Peace Implementation Council. 1997. PIC Bonn conclusions: Bosnia and Herzegovina 1998: Self-sustaining structures. [www.ohr.int/pic/default.asp?content\\_id=5182](http://www.ohr.int/pic/default.asp?content_id=5182).
- Ramet, Sabrina P. 2006. *The three Yugoslavias: state-building and legitimization, 1918–2005*. Washington D.C.: Woodrow Wilson Center Press/Indiana University Press.
- Silber, Laura, and Allan Little. 1997. *Yugoslavia. Death of a nation*, Revised and Updated ed. New York: Penguin.
- Tomić, Zoran, and Nevenko Herceg. 1999. *Izbori u Bosni i Hercegovini*. Mostar: Sveučilište u Mostaru.
- UNHCR Representation in Bosnia and Herzegovina. 2013. Statistical summary. [http://unhcr.ba/wp-content/uploads/2013/04/SP\\_12\\_2012.pdf](http://unhcr.ba/wp-content/uploads/2013/04/SP_12_2012.pdf). Accessed: 31. Dec. 2013.
- United Nations Development Programme. 2012. Small arms survey. [www.ba.undp.org/content/dam/bosnia\\_and\\_herzegovina/docs/Research&Publications/Crises%20Prevention%20and%20Recovery/Small%20Arms%20Survey%202010-2011/BiH\\_small\\_arms\\_survey\\_2010-2011.pdf](http://www.ba.undp.org/content/dam/bosnia_and_herzegovina/docs/Research&Publications/Crises%20Prevention%20and%20Recovery/Small%20Arms%20Survey%202010-2011/BiH_small_arms_survey_2010-2011.pdf).
- Washington Agreement. 1994. [www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/washagree\\_03011994.pdf](http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/washagree_03011994.pdf).



# Kosovo: Monitored Secession

7

Bruno Schoch

## 7.1 Introduction: Conflict Overview and Actors<sup>1</sup>

The conflict in Kosovo can be considered an ethno-territorial conflict *par excellence*, one which experts on the region identified as the Balkan’s “Gordian Knot” from early on. Kosovo (see Fig. 7.1) encompasses an area of 10,887 km<sup>2</sup> and is home to approximately 2 million inhabitants. It was an autonomous province of the Republic of Serbia within the Socialist Federal Republic of Yugoslavia after 1974 that concurrently had equal status (just like autonomous Vojvodina) in the federal executive body as the six republics. The Albanians, who comprised nearly 90% of the inhabitants, relied on the right to national self-determination whereas the Serbians asserted steadfastly their historic-ideological claim to the Field of Kosovo (*Kosovo Polje*)—considered the “cradle of the nation”—and therefore insisted on the Republic’s territorial integrity. The demands made by each side exclude the other, resulting in a binary ethno-national zero-sum game. The *longue durée* of this conflict has been characterized by alternating, virtually chronic, mass expulsions and resettlements motivated by nationalism since 1877.

Exact figures pertaining to the size of the population and its composition still do not exist today; Albanians boycotted the 1991 census and Serbs boycotted the

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<sup>1</sup>Some parts of this chapter are taken from Schoch (2012, pp. 97–135), but have been updated and slightly modified.

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**Fig. 7.1** Kosovo. (© [worldofmaps.net](http://worldofmaps.net), Source Map of Kosovo. [www.online-landkarten.com/typo3temp/images/karte-kosovo.jpg](http://www.online-landkarten.com/typo3temp/images/karte-kosovo.jpg).)

one in 2011. Estimates as reflected in the last Yugoslavian census from 1981 put the numbers at 77.4% Albanian, 14.6% Serb and 6.9% others. The World Bank estimated that in 1997, the last year before the war began, the population totaled 2.1 million. The figure from the most recent census in 2011 was 1,733,872 inhabitants, though without counting Serbs in North Kosovo. Realistic estimates place the number of Serbs in Kosovo at around 130,000; most live in scattered enclaves and 45,000 live in four nearly autonomous municipalities in the north of Mitrovica.

The conflict in Kosovo escalated during the violent collapse of Tito's Yugoslavia. According to the Badinter Commission appointed by the EU, the international recognition of its successor states adhered to the borders of the republics and comprised Slovenia, Croatia, Macedonia and Serbia (1991), Bosnia and Herzegovina (1992), and Montenegro (2006). The circle was completed in February 2008: Kosovo's

declaration of independence sealed the collapse of Yugoslavia, which had begun twenty years before with the suppression of its autonomy. At that time, the Milošević regime responded to protests with massive amounts of violence and enacted a kind of apartheid in Kosovo. This brutal repression damaged the already fragile cohesion of Yugoslavia, which had been shaken by the financial crisis, and boosted the secessionists within the reform movement with additional impetus. Slovenia declared its independence in 1991, followed by Croatia; in the subsequent year, the most intense excesses of violence in Europe since 1945 began in Bosnia and Herzegovina. The West, still under the spell of the historical caesura of 1989/1990, was taken by surprise and only conducted crisis management in places where violence had already escalated. This did not initially include Kosovo, as power relations there were too uneven. Under the charismatic leadership of author Ibrahim Rugova, Kosovars resisted with non-violent actions for a long time. This has earned them a great deal of sympathy across the world, but hardly any tangible support.

The Albanians in Kosovo had never belonged to the *homo yugoslanicus*; they are not Slavic and a majority is Muslim. Their prevailingly agrarian way of life has preserved long-standing clan structures and mentalities, which has also been manifested in an exorbitantly high population growth. Kosovo was the most backward province in Yugoslavia with a per capita income of only one sixth of Slovenia's. The existing strategy of non-violence was weakened when the Dayton Agreement that ended the war in Bosnia in 1995 failed to mention the Kosovo Albanians in any of its paragraphs. The Kosovo Liberation Army (UÇK) increasingly began resorting to armed activities, leading the Milošević regime to respond with terror and a program of "ethnic cleansing". Lacking a UN mandate, NATO commenced airstrikes against positions in Yugoslavia in 1999, ensuring that anything akin to the genocide witnessed in Bosnia would not repeat itself. On 9 June 1999, after 78 days of bombardment, Milošević announced that he would withdraw his security forces and allow international peacekeepers to enter Kosovo. On the very next day, the UN assumed responsibility for the reconstruction, administration and democratization in Kosovo. In the following years, all attempts to consensually settle Kosovo's contested status failed. The UN Secretary-General finally appointed a moderator to recommend a solution to the Security Council. The resulting "Ahtisaari Proposal" envisioned an internationally "supervised independence". In February 2008, Kosovo's Parliament declared independence and incorporated the "Ahtisaari Plan" in its entirety into the constitution. This international monitoring of Kosovo formally came to an end on 10 September 2012. Despite this, the country still hosts the Kosovo International Security Force (KFOR), the OSCE, the European Union Rule of Law Mission (EULEX) and, as from the beginning in 1999, a UN Interim Administration, UNMIK, though

drastically reduced to 349 staff members (October 2017).<sup>2</sup> At the time of writing, 114 states have officially recognized Kosovo.

The relevant actors in this conflict are the Republic of Serbia, the (initially provisional) government in Kosovo, the Albanian majority and the Serb minority populations in Kosovo. Significant actors at the international level include the UN—responsible for Kosovo on a trusteeship basis from 1999 until 2012—in addition to Russia—which supports Serbia—the European Union, US, NATO and Albania.

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## 7.2 Institutional Arrangement of the Conflict Settlement

### 7.2.1 UN Trusteeship

On 10 June 1999, the UN Security Council passed Resolution 1244 that set out extensive peace-building measures and the establishment of a UN Interim Administration in Kosovo.<sup>3</sup> Concurrently, the G8 states, through an initiative by the EU, passed the “Stability Pact for South Eastern Europe”<sup>4</sup>—the first coordinated overall concept passed since the beginning of Yugoslavia’s collapse.

The International Community was confronted with the existence of incompatible and mutually exclusive demands in Kosovo. The inviolability of existing state borders stood in opposition to the right to self-determination held by the majority that categorically rejected any form of Serbian authority after years of oppression along with a war that cost the lives of more than 10,000 Kosovo Albanians. The history of European nation states has proven, time and again, that violence ultimately becomes the determining factor in constellations such as these if there is a lack of willingness to compromise. It was exactly this consequence that the International Community had to prevent: it carried too great a risk of a further destabilizing fragmentation of

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<sup>2</sup>See UNMIK Fact Sheet, <https://peacekeeping.un.org/en/mission/unmik>. Cf. also the Reports on the United Nation Interim Administration Mission in Kosovo (UNMIK) presented to the Security Council by the UN Secretary-General every three months since 1999: [www.un.org/en/sc/documents/sgreports](http://www.un.org/en/sc/documents/sgreports).

<sup>3</sup>Security Council Resolution 1244 (10 June 1999), SC/RES/1244 (1999), [www.un.org/Docs/scres/1999/99sc1244.htm](http://www.un.org/Docs/scres/1999/99sc1244.htm).

<sup>4</sup>European Commission (1999), Stability Pact for South Eastern Europe (Cologne Document), 10 June, [www.stabilitypact.org/constituent/990610-cologne.asp](http://www.stabilitypact.org/constituent/990610-cologne.asp).

the Balkan region. The UN Security Council confirmed the existing state borders for this reason, not only to avert a veto from Russia. On the other hand, Kosovo was deprived of the authority of Belgrade and placed under that of the UN, allowing the UN Secretary-General to establish “an international presence”, the “UN Interim Administration Mission in Kosovo” (UNMIK). This was aimed at the “development of provisional democratic self-governing institutions” in order to “ensure conditions for a peaceful and normal life for all inhabitants of Kosovo” as well as to “facilitate a political process designed to determine Kosovo’s future status”. This mandate, limited to 12 months, will be prolonged automatically as long as the Security Council decides otherwise.

As such, Resolution 1244 created a UN protectorate that was meant to prepare the province for self-rule, but within the borders of Yugoslavia. The contradictory character of this resolution was subject to much criticism. The purpose of UN trusteeship was to democratize Kosovo in the hope of relativizing the existent ethno-national antagonism and finding a negotiated solution: it foresaw democratization as a recipe for resolving ethno-national contradictions. With this, the UN was entering *terra incognita*: Practically no other UN mission in history had held such a broad mandate, and a blueprint did not exist in terms of trusteeship or an externally induced process of democratization in an area with unresolved issues pertaining to its statehood.

UNMIK’s first decree clearly stated that: “All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General.” (UNMIK Regulation 1999/1) This “Special Representative of the Secretary General” (SRSG) was the head of UNMIK and had the authority to appoint and recall individuals in all administrative and judicial offices as well as to annul any law that violated the resolution. So, the SRSG’s power blocked the way for any independence referendum.

The KFOR peacekeeping force was also part of the “international presence” in Kosovo that the Security Council had decided on. Though based on Resolution 1244, this force was under NATO command. Its duties included monitoring the withdrawal of Serbian security forces, maintaining the cease-fire, demobilizing militias, ensuring the safety of international actors and all inhabitants, and facilitating the return of displaced people. Unlike traditional UN Blue Helmets, the KFOR was entitled to undertake compulsory measures. The force initially comprised 42,000 troops in addition to 10,000 soldiers in Albania and Macedonia (both particularly affected by the outflow of refugees) and, up until 2003, approximately 3500 Russians. Today, the KFOR still commands around 4100 troops (UN Security Council S/2017/913).

UNMIK was supposed to establish an interim administration in addition to ensuring law and order, creating “provisional democratic self-governing institutions” and paving the way for resolving the status issue. As such, UNMIK’s function was practically on par with that of a state government.

Other international actors also assumed an active role from the outset. The OSCE carried out its largest mission to date, establishing a police training academy that has time and again been praised as the jewel of the international engagement in Kosovo. The Herculean task of revitalizing the economy was taken on by the EU, which was also launching the Stability Pact for South Eastern Europe, mentioned earlier.

One of the common critiques related to the matter of attempting to democratize war or civil war-ravaged countries from the outside takes issue with a lack of sufficient resources. This criticism has no justification in the case of Kosovo. International financial contributions between 1999 and 2001 totaled US\$814 per capita (Kramer and Džihic 2006, p. 21), roughly four times the amount of funding—taken on the basis of the population—that Germany received in 1946 and 1947 through the Marshall Plan (Pond 2006, p. 8). This was further supplemented by assistance from individual states and international NGOs. By 2005, external actors in Kosovo had invested 50 times as many troops and 25 times as much funding as in Afghanistan (Chesterman 2004, p. 246; King and Mason 2006, p. 21). Taken together, around 100,000 “external agents” were present in Kosovo in 2000, a ratio of one for every 20 inhabitants (Kramer and Džihic 2006, p. 21).

## **7.2.2 Monopoly on the Use of Force and Establishing Democracy**

The preconditions for UNMIK were remarkably adverse. Since its status was forced to remain in limbo Kosovo lacked what most theories would consider a *conditio sine qua non* for democratization: a state accepted by the conflicting parties. There was neither an earlier democratic experience nor a tradition of an Albanian state to draw from (Reuter and Clewing 2000, p. 19). Even Yugoslavian self-administration as an autonomous province had only existed from 1974 to 1989. During this time, Kosovo had the de facto status equal to that of a republic with its own constitution and judiciary, president and parliament, government and province administration, black and red flag and Albanian as the official language (Marko 2006, pp. 15–26; Biermann 2006, p. 160). All of this would, however, be revoked in 1989.

The territorial shape of Kosovo was likewise relatively young and, unlike that of Bosnia and Herzegovina, only in existence since Tito's Yugoslavia (Schmitt 2008, p. 26). The size of the territory had been fluctuating before it was conquered by Serbia in 1912 or partitioned by the Axis Powers in 1941, dating back to national conflicts in the Balkans that were instrumentalized by the Great Powers in the 19th century (Malcolm 1998, p. 181 et seq.). When the London Conference of Ambassadors brought Albania into being in 1912, the intention was to deny Serbia access to the sea; ethnic considerations were not taken into account and the new state only comprised half of all Albanians.

Power politics played a role when Tito's Yugoslavia carved out Kosovo's territory according to the strategy of *divide et impera*: one result of this was an Albanian minority accounting for a quarter of the Macedonian population; furthermore strategically important transportation connections connecting Belgrade to Skopje and Thessaloniki led right through the Albanian region of the Preševo Valley in southern Serbia while regions that were home to almost exclusively Serb populations north of Mitrovica were placed within Kosovo's borders. Stalin's break with Tito would have fatal consequences for the Albanians in Yugoslavia: since Albania, under the leadership of Enver Hoxha, initially sided with Moscow, they were suspected of being "cominformists", i.e., national traitors, and were especially oppressed.

Kosovo would first gain the status of an autonomous province under the Yugoslav constitution of 1974, though within the Republic of Serbia. Following the death of Tito, the Kosovars began demonstrating for full equality within their own republic, a privilege the Macedonians and Montenegrins enjoyed despite their smaller numbers. The protests in 1981 were brutally repressed, resulting in hundreds of deaths. The Milošević regime then went on to annul Kosovo's autonomous status in 1989 and subjugated it under the direct authority of Belgrade. More than 70,000 Albanian doctors, professors, police officers, judges and civil servants were dismissed (Schmidt 2000, p. 191). UNMIK was therefore unable to build on any existing administrative structures upon entering in 1999. As such, the withdrawal of the Serbian security forces on 10 June 1999 was akin to a "Zero Hour". The Serbian *Soldateska* had burned down nearly half of all buildings in Kosovo and in many cases had confiscated official documents from refugees (Judah 2000, p. 297). It goes without saying that the state of the economy was ruined.

Caught up in the euphoria of their "national liberation", many Kosovo Albanians subsequently committed bloody acts of vengeance against minorities who had remained in the country. As the UN administration only slowly began to take shape, Kosovo first went through a period dictated by "the law of the jungle". The provisional government established by the UCK in exile resurfaced and its

armed supporters challenged the authority of “President” Rugova and his “Democratic League of Kosovo” (LKD) that had been established in 1989. UNMIK had difficulty establishing its own claim to authority during the power struggle between prominent UÇK and LDK figures. A settlement was reached with Ibrahim Rugova and UÇK leader Hashim Thaçi on 15 September 1999 in which both parties agreed to dissolve their provisional governments and their militias and to cooperate with UNMIK. This included the establishment of administrations with one authorized representative in each municipality with the exception of those in northern Kosovo. A transitional government was created in December 1999, consisting of four “international” members and four Kosovars, of which one was a Serbian representative. While UNMIK was striving to create a multi-national polity, the Kosovars were celebrating their national emancipation. They benefited from the fact that the NATO intervention against Serbia had succeeded and was supported by the UÇK (Pettifer 2012, p. 204 et seq.). In the interest of a swift stabilization process, UNMIK also cooperated with the leaders of the armed struggle—who were certainly not flawless supporters of democracy. In so doing, UNMIK essentially made former UÇK commanders assume the status of “untouchable” agents of stability. This was particularly the case for Hashim Thaçi, whom the US Secretary of State had embraced during his fight against Milošević and who gained media attention; the European Council would later release a report in December 2010 charging him with the most serious war crimes (Marty 2010, cf. also Capussela 2015).

Because of international efforts, hundreds of thousands of refugees were able to return home quickly and once again had a roof over their heads the following winter. Furthermore, the main groups that had been vying for power subordinated themselves to UNMIK and dissolved their militias. Nevertheless, the filling of the power vacuum progressed slowly. Security remained a scarce resource in Kosovo, particularly, but not only, for the minority populations. Under the auspices of UNMIK, acts of vengeance targeting Serbs and Roma claimed the lives of more than 1000 victims. Freedom of movement between the enclaves was denied to the Serb population; though the UN and KFOR did provide them with bus and train transport to Serb North Kosovo and to Serbia for matters such as medical treatment.

As early elections following civil wars tend to favor nationalist parties, UNMIK first called for municipal elections in October 2000 that were monitored and carried out by KFOR and OSCE. While local issues did not play a major role, everything revolved around the matter of independence. The majority of the Serbs that remained in Kosovo boycotted what they proclaimed to be “illegal” elections. The OSCE and UNMIK evaluated them as free and fair elections that

established legitimate local councils in the Albanian municipalities. Rugova's LDK took nearly 60% of the vote, defeating the two parties that had emerged from the UÇK: the "Democratic Party of Kosovo" (PDK) and the "Alliance for the Future of Kosovo" (AAK). It was obvious that a majority of voters rejected the former guerillas and their repeated demonstrations of arrogance of power. The LDK proved to be moderate only in terms of the means—everyone agreed on the objectives: first independence and then democracy. Shortly before that, Milošević had been overthrown in Belgrade, and hope was circulating in the West that this event could go on to open the gates for settling the conflict in Kosovo—which turned out to be an illusion. Whereas one side uncompromisingly demanded independence, the other side identified itself as citizens of Serbia. The international actors involved made the matter of status dependent on democratic progress: they abided by the formula "standards before status". The intransigence of both sides was further fueled by UNMIK and KFOR's failure to ever implement their authority in North Kosovo due to fear of violence. Here, Serb "parallel structures" remained as uncontested as national emblems.

In May 2001, the SRSG enacted the "Constitutional Framework for Provisional Self-Government".<sup>5</sup> This document perpetuated the inherent contradiction within Resolution 1244: With regard to Yugoslavia, it was not allowed to serve as a constitution yet, concurrently, it was meant to create the basis for democratic self-government. The "Provisional Institutions of Self-Government" (PISG) included: an *assembly* with 120 representatives, of which ten were reserved for Serbs and ten for each of the other minorities based on their share of the vote. The parliamentarians were to elect a *president* and a *head of government* whom the president would nominate. An independent *judiciary* was also to be established in addition to an *ombudsman* whom the OSCE was to assist in guaranteeing the protection of human rights. The SRSG ruled over these provisional institutions: He was responsible for approving the budget, he decided on the appointment of judges and state attorneys and he controlled the "Kosovo Protection Corps" (KPC)—created for the purpose of disaster response in order to facilitate the demobilization of the UÇK. The SRSG had the power to annul laws, dissolve the parliament and call new elections if the elected representatives acted in opposition to Resolution 1244. Foreign affairs were also placed under the purview of the SRSG. Bit by bit, UNMIK—the source of all legitimate authority in Kosovo—was meant to cede its powers to the PISG.

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<sup>5</sup>See UNMIK Regulation 2001/2009, [www.unmikonline.org/constframework.htm](http://www.unmikonline.org/constframework.htm).

The crux in this construction is, however, quite apparent: On the one hand, it created a democratic system and invoked “the will of the people”, yet, at the same time it forbade a referendum for independence and granted the SRSG complete authority. There was hope that an overrepresentation of minority groups would have inclusionary impacts. However, the set up was not that of a consociational democracy, as institutionalized power sharing was wholly lacking and the Serbian minority did not possess the right of veto—this was reserved for the SRSG alone. Minority groups were permitted to appeal legislation that stood in opposition to their “vital interests”. A three-person committee consisting of a representative from both ethnic groups plus one appointed by the SRSG would then have to deal with the issue. Although one of the minority groups could delay a legislative act, this set up was far less effective than the need for a double majority (Rossbacher 2004, p. 268). The Kosovo Serbs were denied a veto right since they would, in all likelihood, have blocked all legislation and governance in a quasi-state they considered illegitimate—in addition to the fact that a similar situation in Bosnia and Herzegovina had turned out badly. The Constitutional Framework provided for an appropriate degree of participation for minorities in the civil service, though it did not set a proportional distribution of resources.

During the first elections for the *Assembly* in November 2001, the Kosovo Serbs also participated and under a common party ticket named “Coalition Return”. The LDK won once again, claiming 47 seats, with Thaçi’s PDK taking 26 and Ramush Haradinaj’s AAK getting eight. “Coalition Return” received 11.3% of the votes which, in addition to their guaranteed ten seats, granted the Serbs twelve mandates and transformed them into the third-strongest faction. Rugova became president and an all-party coalition was built under the leadership of his PDK.

Legislation suffered from a lack of sufficient political will on the part of both ethnic groups to cooperate for the sake of lessening the existing antagonism. While the majority of the *Assembly* generally treated the Serbs as a *quantité négligeable*, the latter constantly threatened the former with boycotts. Whereas Prishtina did too little to convince the Kosovo Serbs to support the establishment of democracy, Belgrade did not shy away from threats or high costs associated with maintaining its course of obstruction. An exclusively Serbian university was established in Mitrovica in 2001 while doctors and police officers within the “parallel structure” received inflated salaries. Cooperation between the Albanians and Serbs was neither improved by the process of democratization nor by the transfer of powers from UNMIK to the newly established institutions. On the contrary: The more the democratic institutions took shape, the more unyielding became the obstructions by the Serbian minority against a state that they perceived to be illegitimate.

### 7.2.3 Prolonged Efforts to Resolve the Status of Kosovo

A renewed outbreak of violence occurred in 2004. Following the terrorist attacks in New York on 11 September 2001, many in Kosovo feared that they would once again lose the attention of the International Community. The riots resulted in 20 deaths and countless serious injuries as well as the destruction of churches and monasteries. The pogrom-like unrest demonstrated just how polarized society remained despite delicate attempts at cooperation. Once again, violence in the Balkans would pay off in the end: The main international actors finally pledged to tackle the issue of Kosovo's status. The UN Secretary-General commissioned prominent diplomats—Kai Eide followed by Wolfgang Ischinger and, ultimately, a fact finding mission—to explore the prospects for a resolution; their attempts, however, were doomed to failure. Serbia was committed to maintaining the integrity of its state, of which Kosovo was *de jure* a part. The slogan “more than autonomy, less than independence” remained mere propaganda due to the absence of concrete proposals to the matter of how to integrate the Kosovars into the polity. Belgrade used the Serbs in Kosovo as a bargaining chip in the struggle over the status issue—funds and intimidation were preventing them from participating in the institutions. In October 2006, Serbia allowed for its new constitution, which explicitly codified Kosovo as a part of Serbia, to be confirmed through a popular referendum—without, however, inviting the Albanians, who were supposedly citizens of Serbia, to participate in the vote.

### 7.2.4 The Path Toward “Supervised Independence”

Once the negotiations had failed to find a consensual solution, the UN Secretary-General commissioned the experienced negotiator Martti Ahtisaari to elaborate his own recommendation for a resolution. The so-called *Ahtisaari Proposal* (Ahtisaari 2007) was submitted in March 2007 and called for an internationally supervised independence with strict requirements for extensive protection of the minority populations. A multi-ethnic and democratic Kosovo was meant to grant full equality to minorities, promote the decentralization of local administrations, protect Orthodox monasteries and churches, and facilitate the return of all refugees. The international Contact Group would appoint an “International Civilian Office” (ICO) to monitor the implementation of this plan. The head of this group, who was also the EU Representative to Kosovo, served as the “final authority” with the power to annul laws that ran counter to the Ahtisaari Plan as well as to

dismiss public office holders and to sign off on appointments of important leadership roles. Concurrently, an “EU Rule of Law Mission” (EULEX)—consisting of judges, state attorneys, consultants and police officers—was tasked with strengthening the rule of law in Kosovo.

Considering that both missions were supposed to monitor an *independent* Kosovo, the UN Security Council was at a loss for consensus. As a supporter of Serbia’s opposition to the secession, Russia did not accept the Ahtisaari Proposal. The major actors in the West, however, deemed the Plan’s violation of the principle of territorial integrity to be the “least bad” solution in the wake of protracted and unsuccessful efforts to come to an agreement (Dembinski and Schoch 2007; Lehne 2009). They considered the end of Kosovo’s undefined status within international law to be the basis for a stabilization of the Western Balkans.

UNMIK set 17 November 2007 as the date for the new elections and left no doubt that any future government would follow the mandate of “supervised independence”. New political groupings ran for election alongside the existing parties. This included the “Democratic League of Dardania” (LDL), which had split from the LDK after Rugova’s death in January 2006—a turning point on Kosovo’s political stage—and the “New Kosovo Alliance” (AKR), which had been founded by Behgjet Pacolli, a Swiss citizen of Kosovar descent who boasted that the revenue of his construction company exceeded the entire budget of Kosovo. This time around, the PDK won 34.3% of the vote and therewith replaced the LDK as the strongest party, whose share sank by half to 22.5% following its split. The AKR, under the leadership of the “richest Albanian in the World”, became the third-strongest party with over 12% of the vote while the AAK claimed 9.6%.<sup>6</sup>

Voter turnout had fallen to 42.8% as a result of an almost total boycott by the Serbs as well as a call to abstain by the extra-parliamentary movement *Vetëvendosje!* (self-determination!). This movement, which was particularly influential in Prishtina, was led by the former student leader Albin Kurti who denounced the “neo-colonialism” of the International Community. Although democracy without sovereignty of the people is, without any doubt, an oxymoron, the *Vetëvendosje!* Movement, with its appeal to nationalistic maximalism, greatly contributed to reducing all politics to a question of national sovereignty. This was proof of how much the political culture in Kosovo was entangled with the fight for national liberation.

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<sup>6</sup>See Kosovo Assembly Elections (2007), [www.osce.org/kosovo/documents/38260](http://www.osce.org/kosovo/documents/38260).

Hashim Thaçi had finally advanced to the role of a “strong man” in Kosovo. He formed a grand coalition between the PDK and the LDK and appointed two Serbian politicians from a non-representative party to ministerial posts for the return of refugees, work and public welfare. The path to the Declaration of Independence was now paved, even though there was no consensus in the Security Council. On 17 February 2008, the *Assembly* ceremoniously and unanimously declared the independence of the Republic of Kosovo—at a session at which the Serbian representatives abstained from attending.<sup>7</sup> It also approved the international supervision which the Ahtisaari Plan had envisioned.

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## 7.3 Taking Stock of the Conflict Settlement

The strategy to resolve the ethno-territorial conflict in Kosovo through gradual democratization failed insofar as the conflict settlement determined by the UN ceased with the secession—an outcome that the International Community had long wanted to avoid. Contrary to the expectations of most observers, this did not, in fact, lead to any further destabilization in the Balkans. In this regard, the EU tipped the scales.

### 7.3.1 Proliferation of International Supervision

Resolution 1244 remained in force on account of disagreement within the UN Security Council. As a result, many states did not recognize Kosovo’s independence and a disorienting variety of international actors continued to be active in the country. UNMIK, which was no longer meant to exist according to the Ahtisaari Plan, continued to persist in a slimmed down form. The ICO and EULEX, which the plan had tasked with supervising an independent Kosovo, had to operate under the responsibility of UNMIK and in accordance with the directive of “neutral status”; legal disputes ensued. The Serbs would only cooperate with UNMIK and dismissed ICO and EULEX as illegal while an independent Kosovo appealed to these two institutions and declared UNMIK obsolete.

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<sup>7</sup>See Kosovo Declaration of Independence, Sunday, 17.02.2008, [www.assembly-kosova.org/?cid=2,128,1635](http://www.assembly-kosova.org/?cid=2,128,1635).

The new constitution of the Republic of Kosovo went into effect on 15 June 2008.<sup>8</sup> Drafted with extensive assistance from the West, it *grosso modo* assumed the institutions of “provisional self-government”. Article 143 explicitly stated that the Ahtisaari Plan would “take precedence over all other legal provisions in Kosovo”—an unusual constitutional condition. The constitution set the goal of establishing a multi-ethnic, stable democracy and that would contain “the most advanced set of minority rights in Europe or anywhere else” (Weller 2009, p. 257). Serbian was declared an official language with equal status; the Serbian minority is to govern itself and, within the framework of comprehensive decentralization, may continue to receive support from Serbia, provided it remains transparent. At least one Serb and one representative of another minority group must be represented in the government. Minority groups likewise enjoy guaranteed representation in the judiciary: Two of the nine judges in the constitutional court must belong to a minority group and three are appointed by the International Community; for the time being, the Albanian judges are in the minority due to this. The deputy chairs of the *Assembly* are to be held to one Serb and one representative from another minority. Of the 120 seats in total, ten are reserved for Serbs and ten for other minorities; in the first two legislative periods, the minority groups receive an additional representative for every seat that they have won, and thereafter the seats that they have additionally won. This has helped to slightly reduce the over-representation of the minorities. Amendments to the constitution require a two-thirds majority plus additional two-thirds majorities among all minority groups (Art. 65.2); laws that affect the “vital interests” of any ethnic group necessitate the appointment of a minority representative in addition to a simple majority (Art. 81.1)—this serves as a limited veto right. Special guarantees for participation also exist in municipalities with minority populations.

Apart from the declaration of independence, the *Assembly* also took a decision on the new symbols of the state. The national anthem circumvented the language problem by not including lyrics and the flag depicts a yellow outline of Kosovo set against a dark blue background with six golden stars that represent the six ethnic groups in Kosovo (Albanians, Serbs, Roma, Turks, Bosniaks and other minorities)—bearing a striking resemblance to the EU flag. This flag has since been hoisted for official occasions, at times alongside the Albanian black and red two-headed eagle flag. These new Kosovar symbols may very well have been the result of opportunity rather than conviction; but they do, however, express the

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<sup>8</sup>See Constitution of the Republic of Kosovo, [www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf](http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf).

benevolent intention of easing the possibilities for minority group participation by discarding ethno-national symbols. In January 2009, the *Assembly* decided to establish the *Kosovo Security Force*—a lightly armed army comprising 2500 soldiers and 800 reservists (meanwhile increased to 5000 respectively 2500), which have been under the supervision of NATO—as the successor of the Kosovo Protection Corps. Individuals from the minority groups must account for ten percent of the force.

### 7.3.2 The Struggle Involving North Kosovo

It was not without irony that Kosovo's constitution likely went furthest of any country in Europe in guaranteeing minority rights yet was, for all intents and purposes, a waste of paper on account of the fact that Belgrade essentially controlled the Serb areas in the north—assuming concrete manifestations in the form of license plates, currency and flags. While the Serbs in the south visibly cooperated with the independent Kosovo, those in the north rejected this altogether. Belgrade financed the Serb university in North Mitrovica as well as the local hospital and the schools. Serb politicians continuously recommended a connection be made between this area and the “motherland”. Belgrade established its control of North Kosovo after 2008 and thereby further cemented the parallel structures. Despite UNMIK deeming it illegal, Belgrade allowed the election of local councils in 26 Serb municipalities in Kosovo in parallel with parliamentary elections in Serbia in May 2008. These local councils combined to form their own “Assembly of the Community of Municipalities of the Autonomous Province of Kosovo and Metohija”. UNMIK and the EU Administration were helpless to act in the face of this divided sovereignty, which has undoubtedly impeded political stability, the improvement of the rule of law and economic development.

Kosovo has remained an incomplete state even after its independence was gained. Russia and China, for one, blocked approval by the UN Security Council for the supervised independence as well as Kosovo's path to UN membership—the source of international legitimacy for all states. At the time of writing, only 114 states have officially recognized Kosovo (October 2017). The country is still lacking its own internet domain; until February 2017 it had no international country code and had to use the one of Serbia, Monaco or Slovenia, nowadays the country code is 00383; Kosovo could not send athletes to the Olympics until 2016; and only in 2017 it could take part in the international football qualification matches for the 2018 World Championship. Secondly, five EU member states (Spain, Greece, Cyprus, Romania and Slovakia) have withheld their recognition

of Kosovo. This has forced EULEX to strike a delicate balance between supporting independence and maintaining the status of neutrality, which has hindered the EU accession process as it requires the existence of a functioning state. Thirdly, state building has not been completed insofar as Prishtina does not yet exercise full authority over Serb municipalities in the north. KFOR and UNMIK never eliminated the parallel structures that exist there, as Resolution 1244 would have required. As such, the ethno-territorial conflict in Kosovo has persisted on a small scale in North Kosovo. Though the agreement between Belgrade and Prishtina mediated by the EU in April 2013 states that neither of the sides would question the other's territorial integrity or block the other side from joining the EU, recognition of Kosovo on the part of Serbia is only de facto and not official.

### **7.3.3 Since 1999: Prospects for the EU as a Driver of Normalization**

As a consequence of the conflict in Kosovo, democratization would not be satisfactory as long as the state's status remained undefined, national borders remained disputed and two sources of sovereignty continued to exist in practice. Serbia's desire to join the EU has in fact become a driving force, so that the internationally ordered conflict settlement has started to bear fruit.

The first step was taken by the Serbian government in February 2008 when it announced to Prishtina that it would henceforth only oppose the secession through diplomatic and judicial means. This renunciation of violence was a "radical shift" (Judah 2000, p. 47) and should not be underestimated against the background of the conflict's long and bloody history. The Serbian elections in the summer of 2008 marked a next step. Prime Minister Vojislav Koštunica's policies of placing the obsessive struggle for Kosovo above the prospect of EU accession no longer enjoyed support by the majority. Shortly prior to the elections, the EU had offered Serbia a Stability and Association Agreement which Koštunica rejected. In response, Milošević's former spokesman Ivica Dačić distanced himself from Koštunica and, in a surprising move, decided to form a coalition with the pro-Europe parties. Shortly after the ratification of the Association Agreement, strife broke out within the ranks of the Radical Party. Since the party abstained from the agreement, party leader Vojislav Šešelj, who was, at the time, on trial in The Hague for war crimes, had his deputy Tomislav Nikolić expelled from the party. Nikolić then split it up and founded the Serbian Progressive Party that was both nationalistic *and* pro-European.

Ever since, a consensus has been in place among the political class in Belgrade as to prioritizing the country's EU prospects. The possibility of joining the EU has relativized the weight of the conflict in Kosovo and also softened the existing intransigence. Serbia managed to win a majority vote at the UN General Assembly to engage the "International Court of Justice" (ICJ) to verify whether Kosovo's declaration of independence was in accordance with international law. On 22 July 2010, the ICJ's *Advisory Opinion* made an unexpectedly direct statement that this had, in fact, been the case.<sup>9</sup> Nevertheless, the report further postulated—contrary to what many separatists around the world had hoped—that this did not create a new precedence and did not establish at all a right to secession. Rather, the ICJ recognized the unceasing efforts by the UN to find a consensual solution and noted that Resolution 1244 had appointed UNMIK "to facilitate a political process designed to determine Kosovo's future status"; therefore, the declaration of independence did not infringe upon Resolution 1244.

Serbia submitted an application for accession to the EU in December 2009. This gave the EU a lever to use, since the requirements for EU accession include resolving any existing border disputes with neighboring countries. In 2010, the EU dissuaded Serbia from bringing the status issue before the UN once again. Instead, both sides submitted a jointly-drafted proposal calling for direct dialogue<sup>10</sup> between Belgrade and Prishtina, which the UN General Assembly unanimously endorsed.<sup>11</sup> The EU foreign ministers promptly rewarded this move by having the EU Commission review Serbia's application for accession, which had been languishing in Brussels for nearly a year. The Commission additionally required Belgrade to cooperate more closely with the International Criminal Tribunal for the Former Yugoslavia. By the summer of 2011, two suspected war criminals, Ratko Mladić and Goran Hadžić, were arrested and extradited, a

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<sup>9</sup>Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion (July 22, 2010), [www.ici-cij.org/docket/files/141/15987.pdf](http://www.ici-cij.org/docket/files/141/15987.pdf).

<sup>10</sup>One precedent that was named time and again was introduced by German diplomat Wolfgang Ischinger at the end of 2007 which referred to the fact that the two German states conducted talks and negotiations in 1972, even though the Federal Republic of Germany at that time did not recognize the Democratic Republic Germany.

<sup>11</sup>Adopting Consensus Resolution, General Assembly Acknowledges World Court Opinion on Kosovo, Welcomes European Union Readiness to Facilitate Process of Dialogue, GA/10980, 9 September 2010, [www.un.org/News/Press/docs/2010/ga10980.doc.htm](http://www.un.org/News/Press/docs/2010/ga10980.doc.htm).

search which had, allegedly, been conducted in vain for the past ten years. Direct negotiations between Belgrade and Prishtina, moderated by the EU, began in March 2011. They led to a bilateral agreement that spanned a range of issues, from reduced travel restrictions, automobile license plates, the recognition of school degrees, assistance in obtaining personal documents, and a mutual border regime all the way up to Kosovo's right to participate in international conferences under the name "Kosovo\*", with an asterisk referring to Resolution 1244 and the *Advisory Opinion* of the ICJ.

One stumbling block that long impeded the dialogue was the issue of North Kosovo, concerning about 45,000 Serbs living in four municipalities on 1300 km<sup>2</sup> of land north of Mitrovica. The conflict in Kosovo had transformed into the conflict in North Kosovo. Despite withholding a public admission to the fact, Belgrade was starting to come to terms with losing Kosovo from a *realpolitik* perspective. Leading politicians including President Tadić still recommended a division or a territorial exchange with the Preševo Valley in exchange for Serbia's recognition of Kosovo; however, the USA and the EU adamantly rejected any shift of borders. In April 2013, after having conducted delicate negotiations, EU "Foreign Minister" Catherine Ashton finally convinced both prime ministers to sign an agreement to settle the dispute over North Kosovo. Serbia accepted the region's affiliation with the rest of Kosovo, which would, in turn, allow the Serbian population to establish its own community with extensive autonomous rights that went beyond the provisions set out by the Ahtisaari Plan. Both sides agreed not to impede the process of EU accession of the other one. For Kosovo's Foreign Minister Enver Hoxhaj, this represented a "historical peace agreement between Kosovo and Serbia at the end of a century of conflict that culminated in an international war in 1999. Never before in history have Kosovo and Serbia signed a contract together."<sup>12</sup>

Radical groups in North Kosovo would mobilize for several months against this "betrayal". They organized border incidents and boycotted the Kosovar municipal elections in November 2013, which had to prematurely be called off due to acts of violence; the elections were, however, repeated. Serbian leadership seems to have since decided not to let the burdens of the past or the Serbian minority in North Kosovo cloud their view of current realities. In March 2013, none other than Prime Minister Dačić himself, former press secretary for Milošević, issued the blunt statement that: "Kosovo has been a taboo topic for

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<sup>12</sup>Interview in Frankfurter Allgemeine Zeitung, 24 March 2013: 5.

nearly ten years, which no one in Serbia could officially speak the truth about. Fairy tales were told. Lies were told that Kosovo belongs to us, as it was even laid down in the constitution. Today, this constitution is not helpful in the least.”<sup>13</sup>

In June 2014, Kosovo held snap elections. Thaçi once again won a relative majority but his party lost its coalition partner: the AKR had not reached the quorum and the other parties joined forces against it, despite all their other divergent positions. However, since Thaçi was not willing to concede power, Kosovo found itself in the midst of a serious political crisis. This was paradoxical, considering that its state existence was no longer in danger. These elections were not marred by any incidents and voter turnout in North Kosovo was between 18.25 and 35.86%; in the Serb municipalities with Serb majority south of Ibar, it even exceeded Kosovo’s average voter turnout.<sup>14</sup> After half a year the two major parties finally agreed to build a grand coalition: Isa Mustafa (PDK) became Prime Minister, Hashim Thaçi Deputy Prime Minister and Foreign Minister, and both agreed that in 2016, when Atifete Jahjaga’s term came to an end, Thaçi would be elected President. With this power arrangement Thaçi could remain Kosovo’s decisive political actor. The early elections in June 2017 did not change much: the PDK in alliance with the AAK garnered 34.7% ahead of Vetëvendosje (26.8%) and a conservative alliance of parties led by the LDK (25.8%). Accordingly, AAK leader Haradinaj Ramush was elected Prime Minister.

All in all, the old conflict in Kosovo is approaching its end, even if the path towards formal recognition by Serbia may still be long. Parenthetically, one might be reminded of the fact that it took Spain 60 years to recognize the independence of the states in Latin America, which came into being between 1810 and 1825 and had fragmented into 15 republics until 1841 (Baumgart 1999, pp. 430–434).

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## 7.4 Conclusion: Limited Potential as Example

In contrast to the case of the “Free Territory of Trieste”, UN trusteeship functioned in Kosovo. The UN assumed complete national authority and commissioned international peacekeepers and a UN mission to carry out state reconstruction, the

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<sup>13</sup>Translation of an entry in the weekly magazine “Nin”, quoted according to Michael Martens: Die Kosovo-Lüge. Serbiens Ministerpräsident ist ein alter Milošević-Mann – und bricht ein nationales Tabu, Frankfurter Allgemeine Zeitung, 12 March 2013: 5.

<sup>14</sup>Report of the UN Secretary-General on the UN Interim Administration Mission in Kosovo, S/2014/558: 2.

establishment of democratic institutions and the rule of law. This endeavor was guided by the idea that the ethno-national conflict could be regulated and pacified by democratization and comprehensive minority rights. The Kosovo case demonstrates that this sort of trusteeship—one that possesses the legitimacy of the Security Council, political prospects, sufficient manpower and enormous resources in relation to the population—was in a position to end the civil war, prevent ethno-national violence and noticeably improve the security situation. Though it was unable to prevent Kosovo's secession, it was able to maintain the state's territorial borders against ethnically-motivated demands for a division of the country. As such, this case may only serve as a model in a limited sense: Apart from the fact that the Security Council reached an agreement in 1999 on account of extraordinary circumstances, the International Community would likely only be willing to provide such a massive degree of engagement in rare situations.

With regard to Kosovo, the strategic assumption that democratization itself would be able to settle, or even “resolve”, ethno-territorial conflict proved to be an illusion. On the contrary, historical examples since the French Revolution have shown that processes of democratization at times intensify ethno-national conflicts because they utilize nationalism as a resource for mobilization in conditions of freedom of expression and assembly. Democratization as a strategy for settling ethno-national conflicts becomes particularly precarious when one of its basic requirements is absent: the state. Democratization and conflict settlement were impeded in the case of Kosovo because the UN Security Council had to leave the status issue—namely, national affiliation—, *faute de mieux*, unanswered. The attempts to settle the ethno-national conflict within the Republic of Serbia peacefully were unsuccessful. Apartheid, repression and mass expulsions strengthened the recourse of the oppressed groups to pursue self-determination; additionally, the interplay between NATO and UÇK in the war against Milošević had further reinforced the prospects of independence. The signs of an imminent secession therefore began to surface, for which the UN did everything in its power to preserve the goal of a multi-national Kosovo. The ambiguous character of Resolution 1244 contributed to the fact that the internationally implemented and comprehensive minority protection rights were insufficient for pacifying the conflict. This was due to the fact that Belgrade took advantage of the minority for a long time for the purpose of obstruction and did not shy away from using resources in the struggle for the status issue. Concurrently, the case of Kosovo has demonstrated that external state-building efforts are, in fact, able to achieve more than some generalized criticisms have been willing to admit. These have dismissed such projects as, in essence, being nothing more than pious intentions stemming from Western “self-deception” only capable of bringing Potemkin villages and facade democracies into being (Bliesemann de Guevara and Kühn 2010, pp. 198 and 182).

It is not only Serbian propaganda that warned of Kosovo's independence being a possible step towards a "Greater Albania" (Schmitt 2013, p. 7; Despot et al. 2012, p. 5). Common national self-awareness doubtlessly exists among the Albanians, who reside in different states and are connected to a strong diaspora. Manifestations of this are Flag Day on 28 November and the new highway between Durres and Prishtina—growing economic ties are also likely to strengthen this common national self-awareness. On the other hand, many factors contradict this often-invoked pan-Albanian menace. Firstly, the USA and the EU firmly support the existing national borders in the Balkans. Secondly, shared experiences between Kosovo Albanians and minority groups in Macedonia from the times when Yugoslavia was open to the world extend deeper than similarities during the period up to the death of Enver Hoxha when Albania was completely cut off from the world. Macedonia served as a logistical support and arms supplier for the UÇK and was a destination for hundreds of thousands of refugees in 1999; indicatively, however, only a handful of volunteers from Albania ever fought in the ranks of the UCK (Pettifer 2012, p. 211). Thirdly, the political elite in Prishtina has more influence in a state of its own than in a federation with Albania and its 2.8 million inhabitants. Fourthly, recent research on nationalism has, for good reason, emphasized the influential role of the state more strongly than romantic-cultural conceptions of organic nations ever had: "The nation was the independent variable, the authority of the state the dependent variable of historical development [...]. Nations, in the modern sense, can, in fact, only exist once they have achieved matured statehood" (Reinhard 1999, p. 443). Fifthly, the 1999 war in Kosovo has meanwhile served as a foundation myth. All in all, any grandiose unification rhetoric of an "ethnic Albania"—represented, for example, by Vetëvendosje in Kosovo or by proclamations of the former Albanian Prime Minister Sali Berisha during Albania's centenary celebrations in 2012—is therefore not necessarily to be taken *à la lettre*, but can rather be interpreted as political folklore.

There has likely not been any other case that has so clearly shown how adept the appeal of EU accession can be in gradually validating an externally implemented settlement to an ethno-nationalist conflict. In recent years, it has been the soft power of the EU that has brought the population and political elite of Serbia to make concessions to their former adversary—an outcome that the Nobel Peace Prize to the EU in 2012 explicitly recognized. During the direct talks in 2011, the EU succeeded in carrying out its role as facilitator by making use of the strong desire of both sides to join the EU. The final decisive drive that has brought Serbia to gradually start coming to terms with the loss of its sovereignty over Kosovo—which it had physically already lost in 1999, yet *contre cœur*—is its desire to be a member state of the rich EU. This condition would also only apply in very few comparable cases.

Though many regions eager for secession—such as Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh—may appeal to this successful case as justification, upon closer review, Kosovo is hardly a suitable example. The ICJ clearly highlighted this fact in its *Advisory Opinion*. It argued, on the one hand, that in the case of North Cyprus, secession was unlawful since it had been brought about by violence and, on the other hand, insisted that the UN in the case of Kosovo had first done everything in its power to consensually resolve the status question before giving a green light to the internationally monitored independence. The UN by no means intended this case to serve as precedence for a general right to secede, which does not exist.

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## References

- Ahtisaari, Martti. 2007. The comprehensive proposal for Kosovo status settlement: Report of the special envoy of the secretary-general on Kosovo's future status. [www.unosk.org/unosek/en/statusproposal.html](http://www.unosk.org/unosek/en/statusproposal.html).
- Baumgart, Winfried. 1999. *Europäisches Konzert und nationale Bewegung (1830–1878)*, vol. 6., Handbuch der Geschichte der Internationalen Beziehungen Paderborn: Schöningh.
- Biermann, Rafael. 2006. *Lehrjahre im Kosovo. Das Scheitern der internationalen Krisenprävention vor Kriegsausbruch*. Paderborn: Schöningh.
- Bliesemann de Guevara, Berit, and Florian Kühn. 2010. *Illusion Statebuilding. Warum sich der westliche Staat so schwer exportieren lässt*. Hamburg: Körber Stiftung.
- Capussela, Andrea Lorenzo. 2015. *State-building in Kosovo. Democracy, corruption and the EU in the Balkans*. London: I.B.Tauris.
- Chesterman, Simon. 2004. *You, the people. The united nations transitional administration and state-building*. Oxford: Oxford University Press.
- Constitution of the Republic of Kosovo. 2008. [www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf](http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf).
- Dembinski, Matthias, and Bruno Schoch. 2007. Wider eine einseitige Anerkennung des Kosovos. Die Statusfrage und die Weltordnung. *HSFK-Standpunkte* 4: 1–12.
- Despot, Andrea, Dušan Reljić and Günter Seufert. 2012. Zehn Jahre Einsamkeit. Zur Überbrückung der Pause im Erweiterungsprozess der EU sollten dem Westbalkan und der Türkei praktische Integrationsschritte angeboten werden, *SWP-Aktuell*, 23 April (Berlin: Stiftung Wissenschaft und Politik).
- European Commission. 1999. Stability Pact for Southeast Europe (Cologne Document), 10 June. [www.stabilitypact.org/constituent/990610-cologne.asp](http://www.stabilitypact.org/constituent/990610-cologne.asp).
- Judah, Tim. 2000. *Kosovo: War and revenge*. London: Yale University Press.
- King, Iain, and Whit Mason. 2006. *Peace at any price: How the world failed Kosovo*. London: Hurst & Co.
- Kramer, Helmut, and Vedran Džihić. 2006. *Die Kosovo Bilanz. Scheitert die internationale Gemeinschaft?* Vienna: Lit.

- Lehne, Stefan. 2009. Resolving Kosovo's status, *Policy Paper*. Vienna: Österreichisches Institut für Internationale Politik.
- Malcolm, Noel. 1998. *Kosovo. A short history*. London: Macmillan.
- Marko, Joseph (ed.). 2006. *Gordischer Knoten Kosovo/a: Durchschlagen oder entwirren?* Baden-Baden: Nomos.
- Marty, Dick. 2010. Inhuman treatment and illicit trafficking in human organs in Kosovo, Report, Council of Europe-Parliamentary Assembly, Doc. 12462. [http://assembly.coe.int/CommitteeDocs/2010/20101218\\_ajdoc462010provamended.pdf](http://assembly.coe.int/CommitteeDocs/2010/20101218_ajdoc462010provamended.pdf).
- Pettifer, James. 2012. *The Kosova liberation army. Underground war to Balkan insurgency, 1948–2001*. London: Hust & Company.
- Pond, Elizabeth. 2006. *Endgame in the Balkans: Regime change, European style*. Washington D.C.: Brookings Institution Press.
- Reinhard, Wolfgang. 1999. *Geschichte der Staatsgewalt. Eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart*. München: Beck.
- Reuter, Jens, and Konrad Clewing (eds.). 2000. *Der Kosovo Konflikt. Ursachen, Verlauf, Perspektiven*. Klagenfurt: Wieser.
- Rossbacher, Diana. 2004. *Friedenssicherung – Am Beispiel der Interimsverwaltung der Vereinten Nationen im Kosovo (UNMIK). Die Zivilverwaltung als neue Form der Friedenssicherung*. Hamburg: Dr. Kovac.
- Schmidt, Fabian. 2000. Menschenrechte, Politik und Krieg in Kosovo 1989 bis 1999. In *Der Kosovo Konflikt. Ursachen, Verlauf, Perspektiven*, ed. Jens Reuter and Konrad Clewing, 187–208. Klagenfurt: Wieser.
- Schmitt, Oliver Jens. 2008. *Kosovo. Kurze Geschichte einer zentralbalkanischen Landschaft*. Wien: Böhlau.
- Schmitt, Oliver Jens. 2013. Neues Selbstbewusstsein der Albaner auf dem Balkan. Führende albanische Politiker richten durch eine verschärzte nationalistische Rhetorik außenpolitischen Schaden an. *Neue Zürcher Zeitung*, 30. January, 7.
- Schoch, Bruno. 2012. Kosovo. In *Ohne Staat und Nation ist keine Demokratie zu machen. Bosnien und Herzegowina, Kosovo und Makedonien nach den Bürgerkriegen*, ed. Thorsten Gromes, 87–135. Baden-Baden: Nomos.
- UN Security Council. S/2017/913. Letter dated 25 October 2017 from the Secretary-General addressed to the President of the Security Council, annex: Report to the UN on the operations of the Kosovo Force: 3. [www.un.org/ga/search/view\\_doc.asp?symbol=S/2017/913](http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/913).
- UNMIK: Regulation No. 1999/1. On the authority of the interim administration in Kosovo. <http://pbosnia.kentlaw.edu/projects/kosovo/police/regulation1.htm>.
- Weller, Marc. 2009. *Contested statehood: Kosovo's struggle for independence*. Oxford: Oxford University Press.



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# South Tyrol: From “Ethnic Reparcelling” to an Archetype for Settling Ethno-Territorial Conflicts

8

Bruno Schoch

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## 8.1 Introduction: The Conflict and Its Actors<sup>1</sup>

In 1919, South Tyrol was taken from the ruins of the Habsburg Monarchy and thrown within the borders of Italy (see Fig. 8.1), the country to which it has since belonged. The result of this was a territorial separation from North Tyrol and the creation of the designation “East Tyrol” (both today a part of the Austrian land of Tyrol). The largest change for the Tyroleans south of the Brenner Pass in 1919, however, was the reversal of existent ethno-territorial constellations. The Italian-speaking province of Trento/Trient—also named Trentino or Italian Tyrol (*Welschtirol*) and having constituted a minority in Habsburg Tyrol ever since time immemorial—had now been unified with the “mother nation”; whereas the German-speaking South Tyrolese now found themselves in the position of a national minority in Italy. The Fascist regime ruthlessly ethno-nationalized and Italianized the population once Hitler and Mussolini agreed on implementing the Brenner border as well as the so-called “Option”. The latter coerced the residents of South Tyrol to make a choice between their German nationality (*Deutschtum*) which entailed resettlement in the German Reich, or remaining in the ancestral *Heimat*,

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**Fig. 8.1** Italy (Regions). (© [worldofmaps.net](http://worldofmaps.net), Source Map of Italy (Map Regions). [www.worldofmaps.net/typo3temp/images/regionen-italien.png](http://www.worldofmaps.net/typo3temp/images/regionen-italien.png))

which meant the loss of their language and culture. This *nationale Flurbereinigung* (national land reparcelling), as it was called in the cynic Nazi jargon, was to set a precedent for Central and Eastern Europe. When Italy declared a ceasefire with the Allied powers in the summer of 1943, Nazi Germany proceeded to occupy the Italian Peninsula militarily. This turned relations between the two ethnic groups in South Tyrol—now part of “Operation Area Alpine Foothills”—upside down once more. In May 1945, liberation by the Allied powers would reverse this yet again. The South Tyroleans now insisted on their right to self-determination; the victorious powers, however, decided that South Tyrol would remain part of Italy, though this time with a set of requirements meant to protect the minority group.

The domestic political actors in this classical ethno-territorial conflict are the Italian government and the German-speaking majority in South Tyrol along with a local Italian-speaking minority, a small linguistic group that speaks Ladin, and the province of Trento which is part of the region Trentino-Alto Adige together with the province of South Tyrol. This region was granted special status in 1948 and enjoys certain autonomous rights, and this guarantee was also internationalized: Austria

has assumed the role of protecting power of the South Tyroleans since the signing of the Paris Agreement—which was concluded by the Italian Prime Minister and the Austrian Foreign Minister on 5 September 1946 in Paris (so called “Gruber-De Gasperi Agreement” or Agreement of Paris) and later became part of the Peace Treaty between the four victorious powers and Italy. Additional international actors include the Austrian federal land Tyrol and its federal government in Innsbruck, the United Nations and the European Community/Union.

South Tyrol is the third largest of Italy’s 92 provinces with a total area of 7,400 km<sup>2</sup>. It borders Austria and Switzerland to the north and is home to 517,023 residents as of June 2014,<sup>2</sup> less than one percent of Italy’s total population of 60 million. The last census from 2011 placed the total number of Italian-speaking people at 26%, German-speaking people at 69% and the Ladin-speaking group at 4.5%; the majority of residents in the municipalities of Bozen/Bolzano (73.8%) and Brixen/Bressanone are Italian-speaking.<sup>3</sup>

The Republic of Italy—itself a highly centralized state—granted special self-administration rights to five border regions in its constitution from 1948: Sicily, Sardinia, the Aosta Valley, Trentino-Alto Adige and—on account of disputed borders established only in 1963—Friuli-Venezia Giulia. The autonomy statute for the Trentino-Alto Adige region has, however, been unable to alleviate the conflict due to the fact that immigration from the south of Italy persisted after 1945 and the Italian-speaking majority in the region has paid little attention to the South Tyroleans. Their demands therefore radicalized under the slogan “Out of Trento!” A series of bombings began in 1956; concurrently, Austria made use of diplomatic initiatives to demand that Italy honor its commitments in the Gruber-De Gasperi Agreement and raised the issue at the UN. The UN General Assembly reprimanded Italy with a warning and called for both conflicting parties to initiate direct talks. Following a series of delicate negotiations, the government in Rome and the South Tyrolean People’s Party (*Südtiroler Volkspartei*, SVP) finally agreed on a comprehensive package (*il pacchetto*) of 137 measures aimed at improving the situation for the South Tyroleans. The core of this agreement was a new autonomy statute that took effect in 1972. Under this agreement, the autonomous region would persist but extensive authorities would now be transferred from the region to both of its provinces. This shift allowed South Tyrol

<sup>2</sup>See Landesinstitut für Statistik (ASTAT), [www.provinz.bz.it/astat/de/bevoelkerung/442.asp?AktuellesDemoG\\_action=4&AktuellesDemoG\\_article\\_id=470907](http://www.provinz.bz.it/astat/de/bevoelkerung/442.asp?AktuellesDemoG_action=4&AktuellesDemoG_article_id=470907).

<sup>3</sup>See Landesinstitut für Statistik (ASTAT), [www.provinz.bz.it/astat/download/JB2013\\_K3.pdf](http://www.provinz.bz.it/astat/download/JB2013_K3.pdf): 119.

to protect its language from gradually being absorbed by a majoritarian Italian culture. The practical implementation of the new status proved to be a drawn-out process; eventually though, the conflict could be pacified. In June 1992, Austria officially informed the UN Secretary-General that the contested issue had been resolved. Tyrol, South Tyrol and Trentino formed the “Tyrol Euroregion” by 1995. However, the conflict of competences between South Tyrol and Rome as well as animosities between German-speaking and Italian-speaking South Tyroleans have, by no means, all disappeared. Nevertheless, despite regularly recurring disputes—especially in regards to memorials, national celebrations and national symbols—, peaceful coexistence has, by now, evolved and so South Tyrol is often referred to as a suitable model for resolving similar conflicts elsewhere.

A conducive international constellation likewise contributed to pacifying the conflict: Austria remained neutral upon signing the Austrian State Treaty of 1955, only joining the EU in 1995, while Italy became one of the founding members of European integration. South Tyrol benefitted from the economic miracle, from tourism and from compensation payments related to EU regional policies; this has transformed the province into one of the wealthiest regions in Italy and the entire EU today. The SVP—*the* party of the South Tyroleans—was pivotal for this success story; nonetheless, more conservative secessionist parties managed to gather 25% of the vote during the elections in October 2013 and still 12% in the last elections in October 2018.<sup>4</sup>

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## 8.2 Development and Escalation of the Conflict

Today’s South Tyrol had been part of the Holy Roman Empire of the German Nation since Carolingian times in the 8th century. Apart from the Napoleonic interlude between 1810 and 1814, the County of Tyrol had continuously belonged to the House of Habsburg since the 14th century; from all German areas the region possessed “the most pronounced historical-political identity” (Kann 1964, p. 167). Ever since, Tyrol also included *Welschtirol*, an Italian-speaking area between the *Salurner Klause* (a prominent bottleneck of the Adige River) and the Lake Garda. After a series of wars, Austria was forced to cede Lombardy and Veneto to the newly established Italian nation state in the 19th century; Tyrol

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<sup>4</sup>See Ergebnisse der Landtagswahlen 2013, [www.landtag-bz.org/de/wahlen/ergebnisse-lantagswahlen.asp](http://www.landtag-bz.org/de/wahlen/ergebnisse-lantagswahlen.asp); Frankfurter Allgemeine Zeitung, 24 October 2018.

however remained under Austrian control, which therefore led the Italian national movement *Risorgimento* to consider *Welschtirol* as well as the Italian-speaking regions along the Adriatic as a *terra irredenta*, nationally “unredeemed areas”.

### 8.2.1 In the Beginning There Was a Secret Pact

The conflict in South Tyrol was the result of a decision by the victorious Allied Powers in 1919 to give the region to Italy. Italian nationalism had laid claim to German-speaking South Tyrol up to the Brenner Pass in the name of strategic importance and “natural borders” (up to the ridge of the Alps) since the late 19th century. In 1915, Great Britain and France promised to grant Italy this region in a secret pact as a reward for its entry into the war—which sowed the seeds for the later conflict in South Tyrol (Lill 1980, p. 271; Kinzl 1965, p. 236–253).

The designations for the region are confusing in themselves. Historically, South Tyrol included the provinces of Bozen and Trento/Trient (also called Trentino or *Welschtirol*). Italian nationalism considered Trentino to be comprised of the Italian-speaking areas, at times, while, at other times, it encompassed South Tyrol in its entirety. In this context, and in order to break ties with Tyrol, Italian nationalism referred back to the designations Alto Adige/Tiroler Etschland, which were used in the time of Napoleon. The ethnic composition of the majority populations in 1919 was, at the time, clear: Among the 242,000 inhabitants, the last Austrian census had counted 235,000 German and Ladin-speakers along with 7,000 (3%) Italian-speakers, whose numbers increased to 20,000 (8%) by 1921 (Schloß 1965, p. 299). The victors of World War I did not take heed of these realities when they—following the secret pact made in London—defined the borders according to the Treaty of Saint-Germain-en-Laye. That sparked off the conflict, because this determination contradicted the principle of national self-determination.

### 8.2.2 Forced Homogenization by the Fascists

The Fascist regime that took power in 1922 systematically carried out a brutal process of national assimilation in South Tyrol. The regime followed the Italianization program as set out the nationalist ideologue Ettore Tolomei (1865–1952), who, as early as the 1920s, proceeded to rename all place names by either bringing up older Italian geographic names or inventing new ones: the name Alto Adige/Oberetsch became official and the designation “Südtirol” (South Tyrol) was forbidden. The central government in Rome instructed public offices, courts,

schools and kindergartens to exclusively use Italian and suspended German-speaking teachers (with the exception of religious education on account of opposition from the Clergy). German lessons only continued inside of clandestine make-shift facilities called “catacomb schools”. Italy dismissed the elected mayors in 1926 and replaced them with government officials, *podestà*; this move had a particular impact on South Tyrol since many of the appointees could not speak German. The government also disbanded traditional Alpine associations as well as similar Tyrolean associations. Fascism was flagrantly pursuing the dissolution of a minority group while the League of Nations was, concurrently, in the process of institutionalizing minority rights.

Not only local names were being rewritten but history and its *lieux de mémoire* as well. One of the most absurd chapters was the transport of the mortal remains of Italian soldiers—who fell on distant fronts during the World War—to monumental war cemeteries located directly along the new borders. These ossuaries “sacralized the border as a line of demarcation marked by blood, irrespective of the fact that these borders were never fought for” (Heiss 2013, p. 116). A victory monument was erected in Bozen in 1928 with an arrogant inscription that read: “*Hic patriae fines siste signa. Hinc ceteros excoluimus lingua legibus artibus*” (Here lie the borders of the fatherland. Raise the standards. From here forth we brought language, laws and art to the others). This was the most pronounced, though not the only, monument to fascist *Italianità*; Tyrolean monuments were, in parallel, removed. The statue of Walther von der Vogelweide, for instance, was moved from the main square in Bozen to a peripheral park.

Rome established an industrial zone in Bolzano—where 7,000 Italian immigrants were to be employed by the end of 1942—and turned it into a working-class city under the heavy influence of Italians. The ensuing demographic shift was done intentionally: 65,000 people lived in Bolzano in 1943, nearly a quarter of the entire population of South Tyrol; by this point, the German-speaking majority in the town fell from nearly 90% prior to 1914 to 21% (Leidlmair 1965, p. 365).

### **8.2.3 „Option“, Occupation and Liberation**

This shift can be traced back in two ways. On the one hand, forced industrialization and Italianization led to massive immigration from Italy; additionally, the so-called *Option* likely represented the most traumatic climax of the conflict for the South Tyroleans. Mussolini and Hitler agreed to maintain the Brenner Pass as a border in June 1939. Though this stood obviously in opposition to ethnic nationalism of the Nazis, it strengthened the “Pact of Steel” between Germany and Italy.

Rome now received the green light for its program of forced national homogenization. Count Ciano, Foreign Minister and Mussolini's son-in-law, wrote the following entry in his journal on 3 April 1938: “As one cannot move mountains or relocate rivers, one has to replant people” (quoted according to Schmitz-Esser 1965, p. 327). The so-called *Option*, a resettlement agreement signed by Berlin and Rome, required the South Tyroleans to choose between German nationhood and their ancestral *Heimat*, between *ethnos* and *territorium*—blood or earth (Corsini and Lill 1988, pp. 322–375). Those who remained resigned themselves to impending national assimilation; those who left lost their citizenship, became German and had to resettle within the Reich. Under massive propaganda pressure from the Nazi association “Völkischer Kampfring Südtirol” (National Combat Ring of South Tyrol), more than 80% of those in South Tyrol opted for “Germanness”; those who remained, however, were branded as national traitors by the “optants”. “What was surely the most painful chapter for South Tyrol began with the *Option*, which became a tabooed topic for a decade and will likely remain a sensitive issue. Emotions persist to this day, making an unprejudiced assessment difficult” (Steininger 2014, p. 80). SS leader Heinrich Himmler—whom Hitler named “Reichskommissar für die Festigung deutschen Volkstums” (Commissioner for the Strengthening of German Nationhood)—was responsible for the resettlement. So South Tyrol served as the Nazis’ first experimental field for this sort of “ethnic reparcelling”. Around 75,000 of the 200,000 “optants” left South Tyrol; but the closed settlement areas (in Alsace Loraine, Burgundy and then Crimea according to rumors) that they had been promised never materialized. The notoriously inefficient Italian bureaucracy complicated compensation issues and the start of the war soon brought resettlement to a standstill.

The relation between the two ethnic groups was turned upside down when the Wehrmacht occupied Italy after Mussolini was deposed and his successor declared Italy’s withdrawal from the war. Most of the inhabitants of South Tyrol greeted the collapse of Fascism and this occupation as a form of “liberation”. They assisted the Wehrmacht in arresting Italian soldiers and officials, which allowed for control of the region to be achieved within a matter of hours. For Berlin, “Operation Area Alpine Foothills” (South Tyrol and the provinces of Trentino and Belluno) was the link to the “Repubblica Sociale Italiana”, the puppet state of Hitler’s mercy that Mussolini had established after his liberation by an SS unit. Out of consideration for him, Germany chose not to annex South Tyrol, although it did, for all intents and purposes, treat the region as part of the Reich, leaving it to the provisional governance of Franz Hofer, the *Gauleiter* of Tyrol—a “reunification” *sui generis*. For the inhabitants of South Tyrol, their yearning for “national liberation” with a reintroduction of the German language and

local names went hand in hand with mass recruitment for the Wehrmacht and the Gestapo terror, with special courts and a concentration camp set up in Bozen. The twenty months between September 1943 and May 1945 witnessed more political murders in South Tyrol than had the twenty years of Fascist rule before. Italian radio stations and newspapers were banned along with the Fascist party, and the Italians were under immense pressures to emigrate.

The relations were flipped once again as the *Comitato di Liberazione Nazionale* took over administrative powers in Bozen towards the end of the National Socialist reign. A number of Fascist officials regained their mayoral posts and it was no wonder that political motivations in the *Resistenza* were, at times, combined with ethnic hatred. On the whole, the constantly fluctuating power relations between the two ethnic groups embittered the conflict in South Tyrol within a short period of time—in 1939, 1943 and 1945. Both groups could deem themselves to be victims; the “*Option*” for the Greater German Reich, for instance, was *ex post* rationalized within the collective memory of the South Tyroleans as a self-defense strategy in response to Fascism. The victim myth is omnipresent here as everyone was, at some point, a victim: “The contradiction exists in the fact that German Nazis distinguished themselves as anti-Fascist, while Italian Fascists promoted themselves as opponents of National Socialism” (Pallaver 2013, pp. 18–19)—the *differentia specifica* of the conflict in South Tyrol.

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### 8.3 Conflict Settlement in Phases

Following the end of the war, the newly established South Tyrolean People’s Party (SVP) asserted the right to self-determination and pursued association with Austria. However, the Allies did not want to humble Italy in order to quickly stabilize post-war Europe and therefore kept the Brenner border as it was. This time, they also admittedly insisted on the protection of minority groups. Under pressure from Britain, Italy’s Prime Minister Alcide De Gasperi and Austria’s Foreign Minister Karl Gruber signed the “Gruber-De Gasperi Agreement” in Paris on 5 September 1946. The agreement promised the South Tyroleans “a complete equality of rights with the Italian-speaking inhabitants within the framework of special provisions to safeguard the ethnical character and the cultural and economic development of the German-speaking element”, and it obligated Italy to act “in consultation with the Austrian Government and within one year” in a good neighborly manner on the question of citizenship for the optants (quoted according to the documentation in Pfaundler 1958, p. 85). This meant that Italy was to return citizenship rights to all “optants” who in 1939 had decided to renounce

their Italian citizenship and of which around 20,000 returned home to South Tyrol. The “Gruber-De Gasperi-Agreement” was incorporated as an annex into the Peace Treaty with Italy; ever since, the conflict in South Tyrol has no longer merely been a domestic Italian issue—Austria’s role as protector of the South Tyrolese was, so to speak, certified. The Paris Agreement established the basis for resolving the conflict and its realization progressed step-by-step leading to a final resolution by 1992.

### 8.3.1 Autonomy for Trentino-Alto Adige

The Republic of Italy established special rights to self-administration for five regions in its 1947 constitution, including for the region Trentino-Alto Adige, see Fig. 8.2 (art. 116). The Constituent Assembly passed the corresponding statute in



**Fig. 8.2** Trentino-South Tyrol. (© [worldofmaps.net](http://worldofmaps.net), Source Map of Trentino-Alto Adige (Südtirol). [www.worldofmaps.net/typo3temp/images/karte-trentino-suedtirol.gif](http://www.worldofmaps.net/typo3temp/images/karte-trentino-suedtirol.gif))

January 1948, guaranteeing the region a degree of legislative authority as well as its own democratic representative organs: a Regional Council, Regional Commission and President.<sup>5</sup>

The crux, however, was the fact that the South Tyroleans shared the region Trentino-Alto Adige with an Italian majority as well as the fact that the more populated Trento Province had given little consideration to the German-speaking inhabitants of South Tyrol. They comprised a two-thirds majority in South Tyrol Province while only forming a one-third minority in the Trentino-Alto Adige region (Schneckener 2002, p. 195). Consequently, the autonomy of the region did not entail autonomy for the Land/province South Tyrol. De Gasperi—a Trento native—signed the accord in Paris because he had promised “his” Trentino people autonomy. There was mistrust between the South Tyrol People’s Party (SVP) and the *Democrazia Cristiana* of Trento because the latter did not make any efforts to implement Article 14 of the Regional Statute—according to which administrative authority was to be transferred to the provinces, i.e., to the South Tyroleans “as a general rule”. As such, two differing concepts of autonomy stood in opposition to one another: the majority defended the region while the SVP wanted to protect the mostly German-speaking province. The Italian economic miracle and apartment buildings financed by Rome facilitated additional settlement of Italians in South Tyrol. The South Tyroleans took this to be a detrimental continuation of Fascist homogenization policies; in 1953, the thumping and alarmist slogan of a “death march” made its rounds among them (Steininger 2014, p. 144).

### 8.3.2 “Getting Away from Trento!”

De Gasperi resigned in 1953. A tempest started to blow through South Tyrol as his successor, Giuseppe Pella, who had been a named *Podestà* under the Fascists—the authoritarian pendant to a mayor—prior to his career with the Christian Democrats, took the helm. International events also fueled the conflict: Unrest erupted in South Tyrol and Austria in 1954 as the Allies returned Trieste, which had been under their administration, to Italy (cf. Chap. 9). At the time, the Allies’ decision in relation to the Brenner border had been justified as compensation for Italy’s territorial losses in Istria. Moreover, shortly thereafter, a letter from the Justice Ministry forbidding citizens to give their children foreign—namely

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<sup>5</sup>Documented in: Wolfgang Pfaundler, ed. (1958, pp. 88–111). The author, a charged terrorist, was pardoned by the Italian Prime Minister in 1998.

German—names caused uproar. After Silvius Magnago, who promised to pursue a hardline course against “Verwelschung” (i.e. Italianisation), became chairman of the SVP, and after Rome supplied funding for 5,000 apartments in South Tyrol, the protests escalated further under the slogan of “getting away from Trento”. The SVP denounced what they considered a pseudo-autonomy and left the regional committee in 1959, which practically paralyzed the region.

### 8.3.3 The Conflict at the UN

At the same time Austria, which regained its sovereignty with the State Treaty of 1955, used diplomatic initiatives to demand that Italy finally fulfil the promises as outlined by the “Gruber-De Gasperi Agreement”. Rome, however, refused to enter into “negotiations” with Vienna on the grounds that these were domestic Italian matters. Bilateral “talks” did not yield any results, since Rome rejected provincial autonomy. In response, Austrian Foreign Minister Bruno Kreisky had the matter of South Tyrol placed on the agenda of the UN General Assembly in October 1960, definitively internationalizing the conflict. The UN General Assembly passed Resolution 1497 (XV) which reaffirmed the Paris Agreement and warned Italy not to protect the ethnic character as well as the cultural and economic development of the South Tyrolese; both states were also called upon to take up direct negotiations.<sup>6</sup> Consequently, the two foreign ministers held a series of meetings, though without reaching mutual consent.

A series of bombings commenced in 1956; the first terrorist attacks in Western Europe after the Second World War were ethnically motived. Much of the history surrounding these 346 attacks that occurred over the span of eleven years until 1967 and claimed 33 lives is still left in darkness. Up until today, their perpetrators are considered to be “either freedom fighters, idealists, patriots, South Tyrolean activists, *Bumser*, plain and simple terrorists or all of these in one” (Steininger 2014, p. 154).<sup>7</sup> The first attacks were carried out by South Tyroleans who were disappointed with the SVP and wanted to attract international publicity.

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<sup>6</sup>See UN General Assembly, The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris agreement of 5 September 1946, 31 October 1960, A/RES/1497, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/71/IMG/NR015271.pdf?OpenElement>.

<sup>7</sup>The term *Bumser* (onomatopoeic for *Bums*, meaning bang) is a belittling word commonly used in South Tyrol and Austria to describe bombing perpetrators.

They targeted symbols of Fascist oppression, such as an equestrian statue resembling Mussolini and the house belonging to Ettore Tolomei, the nationalistic ideologue and father of most of the reconceived Italian place names introduced under the Fascist regime. During “Fire Night” in June 1961, three dozen high-voltage pylons were blown up, which knocked out the power supply to the northern Italian industry. A total of 250 attacks during the first terror period from 1956 to 1961 claimed the life of one victim (Marcantoni and Postal 2014, p. 106–108). Interior Minister Mario Scelba reacted with a massive dispatch of *Carabinieri* and the military. In an atmosphere of emergency, dozens of suspects were arrested and some even mistreated.

### 8.3.4 Working Out the Package Agreement

In September 1961, the Italian government assigned the so-called “Commission of 19” (comprising 11 Italians, 7 South Tyroleans and 1 Ladin) to draw up proposals for settling the conflict. This marked a breakthrough as it was the first time that the state met with South Tyrolean representatives on equal footing. The commission was able to carry out its work constructively despite tensions that were the result of bomb attacks and governmental repression. A dispute over South Tyrol at the UN General Assembly reemerged once again in the autumn of 1961: Kreisky called for more autonomy, while Italy’s Foreign Minister accused Austria of allowing terrorist organizations to operate. The UN Assembly reaffirmed the resolution from the previous year.

Concurrently, a second phase of terrorist attacks began; this time, the perpetrators specifically aimed at taking lives. Court proceedings in Graz against suspects charged with supporting terrorists in South Tyrol uncovered that the explosives had come from Austria, that Austrians were involved in the attacks and that the Ministry of the Interior in Vienna had knowledge of this (Marcantoni and Postal 2014, p. 6). Violent right-wing extremists and Neo-Nazis from Austria and southern Germany made use of the “South Tyrolean Struggle for Liberation” as an arena for their own activities. They aimed at thwarting any initial progress made by the Commission of 19 or any progress from talks between Rome and Vienna. Disagreement still persists today over the question of “whether South Tyrol owes its generous degree of autonomy and its current prosperity to the *Bumsers* or if they were, on the contrary, a hindrance to this process” (Kronbichler 2007, p. 5).<sup>8</sup>

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<sup>8</sup>The argument that the conflict settlement could be reached not because of, but *in spite of*, the terrorist attacks is supported by Steininger (2014, pp. 166–170).

A turning point in Rome’s policies towards South Tyrol was introduced by the first center-left government under Aldo Moro and Foreign Minister Giuseppe Saragat in December 1963.

### **8.3.5 The Breakthrough: The New Autonomy Statute**

After more than 200 sessions, the Commission of 19 presented its results in the form of a “Package” consisting of 137 measures meant to guarantee the equality of all language groups, an “ethnic proportion”, and the effective participation of all ethnic groups within local authority. The German-speaking members of the commission praised the fruitful cooperation and the results that had been achieved. A two-track approach was now to be followed: Moro and Magnago were to repeatedly engage in direct negotiations in order to hash out the final details while Austria and Italy were to do the same in order for the settlement to be recognized internationally. By the end of 1964, the two social democrats, Saragat and Kreisky, agreed to the terms of the “Package” and an “Operations Calendar”: Italy therewith committed to implement all the named measures, after which Austria was to formally declare the conflict over the implementation of the “Gruber-De Gasperi-Agreement” resolved. An additional trial concerning the bombing perpetrators subsequently took place in Milan in 1966. Once again, Italy charged Austria with complicity in these attacks and vetoed the latter’s membership negotiations with the EEC (Steininger 2014, p. 173). Despite this, the consensus reached in 1964 could no longer be repealed. In 1969, Magnago was finally able to prevail within the SVP, which initially continued to oppose the “Package”. Thereafter, the foreign ministers and the parliaments of both Italy and Austria approved the agreement as well. The new autonomy statute went into effect in January 1972 (see Autonome Provinz Bozen-Südtirol (ed.) 1995, pp. 59–102).

The name Alto Adige was no longer mentioned but rather South Tyrol, which was an act of historic justice. “The provinces of Trento and Bozen are recognized as possessing special autonomy in form and content according to this statute,” reads Article 3. This provincial autonomy grants the South Tyroleans in Italy a unique constitutional position. They have since been the only province that enjoys extensive legislative and administrative competences as well as its own democratic organs: a diet, provincial committee and *Landeshauptmann* (the Austrian term for Prime Minister). The *Landtagspräsidium* (President of the Provincial Parliament) and the *Landesausschuss* (Provincial Executive) are filled according to the strength of the existing language groups, and the presidency of the provincial

parliament passes to one of the other groups every half legislative period, unless the ascending group rejects the position in favor of the Ladins (Art. 47–52). South Tyrol's far-reaching competences include areas such as agriculture, tourism, roads, the provincial offices, “designating place names under the obligation of using two languages”, the “protection and maintenance of historical and cultural values” (Art. 8), the local police in the towns and countryside, and instruction and education (Art. 9). Posts within the civil service are to be allocated in proportion to the language groups—the so-called Ethnic Proportion (Art. 89). German enjoys equal official language status with Italian in South Tyrol (Art. 100). Classroom instruction is generally carried out in the mother tongue; learning the other national language is mandatory as of the second grade—a requirement meant to facilitate bilingualism (Art. 19). The Ladins are likewise supported within this framework and enjoy classroom instruction in their mother tongue in their municipalities (Art. 102).

After a period of 26 years, the promises laid out in the “Gruber-De Gasperi Agreement” were thus finally realized. This may be seen as a breakthrough when one considers the substantial amount of autonomy that South Tyrol was granted (namely: the right to self-legislation). The introductory words in the official booklet for the autonomy statute read: “The new autonomy statute of 1972 is, beyond all doubt, the most important political, cultural, social and economic achievement for our country. The autonomy statute fulfills a vital protection and support function for the two linguistic minorities in the country—the Germans and the Ladins—in maintaining their linguistic and cultural identity. It grants all three language groups exceptional benefits on account of extensive self-administration competences; this statute—based on an international agreement (the Paris Agreement from 1946) and approved as constitutional law by the parliament in Rome—grants the province of South Tyrol (as well as the neighboring province of Trento) a special position within the Italian state structure” (quoted in Winkler 2010, p. 13).

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## **8.4 Between Stagnation and Extensions of Autonomy: How Sustainable Is the Conflict Settlement?**

The practical implementation of the autonomy statute required comprehensive constitutional amendments as well as complex new laws, and they required far longer than the four years recommended by the “Operational Calendar”. Two commissions composed of representatives from the state and the region worked

through dozens of implementation provisions and changes to the autonomy status from 1948. Regular governmental crises in Rome as well as efforts by the SVP to draw as many concessions from the statute as possible repeatedly delayed implementation.

### **8.4.1 Education and Proportion Within the Public Service**

An agreement about implementation provisions for the educational system was reached in 1973. South Tyrol would assume responsibility in almost all areas, guaranteed classroom instruction in the mother tongue, and introduced the other official language as of the second grade. Legislation for the “Ethnic Proportion” was passed three years later. A certification for bilingualism (*il patentino*) is essential in relation to this; positions in the public service are also to be filled in proportion to the numerical strength of the language groups. This proved to be more difficult than anticipated in practice as the linguistic “belonging” of each individual first had to be determined. Italy conducts a national census once every ten years, and in 1981, everyone had to declare which of the three language groups they belonged to, which served as a basis for the proportion. Former leftist radical Alexander Langer, one of the founders of the South Tyrolean Greens and later representative in the European Parliament, denounced these categorizations—it was not until 1991 that the classification “other” was introduced—as a new kind of “option”. The aggressive allusion to the mandatory alternative between blood and land from the times of Hitler and Mussolini was thus supplanted. The aggressive word, however, had an explosive effect as it touched on the taboo issue related to the numerous “optants” from 1939, whom Reinhold Messner had once accused of having perpetrated the “greatest act of treason to the homeland”. Langer had uncovered a weakness: Tenacious ethnic segmentation for the sake of group protection runs counter to individual rights and precludes the possibility of someone not belonging to one of the three groups, be it as a child of a “mixed” couple or for reasons of conviction (Kronbichler 2005, pp. 133–140).

Since this personal declaration from 1981 remained binding for ten years, a number of Italians associated with the German language group in anticipation of receiving benefits—there were a far greater number of positions reserved for German speakers within the civil service on account of the groups’ need to catch up. This resulted in a shift in proportion among the two main language groups: it went from 62.2 and 34.3% in 1961 to 64.9 and 28.7% in 1981, which, in turn, caused concerns among the minority group.

### **8.4.2 Electoral Success of the Neo-Fascists**

In autumn 1984, a parade celebrating the 175th anniversary of Tyrol's liberation struggle against Napoleon from 1809 took place in Innsbruck. A troop of the Tyrolean *Schützen* (shooters) carried a large crown of thorns behind the slogan "Self-determination for South Tyrol—Tyrol for the Tyrolese". The martyrdom gesture was inappropriate; however, the slogan "Out of Rome!" went on to outrage the Italian public. During the subsequent municipal elections, the Neo-Fascists received a mandate to protect the Italian-speaking population from the supposed privileges reserved to the German-speaking majority. Their proportion shot up from nearly nothing to 22.6% in Bozen, and, following attacks targeting Italians in the run-up to the parliamentary elections of 1987, the Neo-Fascists became the strongest Italian party in South Tyrol with eleven percent of the vote, receiving support from almost all other Italians. This electoral proportion would again begin to fall in the 1990s; the fear that the Neo-Fascists could develop into *the* party of the Italian-speaking minority did not come to fruition, and Berlusconi's party *Popolo della Libertà*, which incorporated the Neo-Fascists, never gained significant popularity in South Tyrol.

### **8.4.3 From Stalemate to Conflict Settlement**

The fact that a number of radical groups again began perpetrating terrorist attacks paired with persistent governmental crises and changes in Rome after 1968 repeatedly delayed negotiations surrounding the final implementation of the "Package", which stretched over a period of many years. Rome finally passed legislation that made the two languages official in 1989; Giulio Andreotti's government approved the final implementation provisions in 1992, declaring that the "Package" had now fully been implemented and that any future alternations could only be carried out with the approval of the South Tyrolean populace. These resolutions that finally brought the conflict to an end were first approved with a large majority by the SVP and then by the (North) Tyrolean *Landesregierung* (Provincial Government), the Tyrolean *Landtag* (Provincial Parliament) and finally the Austrian *Nationalrat* (Federal Parliament). During the debate, both the Prime Minister and the Foreign Minister in Vienna emphasized that Austria's role as protector would continue to be valid into the future. In June 1992, Austria submitted a declaration to the UN Secretary-General stating that the conflict had been resolved, which was subsequently notified by the UN representatives from both countries.

### 8.4.4 The Era of Durnwalder

In 1989, Silvius Magnago – who had been the leader of the SVP since 1957, served as governor since 1961 and was honored as “the father of South Tyrol’s autonomy”—was replaced by Luis Durnwalder. He would likewise carry out his government office like a Prince Regnant—until the end of 2013. Born in 1941 as the son of a mountain farmer, Durnwalder went on to study law and agriculture; his popularity was based on the fact, among others, that South Tyrol witnessed a period of economic prosperity during his term: “the province is also free of debt, an extraordinary phenomenon in Italy” (Steininger 2014, p. 227). Durnwalder was successful in gradually expanding competences held by South Tyrol as well: Bozen acquired an autonomous section of the *Oberlandesgericht* (Higher Regional Court); the German language received equal status with Italian in courts and within the police; the central government in Rome started to dispatch the South Tyrolean state governor to the EU Committee of the Regions; and South Tyrol founded the private “European Academy of Bozen” (EURAC) in 1992, which houses *inter alia* a research institute for minority issues and one for federalist issues.

Settling the conflict also improved relations between Italy and Austria; President Oscar Luigi Scalfaro’s official state visit to Vienna in 1994 was the first time an Italian head of state had done so since King Umberto I’s visit to Vienna in 1882. Austria joined the EU the following year and the Schengen Agreement removed national borders three years later. In order to commemorate the autonomy statute of 40 years ago as well as the conflict settlement of 20 years ago, Durnwalder honored the heads of state of Italy and Austria in 2002 with an Order of Merit from the Province of South Tyrol. Thanks to the autonomy, the governor praised the successful shift made by the “Germans, Italians and Ladins from opposition, to co-existence to cooperation” (quoted according to Südtirol Handbuch 2013, p. 51).

However, setbacks would occur when Silvio Berlusconi accepted the *Alleanza Nazionale* into his coalition government in 1994. Both followed a direct path of revisionist memory politics, downplayed Fascism and valorized the *Duce* as a great statesman (see Mattioli 2010). In South Tyrol, this inevitably revived old feelings of polarization and marginalization towards Rome, especially when Berlusconi intended to unilaterally limit South Tyrol’s budget, a plan he eventually had to abandon. Some relief returned when he resigned at the end of 1994. In the following year, the Austrian federal state of Tyrol decided to establish the mutual “European Region Tyrol” together with the autonomous provinces of South Tyrol

and Trentino, which included operating a shared liaison office in Brussels. When the center-left alliance under Romano Prodi was once again elected in 1996, South Tyrol was able to enact measures it had only dreamed of in the past; these included the approval of its own national banner as well as the establishment of the multi-lingual Free University of Bozen by the South Tyrolean provincial government in 1997. The fact that Berlusconi, a right-wing populist, would again go on to win reelection as Prime Minister in 2001, 2005 and 2008 certainly did not make things easier for the South Tyroleans—the official South Tyrol Handbook describes this era with terms such as “frosty climate”, “blockades” and a “long phase of deadlock” (Südtirol Handbuch 2013, pp. 47 and 49). On the other hand, the center-left government had succeeded in establishing a “dynamic autonomy”, which, *in praxi*, meant that South Tyrol with its few representatives was able to ensure the Italian government in Rome majorities—at times expressly narrow—, for which South Tyrol would receive concessions in return.<sup>9</sup>

#### **8.4.5 The Burden of Split Memories**

Pierre Nora introduces the difference between history and memory in his multi-volume studies titled *Les lieux de mémoire*: The more the rural world of fixed traditions—with their natural repetitions of things passed down—dissipates in the course of social modernization processes, the more relevance is granted to sites of memory. At the same time, they comprise the substance on which modern national conscience is built. These traditions are indispensable because they provide emotional bonds and grant collective memory a degree of sacredness. This includes museums, archives, cemeteries, festivals and anniversaries, memorials and pilgrimage sites—“the witness hills of another era, illusions of eternity.” These “memory sites” are “the customs of a society without custom; fleeting sanctums in a society of desacralization; unique ties in a society that is withering away all its peculiarities; actual differentiations in a society that becomes levels out on principle; symbols of recognition and characteristics of group belonging in a society that tends to only recognize individuals who are similar or identical” (Nora 1984, p. XXXIV; see also Hobsbawm and Ranger 1984). They are characterized

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<sup>9</sup>According to one account existent in South Tyrol, Luis Durnwalder supposedly met French President Jacques Chirac in a well-known Merano health hotel and explained the successes achieved in South Tyrol as follows: “Prodi reached a majority in parliament by two votes – and we have three seats.”

by their persistent effectiveness. When Nora was asked whether a nation would need a hundred years to come to terms with serious traumas, such as the war in Algeria, he answered: “There is no answer to the question of how long national trauma lasts. In some respects, it only operates and transforms itself further” (Nora 2002, p. 49).

As in most ethno-territorial conflicts, two alternative and mutually exclusive national narratives and their sites of memory also stand in opposition to one another in South Tyrol. One unique feature in this context is that both sides equally consider themselves to be victims. Whereas the conflict in South Tyrol has been pacified on a practical and political level, these opposing narratives have, by no means, been overcome. Disputes have always erupted and continue to erupt time and again particularly in relation to memorials. The historical experience that one side suffered under Italian Fascism and the other under Nazi Germany has allowed both to exclusively view themselves as the victims and to repress all dark episodes as perpetrators in their history, attributing the blame for everything to the other party. These conflicting ethno-national memories and victim mentalities seem to be more enduring than political opposition itself. The Fascist victory memorial in Bozen has become a stone monument to this impetus. Italy sees it as a symbol of the nation; restoration was completed in 1949 and the monument was officially inaugurated for a second time—just as the government had the memorials to the *Alpini* (the Italian mountain troops who fiercely fought against the Austrians in the Dolomites during the First World War) in Merano and Bruneck rebuilt after they had been knocked off their plinths by a German tank in 1944 (Mezzalira 2013, p. 144). Both sides have eagerly staged—and continue to stage—their identity politics and contrasting collective memories at the victory memorial in Bozen. Here, political radicals cultivate their demands for dominance and sole representation within history—one side in national folk costumes and rifleman uniforms, the other in black shirts. For many South Tyroleans, the Italian memorials erected in South Tyrol during Fascist times are evidence that nothing has changed. Meanwhile, the criticism remains “incredible as long as honoring *Wehrmacht* soldiers as ‘heroes’ at war memorials erected in nearly every village continues on the side of the German speakers” (Pallaver 2013, p. 23).

Rome passed a decision in 1998 to transfer state property and cultural memorials to the ownership of the province (Pallaver 2013, p. 46). In 2001, the left-wing parties representing the Italian-speakers and the SVP-directed city government of Bozen intended to make a gesture of reconciliation by renaming the area where the contentious memorial is located from *Siegesplatz* (Victory Square) to *Friedensplatz* (Peace Square). However, this was met with protests from right-wing Italians, who, in response, initiated a popular referendum in October 2002

and received a clear majority to change the name back to *Siegesplatz*, now the site is supplemented with a plaque that gives details about the conflict. Needless to say, this poisonous dispute was taken up as an issue of historical revisionism by the Berlusconi administration in his third term (2001–2006) which further strengthened the ethnic memory dichotomy.

In the meantime, however, promising signs have emerged of concerted efforts to consolidate the memory cultures as well as recommendations for developing a new, critical historical narrative in the “city of the two dictators” and “escaping the path of nonage by way of forthright historicization, comprehensive explanations and symbolic recoding” (Heiss 2013, pp. 127–131). In 2011, thirty-five renowned historians published an appeal against an active withering away of Fascist memorials—as *Schützen* and right-wing groups have long demanded—but rather use them to teach people about their creation and character.<sup>10</sup> In July 2014, a particularly informative exhibition was opened in the crypt of the controversial victory memorial in Bozen that carefully discusses and reflects upon the history of its two opposing interpretations. This effort at implementing “a mutually shared remembrance of public symbols” testifies to the fact that the community is “ready and willing to construct a new, joint future” (Mezzalira 2013, p. 153).

Finally, one point of irony related to the success story of South Tyrol should be mentioned here. The more competences autonomous South Tyrol assumes, the more responsibility the governing party has towards the political situation. It is for this reason—paired with its support for the center-left government in Rome—that the SVP has found it increasingly difficult to unite the views of those holding on to national nostalgia, radical nationalists and governmental pragmatism. The former “cement” for this, ethno-national dissociation from Rome, no longer proves sufficient. This may be the reason why the SVP lost its absolute majority—claiming only 45.7% of the vote—during the provincial assembly elections in 2013 and 41.9% in the last elections in October 2018. Over the last decades, South Tyrol has transformed itself into the Italian province with the highest pro-capita income and an exceptionally low unemployment rate. However, rising economic wealth—as Christoph Blocher’s successes with the right-wing populist Swiss People’s Party shows as well—does not *eo ipso* lead to a temperance of nationalistic emotions and resentments. During the elections in October 2013, the two right-wing parties, “South Tyrolean Freedom” and *Die Freiheitlichen* (The Liberals), together attained 25% of the vote. They combine folkloric identity

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<sup>10</sup>See Der Appell der Historiker, [www.stol.it/Artikel/Politik-im-Ueberblick/Lokal/Der-Appell-der-Historiker](http://www.stol.it/Artikel/Politik-im-Ueberblick/Lokal/Der-Appell-der-Historiker).

politics with diffuse resentment against immigrants, thereby appealing to the stereotypical complaint of the denied “national self-determination” for South Tyrolese since 1919. Both loudly push for a detachment from Rome but are not united in the direction they want to take. One side seeks reunification with Tyrol while the other side dreams of an independent statehood or an association with Bavaria. The party platform for the *Freiheitlichen* rather unclearly announces, under the subheading “Future Tyrol”, that they want to “initiate steps in creating a Euroregion of Tyrol to which all other areas can freely join on the basis of the people’s right to self-determination. In this Euroregion, all three ethnic groups will, without economic or cultural barriers, be able to mutually determine their future on the basis of the Swiss model.”<sup>11</sup> However, in the last provincial assembly elections in October 2018 the first lost nearly two thirds of its votes (down from 17.9 to 6.2%) and the secessionists weakened too (down from 7.2 to 6%). On the other hand, the nationalist right-wing *Lega* more than quadrupled its share (from 2.5 to 11.1%) and became the strongest party of the Italian-speaking minority.

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## 8.5 Conclusion: The South Tyrolean Autonomy as Prototypical Case

The conflict in South Tyrol had barely officially come to an end when it started to be lauded as a model. Not only the UN Secretary-General praised the settlement as being exemplary when he accepted the notification document, Italian Foreign Minister Vincenzo Scotti also proclaimed it to be a model for the successful protection of minority groups at the OSCE follow-up conference in Helsinki in 1992 (Steininger 2014, pp. 217–218).<sup>12</sup> Practically overnight, complaints about the conflict were turned into pride for an exemplary paradigm. The model quality has become commonplace for many South Tyroleans; it has even achieved a prominent position within research and publications by the “European Academy of Bozen” and also frequently appears in academic literature (among many e.g. Schneckener 2002, p. 174, or Böckler 1999, pp. 87–104). Inspiration for other cases can, without question, be derived from the resolution to the conflict in

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<sup>11</sup>See Das Grundsatzprogramm der Freiheitlichen, [www.die-freiheitlichen.com/index.php/partei/grundsatzprogramm](http://www.die-freiheitlichen.com/index.php/partei/grundsatzprogramm).

<sup>12</sup>Steininger (2014, p. 10) shares the view that South Tyrol’s autonomy „could serve as a model for the solution of the problems which come along with the new nationalism“.

South Tyrol; nevertheless, it does not serve as a patent remedy that can rashly be applied to all possible cases.

One counterpoint is the long time span that the resolution demanded. Astoundingly, from the Gruber-De Gasperi Agreement until conflict settlement in 1992, a total of 46 years had passed. Furthermore, the “Package” and the exhaustive implementing provisions together comprise “a set of rules of more than 700 pages” (Böckler 1999, p. 95). Both points suggest that the mere idea that the case of South Tyrol is akin to a cure-all for any ethno-territorial conflict is an illusion. The lesson that it teaches is in reality: Such regulations require a great deal of time and of juridical fine-tuning.

Two other conditions which were favorable in themselves should also be considered: South Tyrol and Trentino are both predominantly Catholic and have for centuries belonged to the same political entity (the County of Tyrol within the Habsburg Empire), which made it possible to establish dense social and political connections between the German and Italian-speaking populaces. Yet despite this fact, the two provinces were still unable to resolve the conflict on their own.

The potential as model is represented by the settlement of the language issue. Both languages share equal status in principle and everyone can use his mother tongue in public life. Although schools are strictly divided along language lines, early education in the other language ensures bilingual competence which, at the very least, noticeably eases daily interactions among people in the towns. In debates about multilingualism in Switzerland, this point is frequently highlighted as an advantage to its strict territorial principle (language authority lies with the cantons and not with the central government) (Schoch 2000). A tangible incentive is provided by the fact that the “ethnic proportion” demands bilingualism within the civil service. In practice, the German-speaking South Tyroleans have an easier time with bilingualism than their Italian-speaking counterparts. Their schools are considered to be superior and members of the Italian-speaking minority often do not understand why, within their own country, they need to learn the language of a minority, especially one that speaks a dialect.

One interesting point in the case of South Tyrol is the package deal that exists between domestic autonomy and international monitoring. A program of “blaming” carried out by Austria and the UN was responsible for finally getting Italy to implement the Paris Agreement of 1946, despite all opposition. There are likely few other cases that owe their sub-national autonomy and extensive minority rights to an international agreement and a UN resolution. This combination of factors can serve as a model. However, it also presupposes the *willingness* for understanding and compromise on the domestic as well as on inter-state levels. Whereas this initially only existed *faute de mieux*, since Italy and Austria were among the defeated powers, understanding was able to eventually grow bit by bit.

The economic boom experienced since 1945 also certainly contributed to diffusing the conflict and a favorable international constellation was likewise a factor: While Austria remained neutral after signing the State Treaty of 1955 (and the withdrawal of Russian troops), joining the EU only in 1995, Italy was a founding member of the EEC and South Tyrol was able to greatly profit from the ensuing boom. EU's regional policies, a flourishing tourism industry and a number of private nationalistic aid organizations from Germany, such as *Stille Hilfe für Südtirol* (silent help for South Tyrol) and *Kulturwerk für Südtirol* (cultural work for South Tyrol) (Steininger 2014, p. 188), flooded the province with money. This put South Tyrol in a position to grant mountain farmers loans for building vacation houses and to provide decentralized support for industry and crafts. As a result, South Tyrol is among the wealthiest regions in Italy and the EU today, enjoying low unemployment and the smallest degree of emigration of all the mountainous regions in Europe.<sup>13</sup>

Arno Kompatscher has held the governor's office in Bozen since 2014. He defines South Tyrol as a model in a novel, no longer simply ethnically delimiting sense. In this, he has attempted to win over all of his constituents for the cause of “autonomy patriotism”, including the 46,000 foreigners (around 9% of the population) who have slipped through the protection mechanism framework of the three languages. Additionally, he has promoted the goal of being a “pioneer for regionalization in Europe” (Bremer 2014, p. 8).

The most significant potential inherent in the model, however, lies in the practical demonstration that self-determination is not necessarily identical with national independence, statehood or attachment to another state, though it has been common among political parties in South Tyrol to discuss autonomy and self-determination as an absolute antithesis; right-wing circles, in particular, do not tire of denouncing autonomy as a cheap consolation for denied self-determination. In reality, the category of self-determination has a constitutional and a national sense—they are not identical. According to its originally democratic, non-ethnic content, self-determination means self-rule or self-government and can also be manifested within a given state. Woodrow Wilson, who is intricately linked to the term self-determination, understood it as “(domestic) democracy, not self-determination in the sense of the decision about one's own sovereign state” (Fisch 2010, p. 63). The South Tyrol's success story also stands for the fact that self-determination in this original sense by no means is merely a “poor substitute” (Fisch 2010, p. 62; see also, still instructive, Kluke 1963).

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<sup>13</sup>Information from South Tyrol Member of Parliament in Rome, Florian Kronbichler.

## References

- Autonome Provinz Bozen-Südtirol (ed.). 1995. *Das neue Autonomiestatut*, 8th, extended ed. Bozen: Autonome Provinz Bozen-Südtirol.
- Böckler, Stefan. 1999. Das Autonomiestatut für Trentino-Südtirol: Ein Modell für die friedliche Regelung des Kosovokonfliktes? In *Gordischer Knoten Kosovo/a: Durchschlagen oder entwirren?* ed. Joseph Marko, 87–104. Baden-Baden: Nomos.
- Bremer, Jörg. 2014. Heimat für alle. Der neue Landeshauptmann in Südtirol will einen neuen “Autonomiepatriotismus”, *Frankfurter Allgemeine Zeitung*, 18. February, 8.
- Corsini, Umberto, and Rudolf Lill. 1988. *Südtirol 1918–1946*. Bozen: Athesiadruck.
- Fisch, Jörg. 2010. *Das Selbstbestimmungsrecht der Völker. Die Domestizierung einer Illusion*. München: Beck.
- Heiss, Hans. 2013. Denkmallandschaft Südtirol: Altlasten und neue Dynamiken der Zeitgeschichte. In *Umstrittene Denkmäler. Der Umgang mit der Vergangenheit*, ed. Günther Pallaver, 109–134. Bozen: Edition Raetia.
- Hobsbawm, Eric J., and Terence Ranger (eds.). 1984. *The invention of tradition*. Cambridge: Cambridge University Press.
- Kann, Robert. 1964. *Das Nationalitätenproblem der Habsburgermonarchie. Geschichte und Ideengehalt der nationalen Bestrebungen vom Vormärz bis zur Auflösung des Reiches im Jahre 1918*, vol. 1, 2nd extended ed. Köln: Hermann Böhlaus Nachf.
- Kinzl, Hans. 1965. Die Forderung Italiens nach der Brennergrenze. In *Südtirol. Eine Frage des europäischen Gewissens*, ed. Franz Huter, 236–253. München: Oldenbourg.
- Kluge, Paul. 1963. *Selbstbestimmung. Vom Weg einer Idee durch die Geschichte*. Göttingen: Vandenhoeck & Ruprecht.
- Kronbichler, Florian. 2005. *Was gut war. Ein Alexander-Langer-Abs*. Bozen: Edition Raetia.
- Kronbichler, Florian. 2007. Unverschuldet schuldig. Über Vergangenheitsbewältigung in Südtirol, Der Überblick, 1. [www.der-ueberblick.de/ueberblick.archiv/one.ueberblick.article/ueberblick3aa5.html?entry=page.200701.106](http://www.der-ueberblick.de/ueberblick.archiv/one.ueberblick.article/ueberblick3aa5.html?entry=page.200701.106).
- Leidlmaier, Adolf. 1965. Bevölkerung und Wirtschaft 1919–1945. In *Südtirol. Eine Frage des europäischen Gewissens*, ed. Franz Huter, 362–382. München: Oldenbourg.
- Lill, Rudolf. 1980. *Geschichte Italiens vom 16. Jahrhundert bis zu den Anfängen des Faschismus*. Darmstadt: Wissenschaftliche Buchgesellschaft.
- Marcantonio, Marco, and Giorgio Postal. 2014. *Südtirol. Storia di una guerra rimossa (1956–1967)*. Rome: Donzelli.
- Mattioli, Aram. 2010. “Viva Mussolini!” *Die Aufwertung des Faschismus im Italien Berlusconis*. Zürich: Neue Zürcher Zeitung.
- Mezzalira, Giorgio. 2013. Geteilte Erinnerungen. Faschistische Denkmäler und Symbole in Südtirol zwischen Konflikt und Historisierung. In *Umstrittene Denkmäler. Der Umgang mit der Vergangenheit*, ed. Günther Pallaver, 135–164. Bozen: Edition Raetia.
- Nora, Paul. 2002. Untergang einer Staatslüge. 40 Jahre nach dem Ende des Algerienkrieges. Ein Gespräch von Jacqueline Hénard mit dem französischen Historiker Pierre Nora über die Wunden der Geschichte. *Die Zeit*, 14. March, 49.
- Nora, Pierre. 1984. *Les lieux de mémoire, tome 1: La République*. Paris: Gallimard.
- Pallaver, Günther (ed.). 2013. *Umstrittene Denkmäler. Der Umgang mit der Vergangenheit*. Bozen: Edition Raetia.

- Pfaundler, Wolfgang (ed.). 1958. *Südtirol. Versprechen und Wirklichkeit*. Wien: Wilhelm Frick.
- Schlößl, Bernhard. 1965. Italiens Politik in Südtirol 1919 bis 1945. In *Südtirol. Eine Frage des europäischen Gewissens*, ed. Franz Huter, 293–320. München: Oldenbourg.
- Schmitz-Esser, Winfried. 1965. Die Genesis des Südtiroler Umsiedlungsabkommens vom 23. Juni 1939'. In *Südtirol. Eine Frage des europäischen Gewissens*, ed. Franz Huter, 321–337. München: Oldenbourg.
- Schneckener, Ulrich. 2002. *Auswege aus dem Bürgerkrieg. Modelle zur Regulierung ethno-nationalistischer Konflikte*. Frankfurt a. M.: Suhrkamp.
- Schoch, Bruno. 2000. Switzerland – A Model for Solving Nationality Conflicts? *PRIF Reports*, 54. Frankfurt a. M.: Peace Research Institute Frankfurt.
- Steininger, Rolf. 2014. *Südtirol. Vom Ersten Weltkrieg bis zur Gegenwart*, extended ed. Wien: Haymon.
- Südtirol Handbuch. 2013. ed. by the Landesregierung Südtirol, 29th, revised edition (Bozen). <http://provinz.bz.it/lpa>.
- Winkler, Ivo (ed.). 2010. *Südtirols Autonomie. Beschreibung der autonomen Gesetzgebungs- und Verwaltungszuständigkeiten des Landes Südtirol*, 10th ed. Bozen: Südtiroler Landesregierung. ([www.provinz.bz.it/lpa](http://www.provinz.bz.it/lpa)).



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# Trieste: A State on Paper, Partition in Praxis

9

Bruno Schoch

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## 9.1 Introduction: The Conflict and Its Actors<sup>1</sup>

After World War I, Trieste, the single most important port city of the Habsburg Monarchy since the Middle Ages, became part of Italy, whose national movement had long demanded the annexation of the Italian-speaking territories of Istria and Dalmatia. After the liberation from fascism and the troops of the Wehrmacht, Yugoslavia and Italy equally laid claim to the city, which marked the beginning of the Trieste conflict. While the revolutionary Yugoslavian anti-fascism invoked the Slavic majority of Istria as a whole, Italy appealed that Trieste had been part of Italian territory since 1919, and referred to the city's Italian-speaking majority. At the end of April 1945, Yugoslavian partisans and British troops arrived in Trieste almost simultaneously. Because they failed to agree on who should have the say in Trieste, they concluded to hand the city, along with a narrow Adriatic coastal strip, over to the United Nations.

Taking on the sovereignty of such an internationalized territory was a novel situation for the recently founded world organization—precedents included only, if at all, two territories managed by the League of Nations: the free city of Danzig (1920–1939) and the Territory of the Saar Basin (1920–1935) (cf. Salamun 2005).

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In January 1947, the UN Security Council decided to create the “Free Territory of Trieste”, to be managed by a governor directly responsible to the UN. The peace treaty of the Allies with Italy established the Statute for the small buffer state between the Italian and Balkan peninsula. While the major part of Istria went to Yugoslavia, the “Free Territory of Trieste” encompassed a small area of 738 km<sup>2</sup> and about 330,000 inhabitants. It stretched from the Italian border past Trieste and a coastal strip in the northwest of the peninsula Istria past Capo d’Istria and Cittanova, to the River Quieto/Rijeka Mirna (see Fig. 9.1). Agreements between the Allies’ High Command and Tito had initially divided the area into two zones: Zone A, measuring 222.5 km<sup>2</sup> and 262,000 inhabitants, reached from the Italian border to Trieste and was subordinate to AngloSaxon military command; Zone B,



**Fig. 9.1** The free territory of Trieste. (© TRIEST NGO, Source Map of the Free Territory of Trieste. [www.triest-ngo.org/the-free-territory-of-trieste/](http://www.triest-ngo.org/the-free-territory-of-trieste/))

measuring 515.5 km<sup>2</sup> with 71,000 inhabitants, encompassed the area south of Trieste to Cittanova and was subordinate to Yugoslavian military command.

Because the UN Security Council could never agree on a governor, the “Free Territory of Trieste” existed only on paper; in praxis, the two separate military administrations remained in place. While Trieste had initially been one of the sensitive points of contact in the beginnings of the Cold War, the Yugoslavian schism in world communism changed the situation radically. The Western allies, who had thus far been aiming at a quick stabilization of democracy in Italy, now also wanted to strengthen Tito’s independence from the Soviet Union. They therefore pressed for an end to the issue. In October 1954, the guarantor powers Great Britain and USA, together with Italy and Yugoslavia, signed a “Memorandum of Understanding” in London, which was handed over to the UN. It formally kept the “Free Territory of Trieste”, but terminated it practically: Zone A became subordinate to the sovereignty of Italy, while Zone B went to Yugoslavia.

After its return to Italy, Trieste became the capital of the region Friuli-Venezia Giulia. For this, Italy established a special Statute of Autonomy in 1963, which had already been planned for the constitution of 1947, but had never been realized due to the uncertain border demarcation. As late as 1975, as a sign of détente in Europe, Rome and Belgrade signed the Treaty of Osimo, which finally upgraded the demarcation line into an internationally recognized border. This treaty took effect in October 1977. It has since improved the relations between Yugoslavia and Italy substantially; Italy quickly became Yugoslavia’s most important trading partner. After the latter disintegrated, neo-fascist ideologists in Italy caused some turbulence when they demanded revision of the treaty and the return of Istria and Dalmatia to Italy, but finally they, too, bent to the principle of *pacta sunt servanda*—agreements must be kept. After its independence, Slovenia adopted the Treaty of Osimo, one of the preconditions for its entry into the EU.

Actors of the ethno-territorial conflict concerning Trieste were Yugoslavia and Italy, the Anglo-Saxon military command, the four victorious powers, and the Security Council of the United Nations; in Istria the Italian-speaking majority inhabited most coastal cities, while the majority of Slovenians and Croatians lived in the hinterland.

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## 9.2 The History of the Conflict

For centuries, the port city Trieste belonged to the House of Habsburg, to whose rule it had submitted in 1382, in order to protect itself from the all-powerful Venice. After the brief interlude of the Napoleon rule, Trieste returned to the Danube Monarchy. Its port gained economic importance for the dual monarchy: after

Vienna, Budapest and Prague, Trieste constituted the fourth-largest city of the Austrian-Hungarian Monarchy. In terms of language, *Triestine*, an Italian dialect, had always been dominant here; the delegates that were sent to Vienna spoke almost exclusively Italian (Veiter 1965, pp. 197–201).

When Italy was united into a nation state under the leadership of the Kingdom Sardinia-Piedmont, several Italian-speaking areas in the north remained with Habsburg: *Welschtirol* or Italian-speaking Tyrol, that is, Trentino, Trieste, Görz/Gorizia, Gradiska, and Istria with the military port Pola and the Hungarian Fiume. The Italian nationalist movement regarded these areas as *terra irredenta*, unsaved territories, and demanded their annexation into the nation state, which would have cut off the Danube Monarchy's access to the Mediterranean Sea. The situation changed fundamentally when the Austrian-Hungarian Monarchy dissolved at the end of the First World War. Trieste, the shibboleth of the Italian Irredenta-nationalism, had been occupied by Italian troops before the end of the war. In the secret pact of London in 1915, Great Britain and France had promised Italy territorial gains as recompense for entering the war on the side of the Entente: Trentino and South Tyrol up to the Brenner pass, Trieste, Gorizia and Gradiska, Istria (excluding Fiume), and northern and southern Dalmatia with its offshore islands (Corsini and Lill 1988, p. 40). These promises implied future disputes, as they partly contradicted the right to national self-determination, which Woodrow Wilson declared in 1918. The territorial conditions “for a clean solution of the national question” were nearly nowhere else within the Danube Monarchy “as difficult as in the coastal region” (Kann 1964, p. 267). After the end of the war, in the Peace Treaty of St. Germain-en-Laye, Italy received Trentino and South Tyrol, as well as Trieste, Istria, and Zara, but had to relinquish the majority of Dalmatia to the benefit of Yugoslavia. The dream of the Adriatic Sea as *mare nostro* thus perished. This caused bitterness: Even though Italy belonged to the victorious powers, it tended towards revisionism; the slogan of the mutilated victory, *vittoria mutilata*, quickly became popular. The fascist movement profited from this. It polemicized against the peace order, with which an alleged “holy alliance of plutocratic nations” oppressed Italy (Smith 1983, p. 156), and promised to advance the revisionist demands with great vigor.

### **9.2.1 Fascist Politics of Homogenization**

After the radical nationalist writer Gabriele D'Annunzio and a couple of dozen franc-tireurs had occupied the city of Fiume/Rijeka in eastern Istria in a spectacular surprise attack in 1919, Italy succeeded in convincing Yugoslavia to formally

relinquish the port city the following year. It became a free state from 1920 until 1924. Due to Venice's former naval supremacy for hundreds of years, the populace of the coastal cities of the northern Adriatic Sea was primarily Italian, while the backcountry consisted almost entirely of either Slovenians or Croatians. Mussolini did not act in consideration of that diversity. Instead, the fascist regime, whose anti-Slavism was a constitutive element of its ideology (Pupo 2013, p. 4), instigated the violent Italianization of those minorities, and supported separatist-nationalist groups in Macedonia and Kosovo, as well as the Ustaša in Croatia. This racist oppression reached its climax after Mussolini's troops, together with the *Wehrmacht*, had conquered Yugoslavia, and Italy thus annexed Istria, Fiume and the Dalmatian coast reaching all the way to Kotor (Montenegro). The occupation, which was met with great resistance from the beginning, implied the following: "Like the Wehrmacht and the SS, the Italian occupying forces left a trail of death and destruction throughout Yugoslavia" (Mattioli 2010, p. 107; Cogoy 2007, pp. 8–10), executed thousands and systematically murdered even civilians, in retaliation for acts of resistance. In Slovenia alone, they dragged 30,000 civilians off into seven so-called "Slav Camps"—which were not extermination camps, but concentration camps with a high death rate (Mattioli 2010, p. 107). The fascist oppression of all Slavs in Trieste and Julian Venice implied that Italian was now the only language used in administration and justice, the closure of Slovenian and Croatian schools, only monolingual names for towns and signs, annulment of all Slavic societal associations, and even the Italianization of family names (Magris and Ara 2013, p. 166).

When the king deposed Mussolini and declared a cease-fire during the summer of 1943, this phase of Trieste's history was over. Formally, Trieste and the surrounding areas were now under the control of the *Repubblica Sociale Italiana* or "Republic of Salò", Mussolini's puppet state established with the grace of Germany. But the true power was in the hands of the *Wehrmacht*, which was occupying Italy and established its *Operationsgebiet Küstenland* (operational area coastland) here (stretching from Udine to Ljubljana and Fiume). Its ruler was the *Gauleiter* of Carinthia, Friedrich Rainer, and the police was commanded by the notorious SS-commander Odilo Globocnik, who, in the so-called *Generalgouvernement*, had led the *Aktion Reinhard*, which killed 1.7 million Jews. The rule of Rainer and Globocnik was centered around the Pan-German empire. In the "Adriatic coastland" they made their mark with a transit and extermination camp in an old rice factory in Trieste, the *Risiera di San Sabba*, where Slovenian, Croatian, and Italian partisans, as well as Jews were murdered with exhaust fumes (Voigt 1993, pp. 373–375; Nicoloso 2013, pp. 207–213). On the whole, the Italians now found themselves subject to the wrath of their formerly allied

Germans, and were soon to experience the revenge of the previously brutally oppressed Slovenians and Croatians, which “not rarely turned into brutal and arbitrary violence against Italians” (Magris and Ara 2013, p. 197).

### **9.2.2 Disputed Border in the Ethnic Mosaic on the Adriatic Sea**

While it had been clear where Trieste belonged to after the First World War, the city found itself in a much more difficult situation after the Second World War. Yugoslavia was among the victorious powers and, as a victim of fascist aggression, had good reasons to make demands. On 30 April 1945 Yugoslavian partisan groups occupied Trieste; on 2 May troops from Great Britain and New Zealand arrived as well and controlled the harbor. The Tito-partisans sensed a historical chance to annex the whole region, so they first focused on a fast advance in the contested territories, while Ljubljana and Zagreb were still under German occupation. In their eyes, Italy’s raid, the annexation, and the violent fascist suppression of Slovenian and Croatian minorities justified a territorial revision in favor of Yugoslavia (Gon 2004, p. 24). The victorious partisans acted ruthlessly towards the *Wehrmacht*, fascists and collaborators, capitalists, and anticomunists, but also towards anti-fascists, if they resisted the goals of Yugoslavian communism.<sup>2</sup> The hatred of the Slavs now turned into countless acts of revenge, which Italian collective memory calls the traumatic “Forty Days of Trieste”. Hundreds of people disappeared, were shot, or tied together and thrown into so-called *foibe*, gorges of the Karst, where they died miserably (Mattioli 2010, p. 105–118; Cogoy 2007).<sup>3</sup> The immediately initiated socio-political overthrow by the Yugoslavian partisan army thus amalgamated with ethno-national violence.

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<sup>2</sup>That is how the brother of poet and film director Pier Paolo Pasolini, member of an Italian antifascist organization, was killed by competing Yugoslavian partisans (Crainz 2005, p. 46–47; Albath 2013, pp. 95–162). All his life, Pasolini thus resisted the communist party’s narrative and its simple distinction between fascists and resistance fighters.

<sup>3</sup>These *foibe* massacres were long suppressed from memory in post-war Italy. The governing Christian Democrats showed little inclination to indict the offenders, because doing so would have certainly provoked counterclaims to legally avenge the severe war and occupation crimes of Italian fascism in Yugoslavia. For the Communist Party of Italy, too, the question of how they were positioned towards the partisans was an uncomfortable one (Mattioli 2010, p. 109).

The *foibe* massacres were political cleansings, “motivated by revenge and national rancor” (Mattioli 2010, p. 108). To this day it is contestable whether they were “ethnic cleansings”, as claimed by nationalist publicists in Italy—the victims were by no means all Italian. Also still contested today is the number of casualties among the opponents killed by Yugoslavian partisans in Istria and Dalmatia, as far from all corpses could be recovered from the *foibe*, and many records are missing. Reputable historians are talking about 5000 victims, but right-wing nationalist politicians have mentioned figures up to 20,000 (Mattioli 2010, p. 108).

As successful as the Tito-partisans’ strategy was to fast create faits accomplis, it failed in the case of Trieste. Here, their brutality was met with disdain and resistance. Soon the Anglo-Americans, too, decidedly opposed Tito’s plans to absorb Trieste and its environment as its own federal unit within the newly founded Socialist Federal Republic of Yugoslavia—not only because they mistrusted the new communist rulers, but also out of the “need for the British troops in Austria to possess a militarily controlled port and respective supply routes” (Toncic-Sorinij 1955, p. 7467). During long discussions, the Western powers and Yugoslavia were unable to agree on a borderline. Finally, Yugoslavia had to accept a line of demarcation which granted it all of the formerly Italian area east of the Tarvisio-Monfalcone line, but withheld from it the coastal strip consisting of Trieste, which was occupied by the Anglo-Americans (Zone A) and Capodistria, which was occupied by Yugoslavia (Zone B). Italy might have harbored hopes and illusions due to the importance of the *Resistenza* for the liberation, but it was among the losers and Yugoslavia was among the winners. Istria and Dalmatia were not even subject to discussion—in contrast to the end of World War I, Fiume was no longer the bone of contention, but Trieste was. On 13 June the Yugoslavian army withdrew from Trieste and handed the city over to the Allied Military Government.

The four victorious powers entrusted a commission of experts with the task of preparing a report about a possible demarcation between Italy and Yugoslavia based on ethnic criteria, as well as about an international regime for the port of Trieste, which would ensure free trade for Yugoslavia and Italy, but also for the central-European states (Gon 2004, p. 17). However, the ethno-national situation in this former border region between the Danube Monarchy, Italy, and the Balkans was highly complicated, especially after fascism, the German occupation, and the advance of the Yugoslavian partisans. In addition, the interests of the four victorious powers diverged significantly. It comes as no surprise then, that in April 1946, the commission presented a number of different suggestions regarding the border. On 25 April 1946 the foreign ministers of the victorious powers

met in Paris to determine the details of the peace treaty with Italy. They quickly agreed that the majority of Istria and the Dalmatian islands were to go to Yugoslavia. Representatives from Italy and Yugoslavia were able to provide their opinions on the suggestions of the commission in Paris, but no agreement was reached. In the end, France's suggestion to internationalize was Trieste carried out—on 3 July 1946, the four victorious forces agreed to establish a buffer state between Yugoslavia and Italy, to be supervised directly by the UN Security Council: the “Free Territory of Trieste”.

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### **9.3 Conflict Settlement**

#### **9.3.1 Conflict Settlement, First Attempt: The “Free Territory of Trieste”**

The UN Security Council was to secure the territorial integrity of the new to-be-created buffer state, for which it developed a Statute, and for whose supervision it was to announce a governor who reported solely to the Council. The Statute for the “Free Territory of Trieste”<sup>4</sup> was incorporated into the peace treaty with Italy (Article 21) and took effect concurrently on 15 September 1947. It terminated Italian sovereignty over Trieste and obligated the signatories to recognize the free state under international law. In the preceding months, a mass exodus of Italians had taken place in Istria, which was occupied by Yugoslavian partisans: 30,000 fled from Fiume/Rijeka and 28,000 from Pola to Trieste. Between 1947 and 1954, the number of Italian refugees was to increase to over 230,000 ([Enciclopedia Italiana](#)).

The “Free Territory of Trieste” was a new subject of international law. The UN Security Council possessed its sovereignty, and was also to ensure its territorial integrity (Art. 2). The entity was to become demilitarized and neutralized (Art. 3), receive its own national emblems (Art. 10), and write its own constitution. Italian and Slovenian were to be stipulated as official languages; Croatian was to be added under conditions that were yet to be determined (Art. 7). The “Free Territory of Trieste” was to set up a free harbor in order to allow unrestricted access for merchant ships and goods from all countries (Art. 34). This quasi-state entity of the UN was a construct without precedent. The Saar and the Free City of Danzig during the League of Nations hardly qualify as precursors, as Germany

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<sup>4</sup>Statute for the Free Territory of Trieste, <http://unispal.un.org/UNISPAL.NSF/0/973F5ACC5148F42B85257506007BDAC2>.

retained judicial sovereignty over the Saar from 1919 until 1935, while the area de facto was administrated by the League of Nations. And in Danzig the League of Nations held supervisory power, but unlike the UN in the case of the “Free Territory of Trieste” it did not possess complete state sovereignty.

Under the governor, who reported exclusively to the UN Security Council, a council of the government and an elected people’s assembly were to govern the free state; an independent justice system was also planned (Art. 9). According to the Statute, the governor was to be “appointed [and paid] by the Security Council, in consultation with the governments of Yugoslavia and Italy”, for five years at a time. He was not allowed to be a citizen of Italy, Yugoslavia, or “The Free Territory of Trieste” (Art. 11). The governor was to take part in the meetings of the governing council and to have a veto right against all laws; in addition, he was authorized to pardon and suspend punishments.

### **9.3.2 *C'est Le Provisoire Qui Dure: The Two Zones***

Due to its limited agency under international law, the new quasi-state was rightly called a “territory”. The fact that the victorious powers handed it over to the just recently founded United Nations is a sign of the idealistic optimism that accompanied the foundation of the world organization immediately after the World War. The construction of the “Free Territory of Trieste” at the sensitive juncture between the West and the Soviet zone of influence concurrently turned it into a kind of “symbol of a new world order”, that is, an international community that was to be jointly led by the victorious powers (Toncic-Sorini 1955, p. 7472).

The Achilles’ heel of the “Free Territory of Trieste” was the governor. His appointment required consensus in the UN Security Council and agreement between the two parties to the conflict, Italy and Yugoslavia. The latter was unlikely due to the countries’ mutually exclusive territorial claims, and at the onset of the Cold War, unity in the UN Security Council was out of the question as well. London and Washington blocked the appointment of a governor in consideration of national sensitivities in Italy, which they primarily wanted to stabilize. His election, however, was the prerequisite for the Statute to take effect. This never happened—“all the work was for nothing. The original state of provisional military command remained in place” (Toncic-Sorini 1955, p. 7472): Zone A was controlled by Anglo-Saxon military command, Zone B by the Yugoslavian equivalent.

When the peace treaty with Italy took effect and the “Free Territory of Trieste” was thus formally established, the commander of the Anglo-American armed

forces, in his function as military governor, created a “provisional administration” to cover the period until a governor was appointed. Yugoslavia did the same in Zone B. The two military authorities acted provisionally as institutions of the “Free Territory of Trieste”, which turned it into a “strange formation, an apparitional construct of a solely theoretical state” (*ibid.*). Because a governor was never appointed, the provisional administration continued to exist until the Free State of Trieste was actually dissolved in 1954. What is consequently distinctive about this first phase of conflict settlement is that it formally took effect with the peace treaty with Italy on 5 September 1947, and ended on 5 October 1954 with the London Memorandum of Understanding, “without ever actually existing within those seven years” (Kiderlen 2008, p. 13).

### **9.3.3 The Cominform Conflict Changes the Situation**

The Cold War had initially benefited Italy’s position. In March 1948 the governments in Paris, London, and Washington jointly declared that they recognized Italy’s claim to the entire “Free Territory of Trieste”. This declaration was not binding, as a revision of the peace treaty would have required consent from the Soviets. But the Western powers intended to signal that Italy was no longer isolated, and, with elections only a few weeks away, wanted to strengthen anticommunist parties. As early as the summer of 1948, however, the Cominform conflict changed the international constellation. In the previous year, disagreements between Stalin and Tito had already occurred regarding the latter’s project of a Balkan federation; now their dispute became public (Fejtö 1972, pp. 234–252; Claudin 1978, pp. 193–267). While the West had thus far been in confrontation with Yugoslavia, behind which it suspected Soviet expansionism, Tito’s break with Stalin implied that Trieste was no longer situated on the hard border between both camps. Rather, the political significance of Yugoslavia, now independent from the Eastern Bloc, was increasing, and the USA soon supplied it with economic aid. In order to support Yugoslavia in its dispute with the Soviet Union, the West was now searching for a solution for Trieste that would allow Tito to save face. That was no easy feat, considering that Italy was being pursued to join NATO, which gradually offered the country—similar to the Federal Republic of Germany—a chance to claim its own interests. Rome presented an outspoken linkage between NATO membership and a satisfying solution for Trieste.

Italy stuck to the declaration of the three Western allies from March 1948, which legitimized its claim to all of the “Free Territory of Trieste”, which the USA also generously incorporated into the financial aids of its Marshall plan—it received three times as much aid per capita as Italy (Toncic-Soriny 1955,

p. 7473). Both tactics worked. On 18 April 1948, during the first parliamentary elections in the Republic of Italy, which were strongly marked by the polarizing effects of the Cold War, the Christian Democrats led by Alcide De Gasperi received 48.5% of the vote, while the popular front consisting of the Communist Party and the Socialists, lost the election, receiving only 31%. During the elections in Zone A in June, pro-Italian parties received 64.7% of the vote, almost 40% of which were owed to the Christian Democrats. Ten months later, the Yugoslavian military administration held elections in Zone B as well; the popular front allegedly achieved 89.4% here.

The lengthy back and forth left the populace of the border region in an uncertain political climate situated between the West and Communism. On both sides, national and ideological antagonisms provoked an explosive atmosphere. In August 1953, the situation came to a head. In order to improve its position in the negotiations, Yugoslavia raised territorial claims to Zone A, which Italy had previously incorporated into its civil administration. Giuseppe Pella, De Gasperi's successor, ordered troops to the border and mobilized part of the army. He declared that Italy remained true to the NATO, but expected the West to prevent Yugoslavia from annexing Zone B (Gon 2004, p. 48). Afterwards, Yugoslavia sent partisan organizations to the border. The Western powers were alarmed. They put pressure on Italy and made clear that they viewed the dispute as resolved (cf. the comprehensive description by Croci 1991). On 5 October 1953 representatives of Italy, Yugoslavia, Great Britain, and the USA signed a Memorandum of Understanding in London, but only in initials, which was meant to indicate that the "Free Territory of Trieste" was not legally extinct—its disintegration would have required Moscow's consent, as well as ratification through all the signatories of the Italian peace treaty.

In November 1953, nationalists in Trieste organized militant protests against the Allied Military Administration and for a return to Italy, during which seven people died and hundreds were injured. Protests sprung up in all of Italy, and the government in Rome had the flag half-masted all over the country. These incidents increased the Anglo-Americans' desire to end the military administration and withdraw their troops. The issue of Trieste was no longer of strategic interest to them; the port city had long ceased to be a stronghold of the Cold War.

### **9.3.4 Conflict Settlement, Second Attempt: Definitive Separation**

The London Memorandum of Understanding (documented in Toncic-Sorini 1955, p. 7479–7482) stated straightforwardly that "the execution of the stipulations in the peace treaty with Italy regarding the free state Trieste has proven to be impossible":

the military administration was to be terminated, Zone A be given to Italy, and Yugoslavia to be granted Zone B. Persons who had previously lived in one of the two areas were to return unhindered. For two years, individuals who had previously lived in a different Zone, or who did not want to live in their respective Zone, were given the right to move, to bring their movable property, and to transfer financial means. An appendix defined the definitive border between the two nations; their respective minorities were to be protected, and the equality of their language guaranteed, which a mixed Italian-Yugoslavian commission was to supervise and guard. As such, the principle of nationality had prevailed once more in Europe. And, as after the confessional wars, when the slogan *cuius regio, eius religio* brought about peace, people here, too, were given the right to leave, *consilium abeundi*, if they disagreed with the division.

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## 9.4 The Provisional Arrangement Endures

This Memorandum of Understanding was no treaty under international law, but rather a kind of “Gentlemen’s Agreement”, as the free state *de jure* subsisted. But it resulted from the USA’s and Great Britain’s determined desire to mitigate the conflict, end the military administration, and withdraw their troops. Italy de facto renounced Zone B south of Trieste; Yugoslavia relinquished Zone A. The latter was put under the control of the Italian civil administration, the former under that of Yugoslavia. The memorandum sealed the division, which had long been in effect. Because the treaty was not binding under international law, but rather a provisional agreement, the signees did not send it to all the signatory states of the peace treaty with Italy, but only to the UN Security Council, the sovereign of the “Free Territory of Trieste”. Surprisingly, even the Soviet Union sanctioned it. On 26 October 1954, the Allied troops withdrew from Zone A and Italian officers and soldiers moved in. The appointment of a governor for the “Free Territory of Trieste” remained on the agenda of the UN Security Council *de jure*, and henceforth the provisional agreement lasted for more than two decades. It took until 10 November 1975, when Italy and Yugoslavia signed the Treaty of Osimo, through which they finally mutually recognized their borders under international law.

### 9.4.1 20 Years of a Provisional Arrangement

While the Cold War had turned Trieste from a local bone of contention into a stronghold of the West on the Adriatic Sea, the London Memorandum of 1954 reduced it back to a mere neighborly quarrel. The facts that Italy was a member

of NATO, and that Yugoslavia was in a kind of “silent alliance” with the USA (Claudin 1978, p. 232), did not help to improve relations between Rome and Belgrade. While the Christian Democrats of Italy clung to the 1948 promise of the Western forces, its communists positioned themselves against “Titoism”—in other words, both sides agreed, if for different reasons (Buccarelli 2013). Rome insisted on Italy’s sovereignty over the entire territory, including Zone B, while Belgrade viewed the conflict as over in 1954. Only the first centre-left government under Aldo Moro and foreign minister Giuseppe Saragat in the early 1960s conceded that Zone B had long been lost for Italy. In 1964, Moro travelled to Yugoslavia and met with Mika Spiljak, the chairman of the Yugoslavian federal government; in 1965, Giuseppe Saragat, now president of Italy, was the first Italian president to ever visit Belgrade. Rome wanted to bring the dispute to an end and strove for good relations with Yugoslavia, but out of consideration for the Christian Democrats of Trieste and right-wing nationalist circles, the government aimed to embed its ultimate recognition of the border in a package of bilateral agreements, which was meant to encompass a settlement about restitutions and Italian property in Zone B, the smoothing of the border in the south, as well as economic cooperation (Buccarelli 2013). The negotiations failed to make much progress.

#### **9.4.2 The Autonomous Region of Friuli-Venezia Giulia**

In 1963, Italy finally established the special statute for the region of Friuli-Venezia Giulia, which had already been enshrined in the Italian constitution.<sup>5</sup> Trieste is the capital of this autonomous region, which has 1.2 million inhabitants, consists of the provinces of Pordenone, Udine, Gorizia, and Trieste, and possesses numerous legislative competences and its own governmental institutions (Art. 4). The statute guarantees the equality of its languages—Italian, Friulian, and Slovenian—and the protection of its ethnic and cultural characteristics (Art. 3). The region protects the choice of language in its kindergartens, schools, and middle schools, and determines the names of its towns. 61% of inhabitants in Udine, 46% in Gorizia, and 30% in Pordenone opted for educational instruction in Friaulic or Furlanic, its own recognized language and a version of Rhaeto-Romanic. On the website of the region exact numbers about the distribution of

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<sup>5</sup>Cf. Regione Autonoma Friuli Venezia Giulia, [www.regione.fvg.it/rafg/cms/RAFVG/GEN/statuto](http://www.regione.fvg.it/rafg/cms/RAFVG/GEN/statuto).

languages are not available, which may be due to the fact that they are subject to graded rights of protection in the four different provinces. According to Wikipedia, 53.5% of inhabitants in the region speak Italian, 43% Friulic, and 4.7% Slovenian.<sup>6</sup>

The autonomous region of Friuli-Venezia Giulia profited from the intensifying collaboration during the years before the economic crisis seized Yugoslavia. The relatively liberal political and economic climate in Yugoslavia, along with the gradual calming of the ghosts of the past on either side, allowed the “Trieste border to become one of the most open in Eastern Europe, with uninterrupted passenger and cargo traffic in both directions” (Magris and Ara 2013, p. 238). In Trieste, the bulk sale of blue jeans became a flourishing, cross-border business for Yugoslavia and the bordering countries of central-eastern Europe. The region pursued its own type of foreign or neighborhood policy. As such, and in contrast to Rome, its president advocated for the independence of Slovenia very early on.<sup>7</sup>

The minority protection for Slovenes is farthest developed in Trieste—interestingly, it explicitly follows the special statute that was added to the 1954 Memorandum of Understanding as an appendix, providing for the minorities on both sides the same rights, protection of “the typical national traditions and undisturbed cultural development”, mother tongue education, and bi-lingual labelling of place names (documented in Toncic-Sorinj 1955, p. 7481–7482).

#### 9.4.3 1975: The Treaty of Osimo<sup>8</sup>

In 1968, concerns arose in both Yugoslavia and Italy that Moscow, in the case of crisis, might be tempted to apply the “Brezhnev Doctrine” to Yugoslavia, which increased the countries’ willingness to settle the border conflict once and for all. But when Italian right-wing tabloids branded Moro, who had become foreign minister by now, as a “politician of renunciation”, he was compelled to emphasize that the government was not pursuing “any abdication of legitimate national interests”, which in turn produced chagrin in Belgrade and caused Tito to cancel a visit to Italy. While the Roman government had to act in consideration of the right-wing opposition, Tito had to do the same for Slovenia and Croatia. In March 1971, Tito made up for the state visit to Rome, but throughout his conversations

<sup>6</sup>See Friuli-Venezia Giulia, [http://it.wikipedia.org/wiki/Friuli-Venezia\\_Giulia](http://it.wikipedia.org/wiki/Friuli-Venezia_Giulia).

<sup>7</sup>Information by Raoul Pupo, Trieste.

<sup>8</sup>See the full text of the treaty at: [www.trattatodosimo.it/trattato.htm](http://www.trattatodosimo.it/trattato.htm).

with President Giuseppe Saragat, the politicians' positions with regard to the border remained yet irreconcilable. After Italy had relinquished its claims to Zone B for good, the two nations signed the Treaty of Osimo on 10 November 1975. It rendered the Memorandum obsolete and solved three key issues: the irrevocable recognition of the Italian-Yugoslavian border under international law, an improvement of the bilateral relations between both countries, and protection of the respective minorities within the former "Free Territory of Trieste". While the preamble of the treaty emphasized the principle of comprehensive protection for minorities without granting the respective other side the right to intervene, for the area of the former "Free Territory of Trieste" the treaty explicitly referenced the more extensive stipulations of the special statute of 1954 (Art. 8). In 1977, the parliament in Rome ratified the Treaty of Osimo with a strong majority, and it took effect on 11 October 1975.

In Trieste, however, the treaty met with criticism from all parties, and cost the Christian Democrats their majority, for the benefit of the autonomous "Lista per Trieste". Nevertheless, for the first time in history, friendly neighborhood relations developed between Italy and Yugoslavia. As a meticulous analysis of the 1953 crisis of Trieste states succinctly: "In 1977, Italy and Yugoslavia finally requested its removal. For a stillborn creature, thirty years must be considered a remarkable life span" (Croci 1991).

In terms of the treatment of the countries' respective minorities, it took until 2002 for the special statute of 1954 to be rendered obsolete by a national treaty between Italy and Slovenia. But this treaty stated *expressis verbis* that both nations were obliged to afford their respective minorities "the same degree of protection" that the special statute of 1954 had provided.<sup>9</sup> The Italian-speaking minority, however, includes less than 4000 people, accounting for only about 0.2% of the population, whereas more than eight percent speak languages of the former Republic of Yugoslavia. Approximately 80,000 Slovenian-speaking inhabitants live in the region of *Friuli-Venezia Giulia*, most of them in *Gorizia* and *Trieste*. Their rights vary among the four provinces. *Udine/Slavia Friulana* does not afford them the privilege of legally regulated rights, while in *Gorizia*, they have their own kindergartens, schools, and even secondary schools. In contrast to German in South Tyrol, Slovenian is not a school subject in Italian-speaking schools. In *Trieste*, Slovenes enjoy the best minority rights. Here, as well as in a

<sup>9</sup>This bilateral treaty of 2002 is documented in: Marko et al. (n.d.): Minderheitenschutz im östlichen Europa. Slowenien, [www.uni-koeln.de/jur-fak/ostrecht/minderheitenschutz/Vortraege/Slowenien/Slowenien\\_Geistlinger.pdf](http://www.uni-koeln.de/jur-fak/ostrecht/minderheitenschutz/Vortraege/Slowenien/Slowenien_Geistlinger.pdf), p. 151.

few municipalities in *Gorizia*, Slovenian and Italian are equally recognized, even in administrative matters. Slovenian labels and toponyms are rare, however. And although a Slovenian party exists, many Slovenes prefer to run for office on the lists of the majority parties. Slovenian radio programs do exist. In late 2007, further improvements took effect, including bilingual identity cards.<sup>10</sup>

#### **9.4.4 Turbulences After 1989**

Though after the Treaty of Osimo Italy quickly became Yugoslavia's most important trading partner, the latter's economic crisis changed the situation. The new era after 1989/1991 exacerbated that change. While Yugoslavia was drowning in ethno-national wars, the domestic bipolarity between Christian Democrats and Communists in Italy dissolved, after it had dominated the country's entire post-war period. This political vacuum was entered by right-wing populists and nationalist ideologues trying to reassess history in the shadow of the epochal year 1989. Their revisionism matched the actions of the neo-fascist Gianfranco Fini, who in 1994 made the propagandistic claim that the Treaty of Osimo did not apply to the Yugoslavian successor states, demanding new international negotiations by which "the areas of Istria, Fiume (Rijeka), and Dalmatia would be returned to the sovereignty of Italy" (quoted according to Losano 1995, p. 141). Using such provocations, Berlusconi's government repeatedly vetoed Slovenia's admission into the EU, which led to tensions with Germany and France. However, the Italian government was ultimately unable to impede Slovenia's accession to the EU in 2004, after the latter had explicitly declared that it recognized the Treaty of Osimo. In 2007, as a result of the Schengen treaty, all border control between Italy and Slovenia was abolished.

#### **9.4.5 Difficult Dealing with a Difficult Past**

While the former territorial dispute between Yugoslavia and Italy eased up after 1954, the countries' respective oppositional national narratives have been much tougher to diffuse. The renationalization of Yugoslavia's constituent republics throughout the subsequent wars is well known. In the context of the collapse of Italy's party system, it changed the conditions for national remembrance

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<sup>10</sup>Das Schicksal der Slowenen in Italien, [www.mein-italien.info/geschichte/slowenen.htm](http://www.mein-italien.info/geschichte/slowenen.htm).

fundamentally. The revisionism of right-wing populist movements was able to take advantage of the fact that in the former conflict region on the northern Adriatic Sea history had been suppressed for far too long. The long-suppressed *foibe* massacres were now being discussed extensively—not just by reputable historians, but also by neofascists and nationalist ideologues, who exploited *foibe* and the escape of Italians from the coastal cities in Istria and Dalmatia to transform a “history of fascist culprits into a national history of victimhood” (Mattioli 2010, p. 105). They distracted from fascist crimes and instead concentrated on Italian anti-fascism, which had long been constitutive in the country’s postwar history—tellingly, Berlusconi never attended any of the ceremonies during the National Holiday of Liberation on 25 April, not even during its 60th anniversary in 2005. Italy’s national right even attempted to revalue and elevate the fascists of the Republic of Salò to the status of heroes and patriots, though they had long been classified as Nazi collaborators and national traitors (cf. ibid. pp. 101–118). From 2001 until 2006, Mirko Tremaglia, a former officer of the army of Salò, who had never distanced himself from his past, acted as a minister for Italians abroad.

But even on the coast of the Adriatic Sea there exist a few encouraging signs of a gradual change from exclusive ethno-national, even revisionist history narratives, towards a critically reflected past. Among those efforts are a number of reputable and critical studies about the conflicts concerning the eastern border of Italy and about the *foibe* tragedy. In 1993, Italy and Slovenia established a joint commission of historians, which ten years later published a text about “The Italian-Slovenian Relations 1880–1956” (Crainz 2005, p. 21). And the concrete block with which the *Foiba di Basovizza* near Trieste was closed in 1959, thus ending the attempt to recover further corpses, was redesigned in 2006, visibly motivated by the desire to oppose its reduction into an ethno-nationalist memorial site, and to restore the human dignity of the deceased (Nicoloso 2013, p. 212).

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## 9.5 Conclusion: The Potential as Model

The case of the “Free Territory of Trieste” is indicative of the significant trust shown to the United Nations after the end of the Second World War and before the onset of the Cold War, constituting part of the optimistic exuberance about the new world organization at the time. The difference between current UN-administered territories and the case of Trieste is that the latter was not designed as a transitional model—as a means to overcome a time of crisis—but rather intended to endure (Kiderlen 2008, p. 18). As the first example of a territory administered by the UN Security Council, the “Free Territory of Trieste” is not without significance for current UN-administered territories. Its statute comprises a blue print

for the Special Representative of the Secretary-General who leads the UN-mission in Kosovo, whose status under international law the UN Security Council was likewise unable to determine, after the NATO's intervention and Belgrade's consent to station international security forces there. Admittedly, there exist two decisive differences between those two cases: Firstly, the UN trusteeship in Kosovo is not, and has never been, a mere construct; it is real. Secondly, the mission in Kosovo is not commanded by the Security Council, but directly by the UN Secretary-General. As such, UNMIK was not at the mercy of a possible (and likely) discord in the Security Council.

The prosaic reality of the “Free Territory of Trieste” certainly looked different than its theoretical construct. It never took effect, implying that its potential as a model framework is of ideal, not real value, if at all. Though established with the intent to end a mutually exclusive ethno-territorial zero-sum game by way of an internationalized and demilitarized *tertium datur*, the old European habit of ethno-national separation asserted itself in praxis from the beginning. First, the Iron Curtain caused the power of facts in both provisional zones to trump over the jointly passed conflict settlement, thus initiating its dissolution. Then, in 1954, the division became legalized, though Italy initially clung to the *fictio juris*. In 1977, the separation was finally sealed under international law. This development implied that with each new stage, the exodus of Italians from Istria and Dalmatia increased anew; according to estimates a total of 230,000–300,000 people were affected.<sup>11</sup> That is to say, the eastern border of Italy was not created any differently than the nationalistic furor of the 20th century had it elsewhere: by massive population movements—the “Free Territory of Trieste” notwithstanding.

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## References

- Albath, Maike. 2013. *Rom, Träume. Moravia, Pasolini, Gadda und die Zeit der Dolce Vita*. Berlin: Berenberg.
- Buccarelli, Massimo. 2013. La politica estera italiana e la soluzione della questione di Trieste: gli accordi di Osimo nel 1975. In Raul Pupo (ed.), *Osimo: il punto sugli studi. Quale storia 2013* (2) (cited here according to the manuscript, which the editor kindly provided to me, no pgs.).

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<sup>11</sup>Cf. concerning the different figures Marko et al. (n.d., p. 10), Mattioli (2010, p. 108), and Crainz (2005, p. 75). An emphatic testimony of this exodus can be found in the autobiography of Marisa Madieri (2012).

- Claudin, Fernando. 1978. *Die Krise der Kommunistischen Bewegung*, vol. 2. Berlin: Olle & Wolter.
- Cogoy, Renate. 2007. Vorwort. In *Das Unheimliche in der Geschichte. Die Foibe. Beiträge zur Psychopathologie historischer Rezeption*, eds. Luisa Accati and Renate Cogoy, 1–15. Potsdam: Trafo. [www.trafoberlin.de/978-3-89626-189-2.html](http://www.trafoberlin.de/978-3-89626-189-2.html).
- Corsini, Umberto, and Rudolf Lill. 1988. *Südtirol 1918–1946*. Bozen: Autonome Provinz Bozen-Südtirol.
- Crainz, Guido. 2005. *Il dolore e l'esilio. L'Istria e le memorie divise d'Europa*. Rome: Donzelli.
- Croci, Osvaldo. 1991. The Trieste Crisis, 1953. Dissertation, McGill University, Montreal. [http://digitool.library.mcgill.ca/view/action/singleViewer.do?dvs=1414335398397~780&locale=de&show\\_metadata=false&VIEWER\\_URL=/view/action/singleViewer.do?&DELIVERY\\_RULE\\_ID=6&adjacency=N&application=DIGITOOL-3&frameId=1&usePid1=true&usePid2=true](http://digitool.library.mcgill.ca/view/action/singleViewer.do?dvs=1414335398397~780&locale=de&show_metadata=false&VIEWER_URL=/view/action/singleViewer.do?&DELIVERY_RULE_ID=6&adjacency=N&application=DIGITOOL-3&frameId=1&usePid1=true&usePid2=true).
- Enciclopedia Italiana, III Appendice. [www.treccani.it/enciclopedia/trieste\\_res-fa76e2e3-87e8-11dc-8e9d-0016357eee51\\_%28Enciclopedia-Italiana%29](http://www.treccani.it/enciclopedia/trieste_res-fa76e2e3-87e8-11dc-8e9d-0016357eee51_%28Enciclopedia-Italiana%29).
- Fejtö, François. 1972. *Die Geschichte der Volksdemokratien*, vol. 1. Graz: Styria.
- Gon, Diego. 2004. *Il problema di Trieste 1945–1954*. Roma: Centro militare di Studi strategici, Luglio, 24. [www.difesa.it/SMD/\\_CASD/IM/CeMiSS/Pubblicazioni/OsservatorioStrategico/Documents/81773\\_suppl\\_lugl04.pdf](http://www.difesa.it/SMD/_CASD/IM/CeMiSS/Pubblicazioni/OsservatorioStrategico/Documents/81773_suppl_lugl04.pdf).
- Kann, Robert A. 1964. *Die Nationalitätenprobleme der Habsburgermonarchie. Geschichte und Ideengehalt der nationalen Bestrebungen vom Vormärz bis zur Auflösung des Reiches im Jahre 1918*: vol. 1. *Das Reich und die Völker*. Graz-Köln: Hermann Böhlaus Nachf.
- Kiderlen, Hans Fabian. 2008. *Von Triest nach Osttimor. Der völkerrechtliche Rahmen für die Verwaltung von Krisengebieten durch die Vereinten Nationen*. Berlin: Springer.
- Losano, Mario G. 1995. *Sonne in der Tasche. Italienische Politik seit 1992*. München: Antje Kunstmann.
- Madieri, Marisa. 2012. *Wassergrün. Kindheit in Istrien*. München: Hanser.
- Magris, Claudio, and Angelo Ara. 2013. *Triest. Eine literarische Hauptstadt in Mitteleuropa*, 7th ed. München: dtv.
- Marko, Joseph, Michael Geistlinger, and Nina Baltic. n.d. *Minderheitenschutz im östlichen Europa. Slowenien*. [www.uni-koeln.de/jur-fak/ostrecht/minderheitenschutz/Vortraege/Slowenien/Slowenien\\_Geistlinger.pdf](http://www.uni-koeln.de/jur-fak/ostrecht/minderheitenschutz/Vortraege/Slowenien/Slowenien_Geistlinger.pdf).
- Mattioli, Aram. 2010. "Viva Mussolini!" *Die Aufwertung des Faschismus im Italien Berlusconis*. Zürich: Verlag Neue Zürcher Zeitung.
- Nicoloso, Paolo. 2013. Denkmäler und Erinnerung an der italienischen Ostgrenze zwischen 1920 und 2006. In *Umstrittene Denkmäler. Der Umgang mit der Vergangenheit*, ed. Günther Pallaver, 177–216. Bozen: Edition Raetia.
- Pupo, Raoul. 2013. Una storia sbagliata? Uno sguardo al breve secolo dei rapporti italo-jugoslavi. *Qualestoria 2* (it is cited here according to the manuscript, which the author kindly provided).

- Salamun, Michaela. 2005. *Democratic governance in International Transitional Administration*. Baden-Baden: Nomos.
- Smith, Denis Mack. 1983. *Mussolini. Eine Biographie*. München: Hanser.
- Toncic-Sorinij, Lujo. 1955. Das Schicksal Triests. Seine Bedeutung und Stellung in Vergangenheit und Gegenwart. *Europa-Archiv* 10 (8): 7461–7482.
- Veiter, Theodor. 1965. Die Rechtslage der Italiener in der österreichisch-ungarischen Monarchie. In *Südtirol. Eine Frage des europäischen Gewissens*, ed. Franz Huter, 188–235. München: Oldenbourg.
- Voigt, Klaus. 1993. *Zuflucht auf Widerruf. Exil in Italien 1933–1945*, vol. 2. Stuttgart: Klett-Cotta.



# Cyprus: Trial and Failure of a Political Solution

10

Azer Babayev

## 10.1 Introduction: Profile and Context of the Conflict

The Cyprus conflict has lasted for six decades and is the longest-lasting in Europe since the Second World War. Since 1964, the United Nations have been operating a peacekeeping force (UNFICYP) in the country, which constitutes the third-longest UN mission in history after the surveillance measures in Israel/Palestine and India/Pakistan. Moreover, since the last violent escalation of the conflict in 1974, 40 years of efforts at a reunification of Cyprus have repeatedly led to nothing. Since then, the UNFICYP has also controlled the line of cease-fire between North and South Cyprus (see Fig. 10.1), which has been expanded into a buffer zone and varies in width.

Cyprus, geographically an island of the Mediterranean Sea and of strategic significance, encompasses 9,251 km<sup>2</sup>. At the end of the British colonial period, the population consisted of dispersed Greek and Turkish settlements on the island; then, as a result of the conflict, primarily Turkish enclaves developed, until the island became spatially divided. Before the Turkish invasion of 1974, the total population of the island amounted to approximately 641,000 inhabitants, of which 506,000 (78.9%) were Greek Cypriots and 118,000 (18.4%) were Turkish

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**Fig. 10.1** Cyprus—a divided island since 1974. (© worldofmaps.net, Source Map of Cyprus (Map Regions). [www.worldofmaps.net/typo3temp/images/karte-zypern-regionen.png](http://www.worldofmaps.net/typo3temp/images/karte-zypern-regionen.png))

Cypriots and foreigners. Today, a little more than one million people, either citizens or permanent residents, live on the island; 75% of them reside in the South.<sup>1</sup>

The origins of the conflict date back to the early 20th century. At that time, the wish among Greek Cypriots to incorporate the island, then under British sovereignty, into the state of Greece increased (*Enosis*).<sup>2</sup> In 1931, this desire for *Enosis* found expression through sizable civil unrest, which was subsequently suppressed by the British colonial power. Later on, with the beginning of the Cold War and the foundation of NATO and CENTO (Central Treaty Organization/Baghdad Pact), the geostrategic significance of the island grew. That in turn reinforced London’s determination to retain the entirety of Cyprus as a British base.

<sup>1</sup>As a result of the conflict, tens of thousands of Turkish Cypriots have left the country for the West (rarely for Turkey), but tens of thousands from the poorer regions of Anatolia have relocated to the island.

<sup>2</sup>After Cyprus had existed under Ottoman sovereignty for four centuries, it became British protectorate with the ruling of the Congress of Berlin in 1878. In 1914, Great Britain annexed the island. In the Lausanne Peace Treaty of 1922, Turkey formally relinquished Cyprus. In 1925, Cyprus became a Crown Colony.

During the 1950s, *Enosis* developed into a political movement. In 1950, the orthodox church of Cyprus held an unofficial plebiscite, in which an overwhelming majority of the Greek Cypriots voted for unification with Greece. When the British government ignored this outcome, the Cypriot archbishop Makarios asked the government in Athens to step in, in order to have the case be brought before the UN. London subsequently tried to quench and neutralize those Greek ambitions by mobilizing the Turkish and by making Ankara a player in the conflict through a diplomatic offer, arguing that Cyprus was also a concern of the Turkish.<sup>3</sup> The colonial power henceforth continued to play off the ethnic groups on the island against each other.

In 1955, the fight of the Greek-Cypriot underground organization EOKA for *Enosis* and against British colonial rule began. The Turkish Cypriots mistrusted its goals because they feared oppression and expulsion as the possible result of an annexation, as had previously been the case with Turkish minorities elsewhere, such as in Crete.<sup>4</sup> They consequently established an armed underground organization as well (TMT, Turkish Resistance Organization). The political aims of the Turkish side changed during the conflict, moving from an early desire of keeping the status quo, to a desire of dividing the island (*Taksim*). In 1958, first encounters between TMT and EOKA took place. These quickly escalated into something resembling a civil war.

Between 1955 and 1959, the conflict caused more than 600 deaths, and in 1956 also reached Turkey, where the Greeks of Istanbul became its primary victims. A kind of system of communicating pipes developed: Whenever unrest broke out in Cyprus, a suppression of the Greek minority in Istanbul ensued (Richter 2009, p. 4).

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## 10.2 Conflict Settlement and Its Failure

If one considers the 1955 fight of the Greek Cypriots against British colonial rule as the beginning of the Cyprus conflict, which at the time raised the open question of “What shall become of Cyprus?”, then three serious models of, or

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<sup>3</sup>Ankara reacted immediately, because the Lausanne Peace Treaty would be obsolete and Cyprus to be returned to the Turkish, if anything about its status was to change (Richter 2009, pp. 3–4).

<sup>4</sup>They wanted to maintain the status quo and thus increasingly turned towards the colonial power. This allowed the British government to play Greek islanders against Turkish islanders. To fight the EOKA, it established a special police force made up of Turkish Cypriots, whose actions would necessarily lead to confrontations with EOKA.

approaches to, solving the conflict have since emerged from the continuously sustained political-diplomatic efforts. However, all three of these attempts failed, either during negotiations or in their implementation. This implies a simple but important question: Why have political solutions thus far failed, and what lessons can be drawn from those failures with regards to similar cases of conflict and their treatment?

### **10.2.1 Failed Attempt I (1960–1963): Independence with Consociational Democracy**

In addition to the violent escalation on the island, changes in the international context (Suez Crisis 1956, change of government in London, and the US push for a resolution) prompted the British government to concede to a compromise.<sup>5</sup> In 1959, it asked the Greeks and Turks to negotiate a political solution in Zurich. Ultimately, both states and their respective Cypriot co-nationals regarded independence as the second-best solution, which the Greek Cypriots considered preferable to division, and the Cypriot Turks found better than unification with Greece (Schneckener 2002, p. 210).

In 1959, Great Britain, Turkey, and Greece finalized guarantee agreements to send Cyprus off into independence. All conflict parties thus formally relinquished their maximum demands in favor of a consociational model, which explicitly excluded *Enosis* and *Taksim* as political possibilities. The Treaties of Zurich and London also granted the three external actors veto rights. In addition, Great Britain retained sovereignty over two military bases. In 1960, Cyprus finally achieved independence, after the Greek and Turkish communities had agreed on a constitution that was largely affected by the guarantor powers.

The Constitution of the Republic of Cyprus followed the logic of power-sharing along ethnic lines: the office of president was reserved for a Greek Cypriot; that of the vice president went to a Turkish Cypriot. Both had the power of veto and were elected exclusively by their respective ethnic groups, much like the parliament (House of Representatives), which was also formed by either ethnic

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<sup>5</sup>The failed Suez Intervention by the British in 1956 had caused the geostrategic significance of Cyprus to diminish. The new British Prime Minister Harold Macmillan, who was more flexible than his predecessor, became the first to suggest the independence of Cyprus. This suggestion was compounded by pressure from the USA, who wanted to avoid open conflict between two NATO members.

group separately, according to a ratio of 70:30. This implied that the new nation was de facto governed by a double-presidency, in which both possessed a similar range of authority (Schneckener 2002, p. 273). In the council of ministers, too, offices were distributed according to the 70:30 ratio, but the Turkish Cypriots were entitled to one of the “important” ministries, such as that of finance, defense, or foreign affairs. Those ministers were directly answerable to their respective presidents, by whom they were freely nominated.

Moreover, the representatives of both ethnic groups were able to block the passing of important laws (for example in areas of municipal, tax, and election legislature) by way of a clause of double, absolute majority. This arrangement was compounded by the fact that the parliament was not the only law-making authority, but had to share its legislative capacity with the municipal chambers of every ethnic group, which were elected according to the personality principle, and held legislative and executive authorities in matters of education and culture, as well as in municipal and religious issues.

Like the council of ministers and the House of Representatives, the entire administrative apparatus was also to be staffed according to the 70:30 ratio. Public service, however, turned into a permanent bone of contention, because the Turkish side insisted on a fast implementation of this stipulation; even the Supreme Administrative Court had to step in repeatedly. This, in turn, had a negative effect on legislative processes, which resulted in frequent blockages. The resulting standstill in important political areas, such as in tax and financial questions, ultimately led to separate tax systems, which were passed by both municipal chambers (Schneckener 2002, p. 277).

The Cypriot consociational democracy was born as an “unwanted child”, with which neither ethnic group really wanted to identify. As such, the Cypriots saw themselves primarily as members of their respective communities, and only secondarily as citizens of the common state. Consequently, the implementation of the national constitution soon turned into a political power game full of interethnic mistrust. On the Greek side in particular, the disproportionate representation of the Turkish Cypriots and their veto right was considered unjustified.<sup>6</sup> Moreover, Turkey and Greece attended to the Cypriots’ consociational democracy rather insufficiently, and whenever they did step up, they positioned themselves

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<sup>6</sup>The Greek majority viewed the 70:30 rule as proof of the privileging of the Turkish Cypriots, who only constituted 18 percent of the total population but were to receive almost a third of public jobs. The Turkish side, however, regarded the rule as an important symbol of the equality of both groups (Schneckener 2002, p. 276).

almost exclusively on the side of their respective co-nationals (Schneckener 2002, p. 212).

Thus, Cyprus' independence solved the conflict only superficially. This became particularly obvious in the sanctioned division of the state, which not only intensified over time, but also permeated the entire political system, ranging from the bisected electorate to the double presidency, the factually divided parliament, and the highly autonomous municipal chambers of both ethnic communities. Furthermore, the Greek Cypriots under President Makarios were interested in centralizing power and revising the constitution accordingly, while the Turkish Cypriot leadership advocated high degrees of municipal autonomy as their political and socio-economic basis of power.

Unsurprisingly, the conflict escalated quickly, when in 1963 the Cypriot President Makarios tried to pass important changes to the constitution that were intended to degrade the position of the Turkish Cypriots through the abolition of constitutional power-sharing stipulations.<sup>7</sup> The political leadership of the Turkish Cypriots rejected this advance immediately and demanded strict adherence to the current constitution, while nationalists on either side tried to pour fuel into the fire. Amidst violent clashes in Nicosia, the Turkish political leadership finally resigned from government. Further violent fights ensued and lasted until the summer of 1964, when UN peace troops stepped in.

After three years of the consociational experiment, the end of the conjoint Cypriot state was sealed. In absence of the Turkish side, the Greek Cypriot leadership passed Makarios' changes to the constitution. It afterwards insisted on the legitimacy of these laws, while the Turkish Cypriots made their return to government contingent upon the reinstatement of the constitution of 1960. These opposing positions exacerbated further when the Turkish Cypriots increased their demands for a federalization of the state, while the Greeks continued to insist on a unified nation, arguing that any federal solution would deepen the split (Schneckener 2002, p. 280).

These opposing state concepts proved to be increasingly irreconcilable. Between 1964 and 1967, a constant sense of tension dominated the island. During this phase, the two ethnic groups became increasingly dependent on their mother

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<sup>7</sup>After three years, the Greek Cypriots considered the constitution of 1960 "impractical". Makarios thus presented a proposal of 13 suggestions on 30 November 1963. Among other things, he demanded the abolition of the presidential and parliamentary veto rights and the 70:30 rule in public service, claiming that the jobs should be distributed proportionally according to the makeup of the populace. Makarios also advocated for the establishment of unified municipal administrations, and for integrated security and police forces (Schneckener 2002, pp. 278–279).

countries: because of economic blockades, the Turkish enclaves, formed as a result of the violent escalation in 1963–1964, could only survive with the help of Turkey, while the Makarios government depended on Greece's military support to enforce his sole reign on the island. The two mother states thus had the potential to move the local conflicting parties towards a compromise, but a rapprochement between Athens and Ankara did not take place (Schnecener 2002, p. 213). Much to the contrary, after the military coup of 1967, Athens resumed its endorsement of *Enosis*.

The Cyprus conflict was also a significant factor with regards to the East-West conflict. Initially, the USA actively intervened, primarily to avert a direct Greek-Turkish collision. In consultation with the British government, Washington also suggested the deployment of NATO peacekeeping troops. But Makarios feared that with NATO's arrival militant anticommunism would also reach the island.<sup>8</sup> He thus rejected the offer and turned to the Soviets. Moscow, which perceived a Cyprus “dominated” by NATO as contrary to its interests, readily interfered: the result was the deployment of a UN peace-keeping contingent (UNFICYP).<sup>9</sup>

Nonetheless, the establishment of the military dictatorship in Athens in 1967 implied far-reaching consequences for Cyprus: The fear that an annexation of the island to Greece would import the country's dictatorship caused many Cypriots' desire for *Enosis* to cool off. Accordingly, Makarios increasingly pursued a politics of non-alignment and distanced himself from Greece. But because this was not followed up by a change of course in domestic politics, he failed to simultaneously normalize relations with the Turkish Cypriots, for instance by relinquishing the blockage of their settlements.

Makarios' new approach to foreign policy in turn provoked reactions from the Athenian military junta, because they suspected that *Enosis* was now becoming untenable, and that Nicosia would evade the control of the “national center”. In order to stop Makarios, the junta decided to undermine his position directly. When the Communist Party of Cyprus (AKEL) achieved considerable success in the parliamentary

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<sup>8</sup>As was the case in Greece, this would conceivably have led to a ban of the communist party (AKEL), upon whose parliamentary acquiescence Makarios relied.

<sup>9</sup>The trouble with Makarios prompted the USA to interfere again. In cooperation with the British and Greek governments it developed several possible solutions (such as “double *Enosis*”, that is, “*Enosis* via coup”), which all had one thing in common: Cyprus' independence was to be eliminated, Cyprus to be annexed to Greece, and the Turks to receive (territorial) compensation. Although these plans were never executed, they provided a blueprint for 1974.

elections of 1970, it caused irrational reactions in the USA: Cyprus was compared to Cuba and Makarios was considered a “Castro in a priest’s robe”. Athens and Washington began to coordinate their efforts to topple Makarios (Richter 2009, p. 6).

In 1974, the Greek military regime, which, destabilized by student protests, wanted to produce a success in domestic politics, decided to carry out a coup d'état against Makarios. Their goal was *Enosis*. It began on 15 July 1974 with an attack on Makarios. The rebels subsequently appointed the political hardliner Nikos Sampson as president, who had been notorious as the “killer of the Turks” in the 1960s. Makarios himself managed to flee the country. This constituted a perfect provocation of the Turkish side. On 20 July 1974, Turkish armed forces reached Cyprus. On 23 July, Athen's military regime was toppled. In Cyprus, too, the coup d'état collapsed. The first phase of unilateral interference by Turkey, covered by international law, thus reached its goal of reinstating the previous status quo. But on 14 August, the military brass in Ankara ordered a continuation of the invasion. Until 16 August, the Turkish army occupied approximately 37% of the island. This Turkish invasion caused the enduring division of the island. Violent expulsions and a population exchange sealed the nearly complete division of both ethnic groups in 1975—a situation which has lasted ever since, in spite of all efforts to solve it.

### **10.2.2 Failed Attempt II (1977–1983): From “High Level Agreements” to the “Turkish Republic of Northern Cyprus”**

Soon after the Turkish invasion of 1974, first negotiations between the conflicting parties took place with the aim of overcoming the division of the island and establishing a new political order. However, it quickly became clear that after the violent events of the 1960s and the new facts on the ground caused by the invasion, a return to the constitution of 1960 was no longer a realistic option. In November 1974, the UN General Assembly, using Resolution 3212 et al., demanded the withdrawal of all foreign troops, the return of all refugees, and direct negotiations between the two ethnic groups under UN patronage. In December, direct conversations began and first agreements were reached, including, for example, an arrangement about a population exchange. With that deal, the nearly comprehensive division into two separate territories was complete.

The first round of negotiations ended in 1975, when the leader of the Turkish Cypriots, Rauf Denktaş, single-handedly declared the occupied areas as “The Turkish Federated State of Cyprus”, which he intended to preserve as constituent

state of a Cypriot federal state consisting of two parts. Above all, he wanted to oppose the Greek's sole government in the south, recognized under international law since 1964, with a Turkish statehood of its own. This step, however, was condemned both by the Greek Cypriot side and the international community.

In 1975, both parties met again for three rounds of negotiations mediated by the UN in Vienna and New York—without success.<sup>10</sup> Further negotiations took place, but no progress was made. Denktaş played for time, arguably, in order to further cement the factual division. The South, on the other hand, relied on the internationalization of the process, which brought about further pro-Greek UN resolutions, none of which seemed to faze the Turkish side, however. In 1976 the negotiations stalled as well. Only a written exchange of suggestions remained, about which there were no negotiations.

The following years, 1977–1979, however, gave direction to the subsequent negotiations, by producing the so-called “High Level Agreements”, which determined basic principles for a reunification of the island. On 12 February 1977, Makarios, who returned to power in December 1974, and Denktaş signed a skeleton agreement, in which both sides agreed to found an independent, noncommittal, bi-municipal, federal republic. The territorial size of each constituent state was to be determined according to the principle of economic service potential and land ownership. In March 1979, Denktaş and Spyros Kyprianou, Makarios' successor after his death, signed a further deal enforcing the stipulations of the first agreement and postulating that Cyprus was to be demilitarized and that any further destabilizing activities were to be omitted. Nonetheless, the territorial stipulations, as well as the three principles of fundamental freedom (freedom of movement and settlement and the right to property) and the competences of the central government were based on vague wordings, which enabled both parties to maintain their hitherto existing positions. The determining factor was, however, that a possible unification of the island with Greece or its division were officially abolished as options. Moreover, for the first time, Turkish Cypriots were granted

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<sup>10</sup>During the first round of negotiations, the parties failed to agree on the competences of the central government and the reopening of the airport in Nicosia; the second round collapsed under the question of whether territory or the central government should be discussed first. In summer 1975, the Turkish side suggested the establishment of a common federal interim government. The proposal was refused by the Greek Cypriot side, which was unwilling to play its strongest trump card, its recognition as the sole legitimate government of Cyprus.

a formal territory within the reunified island, even if its size remained a contentious issue.

Soon after this success, further UN-mediated negotiations based on the High Level Agreements stalled: 251 meetings without substantial results took place between August 1980 and April 1983, proving once again that both conflict parties still had entirely different notions of what a “bi-zonal, bi-municipal federation” entailed. Likewise, the return of the ghost city of Varosha to Greek administration, agreed upon in 1979, stalled as well.<sup>11</sup>

Even though the negotiations continued until 1983, positions on either side remained deadlocked. President Kyprianou, re-elected in 1983, banked on a further internationalization of the conflict and a continuation of diplomatic “victories” at the UN level, whereas his counterpart Denktaş was now determined to realize the declaration of independence of the North he had been aiming for since 1975. Another UN resolution in favor of the Greek side provided him with the pretext to do so. On 13 May 1983, the UN General Assembly passed Resolution 37/253 as a direct result of Kyprianou’s initiative. It demanded the immediate withdrawal of all occupying forces, welcomed the Greek-Cypriot suggestion of complete demilitarization, and determined that the de facto situation, which had been created through violence, should under no circumstances influence the resolution of the Cyprus conflict. The Turkish leadership, however, rejected this resolution, considering it a “death sentence”.

The first step towards independence was the introduction of the Turkish Lira as currency, and the establishment of a Turkish central bank in the Turkish part of Cyprus. On 17 June 1983 the Turkish-Cypriot parliament demanded a referendum regarding the independence of the North. In this tense situation, UN Secretary-General Perez de Cuellar put two models up for discussion. On the one hand, he suggested a rather pro-Greek version, which included a 77:23 territorial division, a 60:40 distribution of ministers, a Greek-Cypriot president and a Turkish-Cypriot vice president, as well as a dual-chamber parliament as suggested in the proposal of 1978. On the other hand he proposed a rather pro-Turkish model, including a territorial division of 70:30, a 70:30 distribution of ministers, rotating presidencies, as well as a 50:50 upper house and a 70:30 lower house. His obvious goal was a compromise, in which the Turkish Cypriots were to exchange territory for political rights. While Kyprianou, after a period of deliberation, accepted the

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<sup>11</sup>The Turkish side wanted to let only a part of the refugees return to Varosha and keep them under Turkish-Cypriot administration.

proposal as a basis for negotiation, Denktaş avoided giving a clear answer. The Turkish leadership on the island subsequently used a change of government in Turkey to proclaim the “Turkish Republic of Northern Cyprus” (TRNC) on 15 November 1983.<sup>12</sup> Ankara recognized the TRNC, while the UN Security Council declared the declaration of independence invalid and reinforced the sole recognition of the Republic of Cyprus.<sup>13</sup>

### **10.2.3 Failed Attempt III: The Annan Plan 2004 and Beyond**

After the proclamation of the Turkish Republic of Northern Cyprus in 1983, the negotiations made no discernible progress until the late 1990s. Worth mentioning is the UN proposition (“Set of Ideas”) from June 1989, the most detailed and extensive proposal for the resolution of the Cyprus conflict up to that point: it demanded the departure of both parties from their respective positions and reinforced a guarantee of the three principles of fundamental freedom, but moved away from the Greek-Cypriot demand that all refugees should have a right to return. The guarantee agreement of 1960 was confirmed, so that both the Turkish and Greek military were able to maintain presence on the island in equal strength. Georges Vassiliou, Kyprianou’s successor, approved the Set of Ideas. And yet,

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<sup>12</sup>This change of government was preceded by a military coup in September 1980. In October 1981, the military junta dissolved all parties and imposed martial law. In 1982, a new constitution, marked distinctly by the military, was passed, which was intended to reestablish political order and stability. By way of new parliamentary elections on 6 November 1983, democracy was restored. Uniting liberal and moderately Islamic groups, the conservative Motherland Party (Anap) of Turgut Özal replaced the militarily-instated interim government with an absolute majority.

<sup>13</sup>As early as September 1984, new negotiations took place in New York, during which both parties, under the mediation of UN Secretary-General Perez de Cuellar, agreed on the skeleton of a solution: bi-zonal, bi-municipal federation, withdrawal of all foreign troops, and 29% of the territory for a Turkish-Cypriot federal state. In January 1985, Denktaş and Kyprianou met for a direct talk for the first time since 1979. Though the meeting was intended as a final round of negotiations, including the signing of an agreement, Kyprianou plead for further negotiations and the talks remained without results. In 1986, further initiatives by Perez de Cuellar failed due to Greek-Cypriot concerns—they criticized that his proposal failed to account for the withdrawal of Turkish troops and the increasing numbers of returning Turkish settlers, and that the structure of the state was confederal—and the reluctance of both parties to depart from their positions (Cf. Faustmann 2009, p. 11).

any headway failed to be made due to Denktaş, who disagreed with the planned border, among other things. He also insisted that the UN Secretary-General was not entitled to provide such extensive propositions for a solution.<sup>14</sup>

In the late 1990s, the general framework of the conflict changed dramatically. In 1998, Cyprus' negotiations on accession to the EU began. At first, both the Turkish-Cypriot leadership and Ankara, which supported the status quo politics of Denktaş, assumed that the EU would not risk a confrontation with Turkey over Cyprus. Ankara also openly threatened to annex Northern Cyprus should the Republic of Cyprus become an EU member.

When it became clear that the EU would accept the Republic of Cyprus even without a solution of the conflict, new negotiations under the patronage of the UN began in 2002 to establish a plan that for the first time encompassed all aspects of a solution. However, it took until November to make any progress, when a new party, the AKP, came to power in Turkey. The Turkish government under Recep Tayyip Erdoğan departed from its long-standing maximum demands, not least in order to stress its own ambitions towards EU membership. Simultaneously, the Turkish Cypriots protested in pro-European marches against Denktaş—in hopes of a perspective with the EU and out of frustration over their long-standing isolation. He in turn made an unusual move and opened the border to the South.<sup>15</sup> The

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<sup>14</sup>In July 1990, the situation became increasingly complicated due to the Republic of Cyprus' application to join the EU. The Turkish-Cypriot leadership, like the Turkish government, protested the decision vehemently, as the Greek-Cypriot government was not entitled to solely represent all of Cyprus. Denktaş aborted the negotiations. While the Greek side depicted Cyprus' EU-membership as a catalyst for a solution to the Cyprus conflict, Denktaş made his agreement contingent upon the EU-membership of Turkey and the prior solution of the conflict. In April 1992 the new Secretary-General of the UN, Boutros-Ghali, presented an expanded version of the Set of Ideas, which the Greek Cypriots accepted as a basis for negotiations, while Denktaş continued to insist on his previous position. When the new Greek-Cypriot president Glafcos Clerides was elected in 1993, the proposal was out of the question for good, as he had disapproved of the UN's propositions during his election campaign. In 1994, the EU decided on its own terms—and upon massive Greek pressure—to include Cyprus in its next round of expansion.

<sup>15</sup>The Greek Cypriots used this opening of the border to visit their old residencies in the North. Conversely, many Turkish Cypriots have since obtained a passport of the Republic of Cyprus. The open border therefore sometimes seemed like a symbol of the real rapprochement between the two ethnic groups. However, the great euphoria on both sides seems to have since been replaced by a kind of resigned indifference as a sign of the nationalistic discourse. The result of that is another paradox: although the border is now traversable, very little individual and government supported intercommunal exchange exists (Rehrmann 2013).

moderate left-wing politician Mehmet Ali Talât of the opposition, who became prime minister in January 2004, also came to the fore. This implied that for the first time, on both the Turkish and the Turkish-Cypriot side, moderate politicians dominated. The Greek Cypriots, however, elected hardliner Tassos Papadopoulos for president in 2003.

It took until early 2004 for the final draft of the plan to be put together, which for the first time encompassed all aspects of a future political order. Developed and modified repeatedly by UN Secretary-General Kofi Annan, the plan envisaged reunification as a federation according to the Swiss model. Key points of the plan included:

- A parliament-elected government with rotating chairmanship, consisting of four Greek and two Turkish Cypriots; a collective leadership with veto rights for both ethnic groups.
- A dual-chamber parliament on the national level; beyond that, each constituent republic was to obtain its own parliament. Despite a higher ratio of the total population (excluding the newly arrived Turkish settlers), the Greek Cypriots were to appoint two thirds of the representatives in the lower house, the Turkish one third. The senate was to be divided in half between representatives of the two ethnic groups.
- Territorial adaptation: the Turkish-Cypriot North was to encompass 28.5% of the new state, the Greek-Cypriot 71.5%.
- A return of more than half of the refugees under Greek-Cypriot administration, and relocation of several tens of thousands of Turkish Cypriots.
- Bestowal of citizenship to more than 45,000 Turkish settlers.
- Significant and enduring limitations regarding the return of Greek refugees and the freedom of establishment in the North.
- Extensive demilitarization of the island: the number of Turkish soldiers was to be reduced from 35,000 to 6000; the Greeks were to be allowed to station up to 6000 soldiers themselves.<sup>16</sup>
- Both nations, as well as the former colonial power of Great Britain were to remain guarantor powers as before.

In two simultaneous referendums on 24 April 2004, the Turkish population of the island accepted the plan with a great majority. It was rejected, however, by the

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<sup>16</sup>The status of the British military bases on the island remained unaffected by the Annan Plan.

Greek Cypriots. 76 percent of voters in the South followed the rejection by President Papadopoulos, who regarded the Greek side as disadvantaged.<sup>17</sup> Many Greek Cypriots hoped that their accession to the EU would lead to a better negotiating position and greater concessions. Therefore, shortly before Cyprus' accession to the EU, the so far most serious attempt at reunification failed. The inclusion of Cyprus into the EU on 1 May 2004 thus led to a unique situation: formally, the whole island is a member of the EU, but in fact this is true only for the South.<sup>18</sup>

The developments surrounding the referendum had effects on domestic politics in the North. Hardliner Denktaş, who had dominated the politics of the North for over 30 years and been considered an obstructionist in the efforts for a reunification of the island, had to leave. He had made his tenure contingent upon the results of the referendum. He thus did not run for president in the elections in April 2005, which the moderate politician Mehmet Ali Talât won by a fair margin.

The failure of the Annan plan saw the reunification of the island move far out of reach. Until the spring of 2008, hardly any progress was made regarding the Cyprus conflict, owed in part to the intransigent attitude of President Papadopoulos. His replacement by the left-wing politician Demitris Christofias in February 2008, however, changed the situation. The North and the South commenced direct negotiations, which for the first time involved two moderate politicians willing to compromise. From September 2008 onwards, Talât and Christofias tried to reach a solution “by Cypriots for Cypriots”. These negotiations even intensified in January 2010, without ever ending successfully. Their greatest point of disagreement was still the form of government: a stronger federal state versus a confederation of two nearly independent states (n-tv 2010).

In early 2014 new talks began. On 11 February the Greek-Cypriot president Nicos Anastasiadis and his northern counterpart Derviş Eroğlu, both representatives of the conservative camps, made a joint declaration in which they proposed the outline of a solution, whose foundation was again a “bi-communal, bi-zonal federation with political equality, as set out in the relevant Security Council Resolutions and the High Level Agreements” (Republic of Cyprus 2014, p. 1). It is

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<sup>17</sup>The main Greek criticisms of the Annan Plan were the remaining Turkish soldiers on the island, the retention of the status of the guarantor powers, the lack of freedom of movement within the state, questions of property, the relatively high representation of Turkish Cypriots (at least in relation to their percentage of the total population), the limited authority of the central government (for more details see Crisis Group 2006, pp. 5–7).

<sup>18</sup>The *Acquis Communautaire* of the EU is valid only in the South; the regulations for the Turkish side are suspended, according to protocol of accession no. 10 for Cyprus.

highly unlikely, however, that a solution will be found. The two parties' expectations regarding a solution for the island remain far apart, and with regards to central questions have not at all or only gradually approximated. On top of that, the prospect that Turkey, which is becoming increasingly authoritarian, will be admitted into the EU has dwindled in the last few years, making concessions even less likely.<sup>19</sup>

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## 10.3 Drawing a Balance of the (Still Pending) Conflict Settlement

### 10.3.1 Subject of the Settlement: Contentious Topics and Their Respective Weights

The Cyprus conflict comprises a complex regulatory subject. It consists primarily of three topical aspects: politics, territory, and property/refugee-related questions. Less significant seem to be the contentious issues of the demilitarization of Cyprus, the right of residence and repatriation of Turkish settlers, and future peace-keeping arrangements.

The political dimension of the regulation pertains primarily to the constitutional order of a future federal state of Cyprus. Though a basic consensus exists that Cyprus should become a bi-zonal, bi-municipal federation, conceptions diverge fundamentally in determining what that should actually look like. The Greek side demands a strong central government; the Turkish wants a weak one. While the former initially envisioned a multi-regional federation, the latter demands a dual federation, formed by two ethnically rather homogenous states. Political equality on all levels is, and has been since 1974, the fundamental principle of all Turkish-Cypriot conceptions. The Greek Cypriots, on the other hand, have repeatedly invoked their significant majority of the population.

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<sup>19</sup>A most recent round of UN-sponsored peace talks, which began in Switzerland in January 2017, failed despite some signs of progress and brought to a halt in July: One of the main obstacles concerned the stationing of Turkish troops after the reunification of the island. Ankara said removing them was "out of the question" unless Greece committed to removing its much smaller contingent. Another contentious issue concerned the return of property to the tens of thousands of Cypriots who had to leave their homes in 1974 (BBC News 2017).

The ambivalence of these political issues consists in the fact that the Turkish side is demanding the foundation of a new state composed of two largely independent constituent states—a federation that in reality resembles a confederation. The Greek side rejects this as an endangerment of the joint statehood, which for them represents a *conditio sine qua non* (Schoch 2003, p. 19). It conversely demands a transformation of the existing Republic of Cyprus into a federation that is really closer to a centralized state.

This is compounded by another bone of contention: territory. Since the invasion of 1974, approximately 37% of the island's surface area has been under Turkish-Cypriot control. As part of any solution, portions of the occupied territory are to be relinquished to the Greek administration. There have been no agreements, however, on what a territorial adaption should look like. The yet to be returned part of Famagusta (Varosha) in particular, which has been empty and abandoned since 1974, is indicative of the significant difficulties in reaching a consensus regarding territorial questions.

The two sides' opposing positions with regards to questions of property and the return of refugees have also proven to be a Gordian knot. This pertains specifically to the return of property from the time before 1974 to its original owners, or rather, to an appropriate compensation. There are two opposing approaches: The principle of collective compensation and the individualistic one. According to Northern Cypriot views, respective claims should be solved mutually through an extensive exchange of property and compensations in collective terms. This attitude has also affected the proceedings of resettling Turkish refugees from the South and the treatment of Greek refugees' property in the last few years.

The South, however, regards the division and the claims of the displaced people completely differently. For them, the division is a temporary state, intended to end through the withdrawal of the Turkish army and the dissolution of the “illegal” Turkish statehood on the island. Consequently, the individual rights of Greek Cypriots to their houses and possessions in the North cannot be sacrificed to a bi-zonal solution.<sup>20</sup>

Another aspect of the regulation pertains to the demilitarization of the island. The Greek side regards a fast and comprehensive withdrawal of all Turkish troops as essential. The right to residence or the return of Turkish settlers to Anatolia has also proven to be a problematic issue. Questions about future peacekeeping

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<sup>20</sup>There are also judgments of the European Court of Human Rights, which corroborate the individualistic approach, such as in a landmark legal case (the Greek Cypriot Titina) Loizidou v. Turkey in 1998.

arrangements, including international guarantees, have repeatedly caused conflict. The Greek-Cypriot side in particular has had a difficult time accepting Turkey as a continuing guarantor of the new state order.

### 10.3.2 Reasons for the Failure

The reasons for the failure of the conflict settlement so far are manifold. One might distinguish between structural factors and those that are actor-centered.

#### 10.3.2.1 Structural Factors

Generally speaking, the asymmetry in population size of two ethnic groups poses an essential barrier to solving ethno-territorial conflicts. In Cyprus, the ratio constitutes 4:1 between the South and the North, corresponding approximately to the proportions of 1974. On the basis of this significant asymmetry, the Greek Cypriots regard themselves as the true landlords of the island, and the Turkish islanders as somewhat of an ethnic minority, although the Turkish Cypriots want to be politically on par with them. Former President Glafcos Cliridis concisely put this issue in a nutshell: “Just as the Greek Cypriots wanted Cyprus to become a Greek-Cypriot state with a protected Turkish-Cypriot minority, the Turkish side tried with all its might to avert that possibility, and to maintain instead the concept of partnership [on the basis of political equality], which they thought the treaty of Zurich prescribed.” (Gürel 2009, p. 18).

The different and opposing national identities on the island, which have developed historically, pose another profound barrier to reunification. This is a highly contested issue, for which the Cypriot donkey has become a metaphor. The discussion about the donkey began in February 1999, when Denktaş explained to a group of academic visitors that no Cypriot nation existed, only Cypriot donkeys. This in turn caused severe protests, particularly from the Turkish-Cypriot left. The late Makarios, too, is supposed to have said something similar. Denktaş claims to have asked Makarios why he, as president of the Cypriot nation, advocated *Enosis*. Makarios allegedly responded that a Cypriot nation did not exist: “We are Greeks who live in Cyprus”, he supposedly said, and added that the only living being on Cyprus that could claim to be a Cypriot was the donkey (Papadakis 2009, p. 19).<sup>21</sup>

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<sup>21</sup>Even political donkey protests have a history on the island. In the late 1950s, the British governor gave the Greek-Cypriot EOKA fighters an ultimatum to surrender. They sent a donkey with the label “I surrender” into the streets until it was seized by British police.

Makarios did in fact make a few public remarks about the non-existence of a Cypriot nation. These occurred primarily after 1960, when despite the declaration of independence, Greek Cypriots still strove for *Enosis*, and Turkish Cypriots sought *Taksim*. This changed after 1974, however, when Greek Cypriots began to aspire to a reunification of both parts of the island. The Greek leaders in Cyprus now officially referred to “one nation” on the island, while the Turkish-Cypriot leadership still spoke about “two nations” because it wanted to maintain the factual division (Papadakis 2009, p. 19).

As early as during the time of British colonialism, two contrary nationalisms developed in Cyprus: Greek-speaking Christians who considered themselves Greeks and Turkish-speaking Muslims who considered themselves Turks. Both felt attached to their respective mother countries. During the 1950s, these nationalisms intensified. The inter-ethnic violence in Cyprus began with the British staffing the local police force with Turkish Cypriots to fight the EOKA risings—in the spirit of a political divide and conquer approach. The escalating conflicts of the 1960s further exacerbated the nationalistic feelings.

Beyond that, the dimension of violence and ethnic animosity posed significant barriers to conflict resolution. The first outbreak of violence occurred during the first few years of independence. During the severe confrontations of 1963/1964, 350 Turkish and 200 Greek Cypriots lost their lives. During the following years, violent incursions on, and rings of blockades around, the Turkish enclaves not only intensified a tendency towards physical separation, but also fueled ethnic hatred.

The events of 1974 mark the climax of the violent history of the conflict. Many deaths occurred during the Turkish invasion of 1974–980 on the Greek side alone. Moreover, 196,000 Greek Cypriots were expelled to the South or rather had to leave the North due to a population exchange, while 42,000 Turkish Cypriots resettled to the North. Approximately 1500 Greek and 500 Turkish Cypriots remain unaccounted for to this day.

For many Turkish Cypriots, the incursions and blockades before 1974 mark the traumatic experiences that make communal life with the Greek majority nearly impossible. Denktaş, for example, used the memories of these events as his main argument to preemptively reject any solution that was based on a return to the status quo. Conversely, the trauma of the Turkish invasion runs deep for Greek Cypriots, accompanied by a fear of further Turkish offensives. One of their biggest fears is the idea of having to enter into a highly complicated and risky federal arrangement with the Turkish Cypriots who have a sizable number of settlers from Anatolia, and are—according to Greek perception—controlled entirely by Turkey.

This fear was reinforced by the island’s steep socio-economic divide. Considering the Greek-Cypriot side’s stability, wealth, and security, it becomes clear

why it refuses to share its power with the less affluent Turkish Cypriots: In 2003, for example, Northern Cyprus earned a per-capita income of only US\$ 5949, while the Greek side of the island generated US\$ 17,644 per capita (Guncavdi and Kucukcifci 2008, p. 2). It is also not surprising that many Greek Cypriots considered EU-membership, which was associated with increasing prosperity, more important than an arrangement with the (poor) North (Schoch 2003, p. 22).

Furthermore, differing perceptions of the conflict genesis and its subject have hampered a solution during the last few decades. Even though a reunification on a bi-zonal basis has been the mutually accepted negotiation goal since 1977, the two sides have failed to agree on what “reunification” and “bi-zonality” are supposed to entail. From a Greek perspective, they constitute a “threat to the survival of Cypriot Greek culture in its ancestral country and the restoration of the unity of its historical region”, whereas the Turkish Cypriots regard the division as “a still to be adapted basis for a bi-zonal solution that guarantees the security and freedom of the Turkish Cypriots in the face of looming Greek dominance” (Gürel 2009, p. 15).

The Turkish Cypriots regard the Turkish military operation as a legitimate intervention against the pro-*Enosis* coup of 1974: It prevented a feared marginalization and even expulsion of the Turkish-Cypriot population from the island. From this perspective, the division was necessary to end the oppression of the Turkish Cypriots after 1963. Turkish Cypriots were thus able to live freely in the North, not burdened by Greek dominance. In that sense, the Turkish intervention brought peace to the island. For Greek Cypriots, however, the conflict only began in July 1974. They tend to turn a blind eye towards the prior ethnic conflict and the enclaves of the Turkish Cypriots, as well as the pro-*Enosis* coup. From a Greek-Cypriot perspective, the true problem in Cyprus consists of the fact that the lawful Republic of Cyprus has no sovereignty over large parts of its territory due to the “illegal occupation”.

Furthermore, the Turkish Cypriots regard it as necessary for the security and freedom of the island that Greek and Turkish Cypriots live next to, rather than with each other. They generally assume that the division of the two ethnic groups is permanent and that each ethnic group should organize “its own inner structure within its own territory” (Gürel 2009, p. 16). However, in this context, Greek Cypriots regard the Turkish immigration after 1974 as a significant problem. They consider it part of a “systematic policy of colonizing the occupied parts of Cyprus”. From their perspective, this policy intends to shift the balance of the populace in order to justify the Turkish-Cypriot demands for bi-zonality and political equality. The Greek Cypriots fear that this would not only impede their return to the North, but that “as a result of the colonization of northern Cyprus

through settlers from Turkey, Greek Cypriots would be slowly ousted from Cyprus". For most Greek Cypriots a reunification is unimaginable without the retraction of the two most important "illegal Turkish faits accomplis": the confiscation of Greek-Cypriot property and the demographic changes caused by the population inflow from Turkey (Gürel 2009, p. 16).

### **10.3.2.2 Actor-Related Factors**

From the beginning, the behavior of the political elites was crucial for the dynamic of the conflict. Their decisions provoked the violent escalations of the conflict. The conflict broke out openly in 1963, when president Makarios intended to abort the principle of political equality through changes to the constitution, without offering compensation to the opposing side. This radical advance threw Cyprus into a severe national crisis. Moreover, the unwise policy of the Greek-Cypriot leadership of building rings of blockades around the Turkish-Cypriot enclaves further exacerbated the conflict, and the respective positions became increasingly entrenched. In the following years, the Greek-Cypriot leadership missed the opportunity to normalize its relationship with the Turkish Cypriots.

Throughout the peace process, the persistent inability of the political elites on both sides to compromise posed a significant problem. Hardly any other politician personifies this more than Rauf Denktaş. He was the nationalist hardliner at the top of the Turkish-Cypriot leadership who blocked, more or less directly, a political solution for more than 30 years. In diplomatic circles, his intransigence even earned him notoriety as "Mr. No".

The role of the third parties remains as important as it is ambivalent, so much so that an understanding of the Cyprus conflict without its international dimension would hardly be possible. More than anything, the nationalist antagonism of the two mother countries led to the factual division of the island, which so far has proven insurmountable. It was the venturesome decision of the Athenian military junta to push through "*Enosis via coup d'état*" that made the fatal decision of the Turkish military invasion possible. The first phase of the military intervention seemed justified under international law to restore the former status quo. However, in a further operation, the Turkish army occupied large parts of the island. As a result, the island was divided permanently and an ethnic cleansing ensued. Turkey has played an important role during all negotiations since 1974, and until today has had the last word. Greece, on the other hand, has become more cautious regarding the Cyprus conflict, ever since the fulminant failure of the "pro-*Enosis* coup". Athens would presumably agree to any solution that was acceptable to the Greek Cypriots.

Later on in the peace process, which mostly took place under UN patronage, the EU gained prominent significance as an external actor, particularly in the 1990s and the early 2000s when Cyprus' entry into the EU became a concrete prospect. Hopes ran high that this prospect would bring about a positive effect regarding a solution for the conflict, but in 1999, the EU—with active involvement of Greece—dropped conflict resolution as a prerequisite for Cyprus' entry.<sup>22</sup> Consequently, hopes were only partly fulfilled, as the Turkish-Cypriot side's "yes" to the Annan Plan was also and not least the result of an anticipatory enthusiasm over accession to the EU, which they hoped would finally break the enduring international isolation. But the prospect of accession was unable to prevent a Greek-Cypriot "no", because the continuity of the status quo did not pose any significant disadvantages for the South. This in turn can be regarded as a central element of the failure of the Annan Plan: Not enough incentives existed for the Greek-Cypriot side to approve the Annan Plan, because it would enter the EU anyway (Lindenstrauss 2008, p. 95).

Beyond that, through the EU-membership of Cyprus, Brussels has lost an active mediating role in the peace process, because it *nolens volens* became a conflict party itself. Furthermore, the EU's promises to provide Northern Cyprus with 259 million Euros in financial aid and to render direct trade with it possible have not yet been fulfilled due to resistance from the Republic of Cyprus (Cf. for more detail Crisis Group 2006, pp. 11–14). In the North and in Turkey, all this has damaged the reputation of the EU as a trustworthy partner for peace.

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#### 10.4 Conclusion: Lessons to Be Learned for Other Conflict Settlements

The Cyprus conflict arose also and not least as an "inheritance of colonialism" (Schoch 2003, p. 14): The compromise solution that accompanied the island's independence failed after a short amount of time, and after ten years of uncertainty finally resulted in the factual division of the island. Ultimately, all parties were at fault for this: The Greek-Cypriot leadership abolished the constitutional

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<sup>22</sup>It is important to note that Greece was a significant factor in this by threatening to boycott the EU's next round of expansion entirely, if the Republic of Cyprus was not going to receive a concrete prospect of accession. This constitutes another example of the unconstructive attitude of the respective mother countries, assuming one-sided positions for their respective co-nationals during crucial phases of decision-making.

order; the irredentist ambitions in Greece further exacerbated the conflict; and the nationalist policies of the Greek military junta and Ankara ultimately brought the conflict to a martial climax. Radical forces on either side finally instigated a sustained ethno-territorial conflict. In the following decades, both local and international actors proved to be incapable of settling the conflict politically.

Cyprus was one of the first cases in which the consociational model of governance was employed as an instrument for peaceful conflict resolution. Its failure, however, was inevitable: The model did not develop an integrative effect, but rather contributed to the strict ethnic division in almost all political areas. Particularly the direct election of the presidents by their respective ethnic groups has turned out to be a constructional flaw of the political system. It implied that the presidents were institutionally independent of cooperation and acted primarily as advocates for their respective groups, instead of as representatives of the common good. This was compounded by the structure of government (particularly the ministers' direct loyalty to their presidents), the split electorate, which fortified the formation of two unified fronts without an internal opposition, and the absolute veto right of the president and the parliamentary deputies, who insisted on their maximum demands at the cost of the respective blockage. These arrangements were completely inappropriate "teaching tools" of political cooperation for the two ethnic groups. As the task of "teaching political cooperation" was also disregarded by the guarantor powers and the international community and as the implementation of the constitution was left to the two antagonistic parties, the success of the model depended solely on the will of the political actors on the island, particularly of the presidents (Schneckener 2002, pp. 280–283). But they focused on securing their respective power bases by keeping ethnically fixed positions.

The case of Cyprus likely constitutes the most complicated ethno-territorial conflict of post-war Europe. Its unique degree of difficulty consists in the involvement of the two ethnic groups' mother countries Greece and Turkey, which have historically made enemies of each other, making a peaceful conflict resolution even more complicated. Anyone who is pessimistic about peaceful solutions of ethno-territorial conflicts only has to look to Cyprus to find confirmation. In the past few decades, the Mediterranean island has rightly gained notoriety as the "graveyard of diplomacy".<sup>23</sup>

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<sup>23</sup>Richard Holbrooke, for instance, known as the architect of the Dayton Agreement in the former Yugoslavia (see chapter 6 in this volume), who became a US special envoy for Cyprus in 1997, remarked later on that the Cyprus conflict was „a nightmare of international diplomacy“ and that the interethnic trenches on the island were even deeper than those in Bosnia and Herzegovina (Schoch 2003, p. 13).

In the past four decades, there has been no lack of political attempts (largely under UN patronage) to reunite Europe's last divided country. All conceivable options for a solution have been tested in order to ultimately find a mutually acceptable arrangement. This procedure may be considered a "Trial and Failure" method of diplomacy. But the two conflict parties, Greek and Turkish Cypriots, as well as their mother countries, have thus far been unable to agree upon such a solution.

The fact that the international mediators of the last decades have often found themselves in deadlocked situations was not due to untried approaches, but rather the result of one-sided mediation techniques. They often exhausted themselves in good offices of the UN, repeatedly bringing the conflict parties to the table to negotiate revised suggestions for a solution, which were then rejected by the conflict parties. This practice of international diplomacy evokes Einstein's "insanity", which occurs when one does the same thing over and over again and expects different results each time. A technique that has thus far been employed insufficiently is power mediation through international actors.<sup>24</sup>

Cyprus' EU membership, that is the strongest weapon of European diplomacy for the reunification of the island, could have signified a game changer with far-reaching consequences. But, as it became clear in retrospect, Brussels made the strategic mistake of not making Cyprus' accession conditional on a resolution of the conflict. The lack of a negative incentive on the part of the EU for the Greek-Cypriot side turned out to be a missed opportunity for the reunification of the divided island.

This shortfall on the part of the EU went along with international diplomacy's risk of enforcing Cypriot reunification with direct-democratic means, without first obtaining both leaderships' approval of the suggested solution. This tactic worked only partially: Despite their president's objections, the Turkish populace accepted the Annan Plan with a majority, while the Greek voters followed their president's demand to reject it. There is a twofold lesson to be learned here: Firstly, it once again becomes obvious how risky it is to achieve peace via democracy. Secondly, this situation proves that international diplomacy can only be successful if it applies available incentives adequately and builds up sufficient pressure.

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<sup>24</sup>Power mediation distinguishes itself primarily through the use of leverage effects by influential third party providing positive incentives or sanctions (cf. Fisher and Keashly 1991).

## References

- BBC News 2017. Cyprus talks end without a peace and reunification deal. London. [www.bbc.com/news/world-europe-40530370](http://www.bbc.com/news/world-europe-40530370).
- Crisis Group. 2006. The Cyprus stalemate: What next? Brussels. Europe Report 171. <https://d2071andvip0wj.cloudfront.net/171-the-cyprus-stalemate-what-next.pdf>.
- Faustmann, Hubert. 2009. Verhandlungen zur Wiedervereinigung Zyperns: 1974–2008. *Aus Politik und Zeitgeschichte* 12:9–13.
- Fisher, Ronald J., and Loraleigh Keashly. 1991. The potential complementarity of mediation and consultation within a contingency model of third party intervention. *Journal of Peace Research* 28 (1): 29–42.
- Guncavdi, Oner and Suat Kucukcifci. 2008. Economic growth under embargoes in North Cyprus: An input-output analysis. MPRA Paper No. 9621. Munich: Munich University Library. [https://mpra.ub.uni-muenchen.de/9621/1/MPRA\\_paper\\_9621.pdf](https://mpra.ub.uni-muenchen.de/9621/1/MPRA_paper_9621.pdf).
- Gürel, Ayla. 2009. Eigentums- und Bevölkerungsfragen im geteilten Zypern. *Aus Politik und Zeitgeschichte* 12:14–18.
- Lindenstrauss, Gallia. 2008. Moving ahead in Cyprus, looking back at the failure of the Annan plan. *Strategic Assessment* 10 (4): 93–100.
- n-tv. 2010. *Lösung des Konflikts 2010 angestrebt: Neue Gespräche auf Zypern*. Köln: n-tv Nachrichtenfernsehen GmbH. [www.n-tv.de/politik/Neue-Gespraeche-auf-Zypern-article673132.html](http://www.n-tv.de/politik/Neue-Gespraeche-auf-Zypern-article673132.html).
- Papadakis, Yiannis. 2009. Griechischer, türkischer oder „zypriotscher“ Kaffee? *Aus Politik und Zeitgeschichte* 12: 18–23.
- Rehrmann, Carolina. 2013. *Zypern: über die Beharrlichkeit konstruierter Grenzen*. Kleve: Arbeitsgemeinschaft Friedens- und Konfliktforschung e.V. [www.afk-web.de/fileadmin/afk-web.de/data/zentral/dokumente/AFK-Kolloquium\\_2013/Paperroom\\_2013/Paper\\_Zypern\\_Carolina\\_Rehrmann.pdf](http://www.afk-web.de/fileadmin/afk-web.de/data/zentral/dokumente/AFK-Kolloquium_2013/Paperroom_2013/Paper_Zypern_Carolina_Rehrmann.pdf).
- Republic of Cyprus. 2014. Cyprus fact sheet: Political developments. Nicosia: Press and Information Office, Issue 2. [www.pio.gov.cy/moi/pio/pio2013.nsf/2F0AD44BF98D07E2C2257F140036C36D/\\$file/FactSheet\\_Political%202014\\_2.pdf](http://www.pio.gov.cy/moi/pio/pio2013.nsf/2F0AD44BF98D07E2C2257F140036C36D/$file/FactSheet_Political%202014_2.pdf).
- Richter, Heinz A. 2009. Historische Hintergründe des Zypernkonflikts. *Aus Politik und Zeitgeschichte* 12:3–8.
- Schneckener, Ulrich. 2002. *Auswege aus dem Bürgerkrieg: Modelle zur Regulierung ethn-nationalistischer Konflikte*. Frankfurt a. M.: Suhrkamp.
- Schoch, Bruno. 2003. Zypern wird EU-Mitglied – und der Konflikt? HSFK-Report, 14. Frankfurt a. M.: Peace Research Institute Frankfurt.



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# Northern Ireland: A Compromise Between Unwilling Antagonists

11

Bernhard Moltmann

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## 11.1 Introduction: Subject Matter and Actors

The contours of the conflict in Northern Ireland began to take shape in the decades leading up to the First World War. At the time, attempts by the British government to grant the entire island of Ireland—historically the very first British colony—limited self-administration under the sovereignty of a parliament in Dublin were unsuccessful. The Unionists in the northeast stood up to threats of violence and contempt under British law and insisted on maintaining their privileged status in the Province of Ulster. Following the suppression of an initial uprising in 1916 (the “Easter Rising”), a war between Britain and Ireland on the issue of the island’s independence broke out in the south in 1919. The war ended with the island’s partition: six counties under Unionist control in the northeast remained with Great Britain while 26 counties in the south and northwest won partial autonomy in the status of a “free state”. Separate political institutions were established in Belfast and Dublin. A 412 km border divided the two parts of the island. The drawing of this meandering border was an attempt to bring as many regions with Unionist majorities as possible under British sovereignty (Gibbons 2018, p. 40).

The south finally declared independence in 1949 and adopted the name “Republic of Ireland”. Great Britain, for its part, declared a new name, the “United Kingdom of Great Britain and Northern Ireland”, and therewith rein-

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The manuscript draws from arguments in Moltmann (2013) and Moltmann (2017).

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**Fig. 11.1** Northern Ireland in a regional context. (© freeworldmaps.net, Source United Kingdom political map. [www.freeworldmaps.net/europe/united-kingdom/political.html](http://www.freeworldmaps.net/europe/united-kingdom/political.html))

forced sovereignty over its part of the island. The overall result of this was a territorial and demographic asymmetry on the British archipelago. Today, the Republic of Ireland encompasses 70,273 km<sup>2</sup>, Northern Ireland (see Fig. 11.1) 13,576 km<sup>2</sup> and Great Britain—with England, Scotland and Wales—nearly 250,000 km<sup>2</sup>. Around 4.1 million people live in the southern part of the island while the north is home to 1.8 million; the remainder of Great Britain has a population of 61.5 million. Marginal positions and difficulties facing minority populations in opposition to more powerful political groups have become embedded into the structure of Northern Irish state and society.

### 11.1.1 An “Identity Conflict”

Within the Northern Irish political constellation, two groups of people who differ in origin and religious belief stand in mutual opposition to one another; they share the same land but pursue contrasting political goals and jeopardize a joint state system. They are commonly classified as belonging either to the “Protestant” or to the “Catholic” camp. The Protestant group identifies with its English and Scottish forbears, who had settled parts of northeastern Ireland four hundred years earlier, and insists that Northern Ireland remain part of the United Kingdom. Their political parties operate under the banner of “Unionism” while the groups among them that support the use of violence label themselves as “Loyalists”. The Catholic camp identifies with the traditions of the original population and promotes the unity of Ireland. Delimitating from the British monarchy, this group promotes an Irish nationalism, and its followers identify with the Nationalist and Republican parties. Up until the turn of the last century, the Protestant camp was confident of maintaining its majority in terms of population. According to the 2011 census, however, its advantage had declined to 54,000 people out of a total population of 1.8 million; the Catholic population, in the meantime, had generally become younger than the Protestant. The current situation is that of a waning majority standing in opposition to a growing minority.

The conflict in Northern Ireland carries many features of an “identity conflict”. Identity conflicts classified as such are characterized by non-negotiable conflict goods, by explicitly ritualized expressions of difference, and by daily political life marred by confrontation (Dubiel 1997, p. 434). Under the guise of confessional differences, the main issues relate to the rivalry among collectives, their access to power and resources, and the implementation of a system of governance that ensures the survival of their own traditions and rights. Up until the 1970s, however, a state dominated by the Unionist-Protestant camp had refused to pay any attention to or to involve the Catholic part of the population. The daily experience of discrimination and repression mobilized a civil rights movement by the Catholics. The suppression of this movement led to violent protests against the state and the security apparatus, eventually escalating into a civil war. Between 1969 and 2001, a total of 3523 people lost their lives; Republican paramilitary groups were responsible for 2055 of these deaths and Loyalist organizations for 1022. Additionally, state actors (police and the British army) were responsible for 365 of the victims. Over 50,000 people suffered injury caused by bombs or shootings. During this period, there were 16,200 bombings, 37,000 cases of firearm use,

22,000 armed attacks and 2200 cases of arson. Furthermore, paramilitary organizations deported more than 4600 people from the country between 1980 and 2005 (figures according to the Secretary of State [2009](#), pp. 60–61).

### 11.1.2 External Dimensions

The conflict in and around Northern Ireland has always had an international dimension. With regard to Great Britain and the Republic of Ireland, geography and history brought the two sovereign states into conflict. These events unfolded on British sovereign territory, and the local opponents were holders of either a British or an Irish passport. Concurrently, the Republic of Ireland has codified its claim to the territorial integrity of the entire island in its constitution from 1937. Beyond this, political and economic disparities strained British-Irish relations alongside unhealed wounds from the Irish War of Independence against the former British colonial power. All of these factors would persistently reemerge during the conflict in Northern Ireland as well as within local confrontations.

Other external actors became involved in the situation in various ways. First, the quarrels in Northern Ireland affected the global Irish diaspora. The USA alone is home to around 40 million people with Irish forefathers. The conflicting parties in Northern Ireland could count on political support as well as an inflow of money and arms from this diaspora. At the same time, numerous European institutions assumed a moderating role in the conflict. As members of the European Union (EU) since 1973, Great Britain and the Republic of Ireland had access to an arena for equitable cooperation among large and small states. Besides this, the EU launched a special programme in order to promote the peace process and to minimize the negative effects of the border drawn between legal, economic and currency areas on the island of Ireland. This program reserved £1.45 billion in funding for relevant activities while other international donors provided an additional £718 million since 1993 ([Nolan 2013](#), p. 82). The Council of Europe—to which both states belonged—has played its part in safeguarding legal norms against arbitrary state actions, particularly in light of law violations committed by British authorities against members of paramilitary organizations and their supporters.

## 11.2 Conflict Settlement Arrangements<sup>1</sup>

### 11.2.1 Goals and Approaches

The most important proponents of a violence-free resolution to the conflict in Northern Ireland were Great Britain and the Republic of Ireland. Both governments had worked on creating a basis for a peace settlement since the 1980s. The prerequisites for this agreement included Britain's recognition of the Republic of Ireland as an equal partner and the Republic's abandonment of any further territorial demands. Both sides agreed to leave the decision as to which state Northern Ireland should ultimately belong to open for a popular referendum far in the future. They also sought new solutions to the question of the citizenship of those living in Northern Ireland. The issue of nationality was de-territorialized, allowing citizens to choose whether they wanted to receive a British, an Irish passport or both.

Two factors were pivotal in concrete efforts at finding a violence-free resolution to the conflict: The first was that both sides mutually recognized the existence of differing traditions and social identities ("parity of esteem"); the second was the participation of both political camps in exercising power under the protection of rights for the majority and minority populations ("principle of consent"). This resulted in a tripartite approach: *first*, violence as a tool for political conflict was to be prevented; *second*, the rule of law and a state monopoly on power was to be reestablished; and *third*, responsibility for the fate of this British part of the island was to be given back to local, socially legitimate actors through a process of democratizing power relations.

The elements of the peace strategy were reflected in the Belfast Agreement (also known as the "Good Friday Agreement"<sup>2</sup>) from 10 April 1998. The Northern Irish parties reached an accord under British-Irish aegis through the patient moderation of US Senator George Mitchell. Positive results from referendums in Northern Ireland and in the Republic of Ireland have given the agreement a sufficient amount of legitimacy from the populace and made it a basis for future action. Additional adjustments to the needs of both camps would, however, be necessary in the years to come in order to ensure that the targets set out by the Belfast Agreement could be reached. It was not until 2006 that the way was paved for governmental cooperation between Unionists and Nationalists through the St. Andrews

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<sup>1</sup>Documents and material relating to the Northern Ireland peace process can be found at: <http://cain.ulst.ac.uk>.

<sup>2</sup>The text can be found at: <http://cain.ulst.ac.uk/events/peace/doc/agreements.htm>.

Agreement. In 2010, the Hillsborough Agreement finally passed responsibility for the police and judiciary on to Northern Irish authorities, with the stipulation that the Minister of Justice would have to be elected from among the small and neutral Alliance Party. For all preceding and associated negotiations, the two guarantor powers of the Belfast Agreement, Great Britain and the Republic of Ireland, would be responsible for persuading local adversaries to agree on compromises.

### **11.2.2 A Complex Fabric of Political Institutions**

Democratization was carried out on the basis of the consociational democracy concept. This framework grants both the Unionist and the Nationalist-Republican camps equal governmental participation, and serves as the template for the political system in Northern Ireland. The legislative assembly shall be made up of elections with proportional representation. The elected representatives must associate themselves with either the Unionist or with the Nationalist/Republican camp. This assembly creates an executive body composed of two first ministers with equal power holding the highest office and ten additional ministerial heads. The ministerial posts are distributed among the parties in accordance with the number of seats that they hold in the assembly. Committees formed by members of the assembly are responsible for handling acts of governance (overview of the governmental system by Kandel 2005, p. 499). Furthermore, legislation is made in the form of staggered decision quorums which guarantee that the minority group is taken into consideration while also protecting the interests of the majority. The competences held by the Northern Irish self-administration abide by the guidelines of the British devolution concept. Parliament and the central Government in London retain the right to take decisions on matters of security, taxes and foreign affairs. Other laws passed in Westminster must be adopted by the assembly in Northern Ireland. Ultimately, cooperation among the two jurisdictions on the island is initiated in the area of practical policies. Elected representations in Dublin and in Belfast are the legitimate authorities in this area. The British-Irish Council was established with the aim of linking political entities in Ireland with England, Scotland, Wales and other islands in the British archipelago along an East-West axis.

The Belfast Agreement negotiations have also benefited from similar blueprints found in the Sunningdale Agreement. This agreement was concluded by the British and Irish governments in 1973 and the moderate Unionist and Nationalist parties—without the participation of radical groups from either side. The consociational democratic government that was created in 1974 collapsed after just a few months due to opposition from Loyalist protests targeted at the all-Irish aspects of the concluded agreement. As a result of this experience, the architects of the

Belfast Agreement proceeded much more carefully fifteen years later. The handling of particularly controversial topics such as police reform and the disarmament of paramilitary militias was delegated to internationally-appointed commissions. At the same time, differing demands from both camps were integrated into the agreement. The 1998 agreement required a long period of time for its conditions to be implemented. This was, however, associated with the risk of providing space for the adversaries to make further adjustment demands and of restricting any advances regarding the details of the arrangements.

### **11.2.3 Implementing the Peace Strategy**

Executing the peace strategy in the following years proved to be an extraordinarily tricky undertaking. Each of the camps in Northern Ireland backed one particular element in order to carve out even more advantages for themselves. Before they would agree to share power with the Nationalist-Republican camp, the Unionists demanded the disarmament of paramilitary organizations on the Republican side, the Irish Republican Army (IRA), and the enactment of a state monopoly on power. The Republican camp, in turn, insisted on enforcing the police reform as well as on being able to share power as preconditions for disarming the IRA. As a result, it took until 2005 for the IRA to abandon its self-declared “war” activities and to destroy its arsenal of weapons in the presence of witnesses; Loyalist organizations followed suit four years later. The Republican Party Sinn Féin officially recognized the police in 2007. In the same year, an all-party government was finally established in Northern Ireland, thereby bringing an end to direct-administration by Britain. However, the newly-created executive was not led by moderate powers as the participants of the Belfast Agreement would have hoped. During the preceding elections, in both camps the radical elements consolidated their positions. In the subsequent elections, the leaders from both camps achieved additional democratic validations of their mandates; mutual differentiation and distrust thus became even further entrenched.

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## **11.3 The Positive and Negative Sides of the Conflict Settlement**

The peace process in Northern Ireland can, at first, be deemed a success if one considers the three pre-existing elements of conflict resolution. Yet it would be hasty to focus only on the positive outcomes and ignore the inherent deficits that persist.

### 11.3.1 Declines in Violence

Violence as a means for political struggle has undeniably lost in significance; the number of killings, shootings and bombings has dropped markedly, registering their lowest rates since 1969. The frequency of politically-motivated violence registered throughout 2011 for example corresponded to just two days of related activities during the peak of the violent conflict in 1972 (Nolan 2012, p. 41). Other forms of violent crime have likewise declined. One exception is an increase in the number of violent acts against people who have immigrated from abroad. Sectarian tendencies, which used to be directed towards political opponents have been transformed into xenophobia and racism. Despite this, Northern Irish society can generally be considered as relatively peaceful.

Enclaves under the control of paramilitary organizations willing to carry out bombings and attacks against unpopular politicians or police officers do, however, continue to exist in Northern Ireland. Although the main organizations associated with the Republican and Loyalist camps engaged in disarmament, other splinter cell groups have been able to acquire new weapons. The number of activists within such groups is estimated at around 300 persons. On the other hand, the willingness of Republican dissidents to take action has been lower when compared to past IRA campaigns. Nevertheless, these groups continue to take advantage of any opportunity to destabilize the existing political power arrangement. They do not recognize the Republican-oriented Sinn Féin party as their legitimate representative and accuse the party of betraying Republican principles. The Loyalist groups, for their part, are lacking a link to a political party and are therefore shut out of assuming an institutionalized role in the government; this specifically is owed to the fact that Unionist parties tend to serve a middle-class clientele. Younger supporters from the poorer segment of society have therefore been pushing for the recognition of Loyalist positions by violent acts. Through their activities, these supporters have not only articulated their disappointment with the equal status their historical adversaries have acquired—the Nationalist-Republican camp—but, more significantly, the social despair they find themselves in as a result of recent economic transformations. The “peace dividends” have not yet found their way to the former Protestant workers neighborhoods, especially in Belfast (Hauswedell 2012).

### 11.3.2 Securing the Monopoly on Power

The police and the judiciary have, by now, been successful in reestablishing the state's monopoly on power. The foundation for this process was a review of the administration of justice as well as the implementation of a master plan for reforming the police apparatus. An international commission chaired by conservative British politician and later EU commissioner Chris Patten carried out these developments in 1999. Through a process of comprehensive restructuring, the program sought a new beginning for the Royal Ulster Constabulary that had been discredited during the period of violent conflict. The staff body was reduced by 50%, half of all new postings were filled with Catholic applicants, special task forces were dissolved, supervision was transferred to a politically responsible committee named the "Police Board", and an independent supervisory authority in the form of an "Ombudsman" was installed. An external observer was also commissioned to monitor the implementation of reforms. Furthermore, the police received a new, non-politically charged name, the "Police Service Northern Ireland (PSNI)" a neutral service crest was selected and the British flag was taken down at all police postings.

Maintaining public security has, however, been complicated by the persistence of unstable foundations that support police work. The number of Catholic police officers still remains well below their corresponding proportion in the general population. As such, the composition of the police force does not reflect that of the populace. In 1999, the ratio of Catholics in the police force was 8.3%; by 2011, this ratio increased to 30.3% (Nolan 2012, p. 58). Popular acceptance of the police force and its work remains low: Results from a survey carried out in the autumn of 2013 revealed that only 16.5% of Protestants and 2.5% of Catholics praised the police (Belfast Telegraph, 19.09.2013). The reputation of the police also suffers from a lack of political support regarding the handling of violent protests. This has had the effect of weakening police officers motivation and willingness to act. They lament the challenge of throwing themselves into the thick of things during political-social confrontations for the sake of maintaining law and order, situations which politicians tend to avoid altogether.

### 11.3.3 Stability in Political Institutions

The third element of conflict resolution—in the context of the consociational democracy model—has been successful. It pertains to ending British direct-administration and returning the political fate of the country back to the hands of local

parties and politicians. This achievement has been manifest in two legislative periods (2007–2011 and 2011–2015) throughout which the government and the legislature have managed to endure. But under pressure, caused by the decision of the United Kingdom in 2016 to leave the European Union the institutional framework of powersharing broke down again in January 2017 and could not be restored.

An adequate description of the relations that formerly existed was captured by the words “pragmatic confrontation”. Though neither side had fundamentally abandoned its antagonistic position or vision for the future, both have accommodated to the conditions of the peace arrangement. This situation was reinforced by international recognition of the willingness to cooperate exhibited by both camps. Financial subsidies from Great Britain, the Republic of Ireland, the European Union and international donors had allowed the new ruling powers, at least in the initial years, to generously satisfy all their wishes. Later on an indicator of the delicate situation is the constant gridlock that plagues the political machinery. This always came to the fore when certain issues had to be regulated and one of the two sides deemed symbols of its identity to be under threat (the handling of victims and bereaved dependents of past violent conflict, disagreements over the routes of traditional parades, the display of flags, the conversion of former imprisonment facilities into sports grounds or memorials, etc.).

During the first years of cooperation between Unionists and Nationalist-Republicans, this “pragmatic confrontation” mode of action may have been acceptable. In this period, political representatives were lacking governance experience and they had to come to terms with the complicated functioning of a consociational democracy. However, weaknesses in the consociational democracy model that was dictated by the Belfast Agreement were becoming more and more apparent the longer this situation persisted. The all-party government was not sufficiently controlled due to the absence of effective opposition within the legislature. Nepotism and the favoring of one’s own clients had been the order of the day. Overdue decisions about modernizing the economy and reforming areas such as administration, education and health services have been blocked by antagonisms between the Unionist and the Republican leaders. In this constellation, two first ministers with equal authority stood in opposition to one another; the leaders of the Unionist and Nationalist-Republican camp were merely interested to meet the demands of their own camps and keep deviations in check. Moreover, regular elections did not hold the promise of bringing about a change in government; they only served to confirm the strength of the two existing camps. Shifts in the balance of votes and legislative seats take place within each of the two blocks themselves while neutral positions within the political and social arenas remain

marginalized. Taken together, this has undermined the dynamics of democratic processes and caused politics in general to lose public appeal.

### **11.3.4 Potential for Conflict: Exhausted but not at an End**

Over the 20 years during which efforts have been made to implement the conflict settlement, the existing conflict pertaining to the national identity of Northern Ireland has been exhausted. Although it was one of the core issues of the conflict in the past, today, neither of the competing camps can claim to have a majority of the population supporting their position. Even though 48% of the Northern Irish identify themselves as Protestant, only 40% pledge their loyalty to the United Kingdom. The difference is even more pronounced among the Catholic segment of the populace, which comprises 45% of the entire population. Of these, a mere 25% label themselves as “Irish” and voice a preference for unity with the Republic of Ireland. Concurrently, groups simply identifying themselves as “Northern Irish” have been on the rise (Belfast Telegraph, June 6/10, 2013 taken from the Northern Ireland Time and Life Survey 2013). Considering this data, the original connection between religious confession and political identification has lost significance in Northern Ireland. In the first years of powersharing, overall satisfaction had been rising with the state of institutional relations and the possibilities presented by partial devolution within the United Kingdom. One particularly meaningful example of this occurred in May 2012 when Martin McGuinness, as Deputy First Minister, welcomed the British Queen Elisabeth II in Belfast on the occasion of her coronation anniversary with a handshake that has since been declared historic. McGuinness, who died in 2017, had never denied his past or his role as commander of the IRA, which had fought against the British presence in Northern Ireland for decades.

Both camps, in fact, have had mitigated tensions surrounding the status of Northern Ireland: Before 2017, the Union had been regarded as secure, with the political system ensuring that the Nationalist-Republican camp is entitled to a sufficient amount of political participation.

This has, however, not been the case; other aspects of the identity conflict are presently coming to light and hindering further progress in the peace process. Relations in Northern Ireland continue to be marred by the circumstances of a divided society. The former Unionist First Minister Peter Robinson has referred to the situation as a “benign form of apartheid”. Meanwhile, the problems associated with the absence of an overarching social identity continue to resurface on

issues of symbols, displays of tradition, and the evaluation of historical events. In December 2012, violent protests erupted as Loyalist groups responded to a decision by the Belfast City Council to hoist the British flag at City Hall only on the days when the Parliament Building does so. In the wake of this, a large-scale police deployment was needed in order to keep the unrest under control.

Another strain on public life is associated with the annual commencement of “Marching Season”. Each summer, the Protestant Orange Order organizes traditional parades in remembrance of the Protestant victory over the Catholics 300 years ago. The parade’s historical route leads through areas where the majority of residents today are Catholic. The number of these parades more than doubled between 2002 and 2012, from around 2000 to the present count of 4637 (Nolan 2014, p. 157). Even though the parades are met by protests from local residents, members of the Orange Order have been unwilling to abide by requirements issued by the official parade commission meant to moderate the situation. There has simply been a lack of political initiative that aims at harmonizing conflicting rights and demands or to carry out lawful procedures. Moreover, unresolved histories of violence and unfulfilled punishment for crimes from past times have propagated further conflicts. Up to now, both sides have shown little willingness to come to terms with the reality of past acts of violence and human rights violations that they committed. Rather, they have both insisted on the legality of their actions and stubbornly view themselves as victims of the other side. Just as other post-civil war societies, Northern Ireland struggles with its goal of achieving lasting legal accord and social reconciliation.

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## **11.4 Conclusion: Northern Ireland—Model or Single Case?**

Politicians and parties in Northern Ireland have long been basking in the gleam of their conflict resolution accomplishments. This has included the honor of a Nobel Peace Prize—awarded to the moderate representatives, David Trimble of the Unionists and John Hume of the Nationalists, in 1998. Protagonists hailing from Northern Ireland have started to travel throughout the world—from Afghanistan to Sri Lanka—in order to promote the path their country took as a recipe for war-afflicted societies seeking a peaceful way out of the ramifications left by past violent conflict. Internationally recognized centers for peace and conflict studies have also sprung up in Northern Ireland itself. The Republic of Ireland made use

of her presidency of the Organization for Security and Co-operation in Europe in 2013 in order to promote its skills in conflict management. Despite all this, the “peace industry” (Moltmann 2003) should avoid obscuring the distinctiveness of the Northern Irish case. This includes the time factor, engagement and financial assistance by external parties, and the existent political culture.

### **11.4.1 The Time Factor**

The search for and implementation of modalities for conflict resolution in Northern Ireland began in the 1970s and thus spanned a period of more than forty years. During this process, internal as well as external dynamics often traversed diverse and winding paths. Advances made one day were hit by setbacks the next day. Gaining support from a competing camp in overcoming antagonistic ideas, binary mentalities and behaviors or at least opening them to compromise requires a lot of time to convince the different sections of both camps. Steps towards cooperation demand genuine regard for groups, which suspect betrayal by partial concessions and go on to oppose or obstruct it. These processes substantiate the metaphorical description of developments in Northern Ireland as “crabwalk”—scurrying back and forth in awkward movement.

The tragedy of the moderate Unionist leader David Trimble is a symbol of these bidirectional movements and strains (Godson 2004). In the end, he and his party were worn down by just this problem, losing their leading role in the Unionist camp to the radical Democratic Unionist Party (DUP). Parallel developments in the relations between the moderate Social Democratic and Labour Party (SDLP) and the Republican Sinn Féin party can also be observed, though the outcomes have not been as dramatic. Ultimately, the passing span of several decades has supported the success of conflict resolution. But this has also led to the consolidation of the two dominant camps, who currently rule the political landscape.

### **11.4.2 External Involvement**

Conflict resolution in Northern Ireland benefited from international attention as well as from the personal involvement of external top politicians since the 1990s. This not only applies to the negotiation phase of the Belfast Agreement but also to the following years, during which great efforts were made to implement it.

Throughout their entire terms in office, British Prime Minister Tony Blair (1997–2007) and his Irish counterpart Bertie Ahern (1997–2008) made use of their authority as well as of the British and Irish public support in continuing efforts to bring the Northern Irish adversaries into accordance with the peace arrangements. Furthermore, US presidents since 1994 have made an official visit to Northern Ireland and became directly involved in the on-going negotiations, particularly President Bill Clinton (1993–2001).

British-Irish cooperation in Northern Ireland also contributed to normalizing mutual and historically-strained relations between these two states in the British archipelago. Both sides approached each other as equals, as evidenced by recent state visits (May 2011 Queen Elisabeth II in the Republic of Ireland; April 2014 President Michael D. Higgins in Great Britain). Northern Ireland had also begun losing its relevance as a “surrogate conflict”; the governments in London and Dublin had increasingly shifted their attention to other political and economic problems, thereby withdrawing from daily conflict management. Northern Ireland had been regressing to the sidelines of domestic British politics, a position that it had previously held until the eruption of violent acts at the end of the 1960s. Shifts in loyalties were accruing and creating repercussions for the Northern Irish adversaries. The Nationalist-Republicans, with a desire for national unity of the entire island, had been confronted with the collapsing economic attractiveness of the Republic of Ireland. The Unionists, with an orientation towards Britain, had felt the discomfort of a growing constitutional crisis in the United Kingdom paired with its uncertain future.

Moreover, Northern Ireland’s development had been unfolding in a generally favorable international environment. The search for a sustainable power arrangement took place in the midst of a prosperous economic context. A continuous supply of finances from both public and private sources has supported the peace process. In parallel, policies associated with European integration had stimulated the transformation of Northern Ireland from an outdated industrial economy to a knowledge and service society. Finally, London and Dublin managed to find competent and renowned persons in the Anglophone and Scandinavian world that have been capable of resolving problems that were either contested among the two sides or that the Northern Irish adversaries did not want to approach. The police reform, the decommissioning of the armaments of paramilitary organizations and the elimination of economies of violence should be mentioned here.

### 11.4.3 An Unbroken Political Culture

Given the dramatic circumstances surrounding the resolution of the conflict in Northern Ireland, it is often neglected that, beyond all the turbulence and confrontations, the existing political culture had remained intact. Any talk of a political culture draws from the subjective dimension of politics. It describes a populace's orientation towards a political system and its institutions (Greiffenhagen and Greiffenhagen 1993, p. 23). The tacit acceptance of political processes and their creation of rules implicitly reinforced the success of efforts towards peace. Finally, the entire matter played out in the context of the United Kingdom, the self-purported mother of Western democracies; this was a setting in which the Unionists in Northern Ireland felt at home. Due to their fixation on being British, they have exaggerated their own characteristics and have overlooked the gradual changes occurring in their own home country. The Nationalists and Republicans, on the other hand, confront them with reservation or even rejection; they do, nevertheless, accept their benefits. Additionally, the Republic of Ireland also operates under the all-powerful influence of British political culture.

The Northern Irish themselves have been able to experience a functioning system of jurisprudence throughout the conflict, poor as it may have been. Complaints pertaining to the deficits did not aim at abolition but at the maintenance of fundamental standards. Residents paid taxes using British currency and expected financial transfers from the rest of Great Britain to balance deficits. Though the education system in Northern Ireland is divided along religious lines, only six percent of children attend integrated schools, graduates of secondary schools in Northern Ireland do, at least, regularly rank among the best students in a given year in all of Britain. Lastly, during the 35 years of direct administration by London, the citizens of Northern Ireland participated in all elections held in the United Kingdom and also sent representatives to the British House of Commons; even the Republican Party names candidates and regularly wins one third of the votes. Their representatives receive parliamentary allowances but do not engage in the parliamentary work itself. The high degree of political-institutional resilience that exists has, however, had the side effect that the political groupings and parties have managed to survive all cases of gridlock and upheaval that have occurred. The same applies to political leaders, who have maintained remarkable continuity.

In summary, the existent political culture formed by the British has remained the backbone of political-public life in Northern Ireland through all instances of agreement and rejection, idolization and contest. As such, this political culture has

been a valuable resource for conflict resolution. However, the lack of change in political behavior and within the public conscience has been a source of unceasing contention on the point of collective identity. Moderating this issue is a task for peace consolidation, a process that must take the place of conflict resolution.

#### **11.4.4 Limits of the elasticity of the peace arrangement**

The British decision of 2016 to leave the EU and its foreseeable consequences are shaking the foundations of the Northern Ireland peace arrangement. This decision is based on the referendum of 23 June 2016. In England and Wales, 52 percent voted to leave the EU, whereas 62 percent in Scotland and 56 percent in Northern Ireland to remain. Overall, 51.9 percent of the British (17.4 million) voted to leave the EU and 48.1 percent (16.1 million) voted against.

The Northern Irish result reflected the divisions between unionists and nationalists, but there were also regional differences. Certainly, 85 percent of nationalist-oriented voters voted to remain in the EU. But the majority for remaining came about because unionist voters in the agrarian centre of the region also voted in favour, whereas in the unionist strongholds in the northeast, the proponents of withdrawal prevailed. The Democratic Unionist Party (DUP) was the only Northern Irish party to promote a leave vote. Two fundamental problems of the Northern Ireland Peace Arrangement are once again coming to the fore: the geographical location of Northern Ireland as British territory on the island of Ireland and the intricacies of the 1998 Belfast Agreement.

With the British leaving the EU, the border between British territory in the north-east of the island of Ireland and the Republic of Ireland becomes the only land border between the EU and the United Kingdom. This raises the specter of reintroducing border controls which, however, implies that the benefits of joint EU membership of Britain and the Republic of Ireland will be lost. After all border fortifications had been dismantled 20 years ago, close social and economic relations developed between the north and south of Ireland. In more than 140 areas of everyday life, EU standards apply that facilitate the movement of people and the transfer of goods. In the meantime, a common energy market has developed on the island.

Both the British and the EU do not want to return to the former conditions of a “hard border”, not least as a means to prevent a resurgence of violence in Northern Ireland. But this can conceivably only be realised if Northern Ireland,

as part of the United Kingdom, is given a special status and remains within the European Customs Union and the EU internal market. This, however, is at odds with the unionist desire to place the preservation of the British Union above the desire for an “invisible border”. From their perspective, the Northern Irish nationalists now see an opportunity to quickly reunite the two parts of Ireland. The 1998 Belfast Agreement postponed a decision on the status of Northern Ireland to the future. With the British leaving the EU, the time for a decision can come closer, for which neither side is sufficiently prepared. These uncertainties are poison for the effort to preserve the peace arrangement.

In addition, cooperation between the United Kingdom and the Republic of Ireland as neutral administrators of the Belfast Agreement and its implementation is at stake. Great Britain is turning away from the EU without taking into account the conditions on the Irish island. The unionist position is the only voice of Northern Irish society in British politics. The Republic of Ireland, on the other hand, has come under the umbrella of the EU negotiating position to represent its own interests and those of the nationalist-oriented Northern Irish people. The British 2016 vote and subsequent developments have also curtailed Northern Ireland's ability to decide independently on the region's relationship with its immediate neighbours, as provided for in the Belfast Agreement. The consequence of the unilateral British action also limits the rights of Northern Irish, who are entitled to them as EU citizens as a result of Irish citizenship alongside British citizenship. Travel, residence rights, legal protection or social security are affected. The same applies to North-South cooperation, as the Belfast Agreement had stipulated for many areas of everyday life. It provides for an equal role for the governments in Belfast and Dublin in implementation. They have been replaced by mutual accusations or in the best case by standstill and silence.

The EU was only indirectly involved in the conclusion of the Belfast Agreement. British and Irish EU membership, however, had opened new perspectives for the blocked conflict in Northern Ireland. It made it possible to leave the fixation on historical models behind. With the British leaving the EU, this door closes again. Legal certainty and the reliability of conflict management procedures are called into question. The effects are already felt in relations between the Northern Ireland parties as the British dispute over Brexit has torpedoed the willingness of both camps to work together. Since March 2017, the self-government of the region no longer functions. This can be seen as an indication of how fragile the Northern Ireland peace arrangement is when a supporting pillar like a loyal Britain breaks away.

## References

- Dubiel, Helmut. 1997. Unversöhnlichkeit und Demokratie. In *Was hält die Gesellschaft zusammen? Bundesrepublik Deutschland: Auf dem Weg von der Konsensgesellschaft zur Konfliktgesellschaft*, vol. 2, ed. Wilhelm Heitmeyer, 425–44. Frankfurt a. M.: Suhrkamp.
- Gibbons, Ivan. 2018. *Drawing the line. The Irish border in British politics*. London: Haus Publishing.
- Godson, Dean. 2004. *Himself alone. David Trimble and the ordeal of unionism*. London: Harper Collins.
- Greiffenhagen, Martin, and Sylvia Greiffenhagen. 1993. *Ein schwieriges Vaterland. Zur politischen Kultur im vereinigten Deutschland*. München: List.
- Hauswedell, Corinna. 2012. Das protestantisch-loyalistische Milieu in Nordirland: Reaktionäre Radikale und ethno-sozialer Identitätsverlust. In *Radikale Milieus. Das soziale Umfeld terroristischer Gruppen*, ed. Stefan Malthaner and Peter Waldmann, 307–337. Frankfurt a. M.: Campus.
- Kandel, Johannes. 2005. *Der Nordirland-Konflikt. Von seinen historischen Wurzeln bis zur Gegenwart*. Bonn: Dietz.
- Moltmann, Bernhard. 2003. Die Angst der Friedensmacher vor der Demokratie. Der Friedensprozess in Nordirland in der Krise. *HSFK-Report*, 5. Frankfurt a. M.: Peace Research Institute Frankfurt.
- Moltmann, Bernhard. 2013. *Ein verquerer Frieden. Nordirland fünfzehn Jahre nach dem Belfast-Abkommen von 1998*. HSKF-Standpunkte, 3. Frankfurt a. M.: Peace Research Institute Frankfurt.
- Moltmann, Bernhard. 2017. *Northern Ireland: The end of the story? The peace process and the Brexit*. PRIF Report 146. Frankfurt a. M.: Peace Research Institute Frankfurt.
- Nolan, Paul. 2012. *Northern Ireland peace monitoring report*. Belfast: Northern Ireland Community Relation Council.
- Nolan, Paul. 2013. *Northern Ireland peace monitoring report*. Belfast: Northern Ireland Community Relation Council.
- Nolan, Paul. 2014. *Northern Ireland peace monitoring report*. Belfast: Northern Ireland Community Relation Council.
- Secretary of State for Northern Ireland, ed. 2009. *Report of the consultative group on the past*. Belfast.



# Quebec: Fluctuation Between Autonomy and Secession

12

Egbert Jahn

## 12.1 Introduction: The Subject of the Conflict Settlement and the Actors Involved

In the mid-1930s, a Francophone national movement was founded in Quebec with the aim of maintaining and strengthening the French language and culture in Canada and in the Province of Quebec in particular. Since the 1970s, a considerable proportion of this movement has been aiming at separating Quebec from Canada and at constituting an independent Republic of Quebec. Most secessionists, however, wish to see a close economic and monetary union between the new nation state and the “Rest of Canada”, referring to the European Union as a model.

In the late 1970s and with a referendum in 1980, the secessionist movement reached its first peak. This triggered significant changes to the political system and the constitutional structure of Canada, which considerably extended the autonomy of the French-speaking population throughout Canada, and in Quebec in particular. Numerous promoters of the unity of Canada hoped that through a “renewed federalism” in the name of an official and statutorily regulated bilingualism and multiculturalism, the coherence of the Canadian nation would be reinforced. As a result of the far-reaching constitutional and political changes, and on the backdrop of the prevailing neo-liberal trends in the economy and in society throughout North America and worldwide, many observers felt that the separatist nationalism had finally lost its support among the population of Quebec and Canada, and was now nothing more than a peripheral political phenomenon.

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Against these expectations, the sovereigntist national movement enjoyed a spectacular upturn after 1990, and brought Canada in the eyes of many commentators to the edge of collapse with a second referendum in 1995. Soon afterwards, the sovereigntist movement ebbed again, but according to opinion polls it continues to enjoy support of just over 40% of the population of Quebec.

The questions that arise are: Have the significant partial successes of the Francophone and Quebec national movements in legally and politically strengthening the position of the French-origin and French-speaking population in Canada debased the Quebec independence movement forever? And have, moreover, the attempts by the federalist reformers from all linguistic and ethnic groups in Canada to decentralise the common state and cater to the needs and interests of its various linguistic, ethnic and regional groups stabilised the cohesion of the Canadian nation and the federation? Or conversely, has the decentralisation only created the institutional lever which one day could be used to separate the extremely heterogeneous society of Canada into two or more states—a country that enjoys a very high degree of respect internationally as an economically prosperous, liberal, socially highly developed and politically pluralistic democracy, and which is particularly active in promoting peace as a member of the United Nations and the G7?

Canada (see Fig. 12.1) is the second-largest country in the world (9.98 million km<sup>2</sup>), with a population of just 35.2 million (census of 2016), which lives predominantly on the southern edge of the state, in particular in the south-east (Ontario, Quebec) and in the south-west (British Columbia). The federal state of Canada consists of ten provinces and three territories under federal administrative control. The province of Quebec (in French: Québec) has a population of 8.35 million and covers an area of 1.5 million km<sup>2</sup>. It is the largest province and has the second-largest population after Ontario, with a population of 14 million and covering 1 million km<sup>2</sup>. Almost a quarter of all Canadians, therefore, lives in Quebec. The population of Canada is extremely diverse, ethnically (in terms of linguistic-cultural origins and ancestry), linguistically (in terms of native language or the language used for everyday purposes) and culturally.

Canada can be divided into three linguistic groups: the English-speaking population (Anglophones), the French-speaking (Francophones) and speakers of other languages (allophones), i.e., the aboriginal population and the immigrants from a large number of other countries who do not belong to the founding peoples, insofar as they retain their language and have not anglicised or francified. In 2011, 21.3% of Canadians spoke French and 56.9% spoke English as their mother tongue. 19.8% spoke another language, while 0.4% classified themselves as French-English bilingual speakers, with 1.5% as other multilingual speakers.



**Fig. 12.1** Canada including Quebec. (© worldofmaps.net, Source Map of Canada (administrative divisions). [www.worldofmaps.net/typo3temp/images/karte-provinzen-kanada.png](http://www.worldofmaps.net/typo3temp/images/karte-provinzen-kanada.png))

Aside from mother tongue, which in Canadian statistics is regarded as being the language learned in early childhood and which is later still spoken, the home language is also statistically recorded, i.e., the language preferably spoken at home and in the family (Statistics Canada 2011a). When reference is made to Anglo- or Francophones, it is not always clear whether mother tongue speakers or home language speakers are meant. For the purpose of political self-identification, it is probably the case that mother tongue is of greater relevance than the home language, although the difference is not taken into account in many opinion surveys.

From the difference between mother tongue and home language the degree of linguistic assimilation among minorities, i.e., in particular, the French in Quebec, can be determined. This difference is substantial among the aboriginal population and immigrants, but also among French mother tongue speakers in English language provinces. The first stage of linguistic assimilation (first as the home language, and then, with subsequent generations, as the mother tongue) is the adoption of English or French as the language of everyday use and, in particular, as the language used in kindergartens and schools, for which the respective language policy of a province is responsible. Overall, the process of Anglicisation is advancing far more rapidly than that of Frenchification, as a result of which the Francophones are becoming an increasingly smaller minority in Canada. Today,

this trend is being reinforced by an extremely low birth rate among Francophones (an average of 1.2 children for each woman), in stark contrast to the many decades after the arrival of the French settlers, when many women still gave birth to between 10 and 15 children. In the historical heartland of Canada, the French settlers made up the large majority of the population until the mid-19th century. Later on, they became a continuously shrinking minority.

The French speakers in Canada live regionally concentrated in one of ten provinces, namely in Quebec. There, they form a clear majority of the population (78.1%), and French is the sole official language of the province. In the adjacent province of New Brunswick/Nouveau Brunswick, the Francophones constitute a large minority (31.6%) alongside the English-speaking majority and also enjoy official dual language status at the provincial level. In all other provinces, they form a very small minority of between 0.5 and 4.3% (Statistics Canada 2011b), i.e., locally and regionally, frequently an even smaller minority than those Canadians who speak Chinese, Panjabi, Spanish, German, Italian, Arabic, Polish or Ukrainian as their mother tongue. Quebec is home to 90% of all (mother tongue) Francophone Canadians, i.e., 6.1 of 7.0 million. The majority of Francophones does not speak English (Statistics Canada 2011c).

The aboriginal population now only constitutes a small minority (3.8% in 2006, Statistics Canada 2006), although they continue to be in the majority in the extremely sparsely populated territories in the north of the country as well as of Quebec. During the last fifty years, they have attained territorial-political significance, which can only be mentioned here as an aside. They consist of three groups: the First Nations (formerly known as Indians), the Inuit (formerly known as Eskimos) and the Mestizo (Métis, descendants of Native Americans and Europeans, mostly French).

### **12.1.1 The Precedence of the Franco/Anglo-Canadian Conflict**

In the Eurocentric historical account of Canada, the Anglo- and Franco-Canadians are regarded as the founding races or peoples, who were also referred to by Quebec authors in particular as the “founding nations”. At the beginning of the 17th century, they began the European settlement of northern America. At that time, the aboriginal population of what today constitutes Canada amounted to no more than around 220,000 (Sautter 2007, p. 8). Their number decreased dramatically in the decades that followed in the armed disputes with the European settlers, and as a result of the diseases that they carried with them, so that the

French and British quickly became the large majority of the population of this enormous country. Later, settlers followed from many other European countries, most of which assimilated to the British. They were followed by the “visible” minorities, particularly the Chinese, Punjabis, and ethnic groups from South and Central America and Africa. Some of them came from French-speaking Haiti, the Maghreb or West Africa. Most immigrants tended to assimilate with the Anglo-Canadians rather than with the Franco-Canadians.

The main cleavage in society in northern America, which has led to wide-ranging political conflicts, has been between the English or British and the French from the beginning of the European settlement. The British-French divide is historically characterised by the two aspects of rule and settlement, which are interconnected but should analytically be separated. After Britain had conquered the vast colony of New France with the capital Quebec during the Seven Years’ War, annexing it in 1763, there were never any major armed uprisings, and certainly no civil war, aimed at removing first British, then Canadian rule, although there was a combative political insistence on the independence of the French settlement area with its traditional rights, ecclesiastical and social privileges and particular linguistic and cultural features. Notwithstanding several phases of systematic British assimilation policy, the British colonial rulers did not attempt to change the bicultural, bilingual nature of their North American territory.

The creation of the Canadian Federation with far-reaching language rights for the Franco-Canadians in 1867 can, to a large degree, be traced back to a desire to achieve a peaceful balance of interests between Anglo- and Franco-Canadians, even if the primary aim was to gradually bring together the very different colonies and territories settled by the English, Welsh, Scottish and later also Irish in northern America. Political tensions in Canadian society are repeatedly characterised by both aspects of Canadian federalism: the dual Anglo-French aspect and the plurality of particular interests among the ten provinces and three territories. To these are added the wide-ranging separate interests of the aboriginal population and the larger ethnic groups among the many millions of immigrants from all over the world, which have a strong influence on the conflict between Anglo- and Franco-Canadians. This conflict will be the sole focus of attention here, since it has now appeared to threaten the existence of today’s state of Canada for over thirty years.

Canadian national consciousness has on the one hand developed as being distinct from the USA, and on the other, in stages, from Great Britain as well. It has been divided from the beginning, as the French Canadians have a largely distinct history, in contrast to the Anglo Canadians, even if they have been conjoined since 1763 to form a common imperial and state history (Bothwell 1998). This has led to a partially secessionist, partially only autonomist national consciousness among Francophone Quebecers.

The supporters of state secession call themselves “sovereignists”, apparently because “independentists” would sound too secessionist. “Sovereignty” can also be understood as being radically autonomist. Opinion polls have shown that many Quebecers did not understand the word “sovereignty” and in particular, “sovereignty-association” (*souverainité-association*),<sup>1</sup> which was offered in the referendum of 1980 as an alternative to the status quo, meaning no separation from the state of Canada, but rather a greater degree of self-reliance within Canada.<sup>2</sup> Michael Keating (1996, p. 112) describes both terms as being euphemistic, veiling their real meaning. “Association” was used to propagate a close economic and monetary union with the “Rest of Canada”, taking the EU as a model, without clarifying whether it would be prepared to enter into such a union if Quebec were to secede. Ultimately, in 1980, the referendum was not about “sovereignty” but about an authorisation to negotiate with the central government over sovereignty with the result of the negotiations being subject to a further referendum. To this extent, the widely held view is highly misleading that in 1980, there was a vote on the independence of Quebec (see in detail Alexandroff 2006, pp. 224–229). In 1995, too, the subject of the referendum was not the independence of Quebec.

The promoters of the unity of the state of Canada and of the Canadian nation refer to themselves as “federalists”. This term is also ambiguous. It can emphasise the alliance, the union, the unit of the state nation and express an inclination towards the centralisation of the state overall; however, it can also underline the diversity and independence of its constituent parts, i.e., the provinces and territories, as well as of its language and ethnic groups, with a desire to strengthen their autonomy.

### **12.1.2 Conflicting Goals: Secession, Autonomy or Centralism**

There are three fundamentally different positions on the disputed issue of the state unity of Canada: 1. the Quebec sovereignist position (more precisely: the dominant pro-independence supporters among the sovereignists), 2. the federalist, pro-autonomy position and 3. the centralist position.

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<sup>1</sup>Some authors also translate this formula as being “independence based on partnership”.

<sup>2</sup>Different results ensued, depending on whether the question asked in opinion polls referred to agreement to sovereignty, sovereignty-association or independence. See in detail over the years Keating (2002, pp. 91, 93).

The first position, the desire for an independent Republic of Quebec, is held by the majority of sovereignists, who have organised themselves, above all, in the *Parti Québécois* (PQ) within the Québécois party system, and the *Bloc Québécois* (BQ) within the federal party system. The electoral successes of both sovereignist parties can, however, only be very conditionally interpreted as being an indicator of pro-independence sentiments on the part of Quebec, since electoral behaviour is also influenced by other motives (socio-political reasons, mistrust in the policies of other parties, the popularity of the party leaders). Aside from this, many voters and members of the sovereignist parties only favour independence if a recognition of the Quebec nation and its “distinct society” (*société distincte*), language and culture could not be subjected to a thorough constitutional reform.

Thus, the vision of many sovereignists largely matches that of the second position taken by pro-autonomy federalism, which by no means wishes to see an independent state of Quebec. There are two versions of this position. One wishes only to strengthen the autonomy of Quebec in the name of the bilingualism and biculturalism of Canada (asymmetric federalism), while the other wishes to see the autonomy of all provinces and cultures in the name of provincialism (regionalism) and multiculturalism. The latter position is naturally more strongly held in the Anglophone provinces than in Quebec, where alongside the PQ, the *Parti Liberal du Québec* (PLQ) as a national party is demanding the recognition of Quebec as a “distinct society”. The first version sees Canada essentially as being a federation of two equal nations, and demands a special status for Quebec, while the latter regards Canada as being a federation of ten equal provinces. One possible compromise would be to resolve the contradiction between both concepts, at least at a symbolic level, by interpreting it, along with Henri Bourassa, as being a double contract: one between the French Canadians and Anglo Canadians, and one between the ten provinces (Simeon and Turgeon 2013, p. 39).

It is a unique feature of Canada that the federal parties are in organisational terms completely separated from the provincial parties with their own memberships, so that the latter sometimes pursue different policies from the federal party of the same or similar name. The difference between the policies of the *Parti Liberal du Québec* and the Liberal Party of the federation is, for example, far greater than that between regional and federal parties in other federations. The pro-autonomy position is not always clearly separated from the third, centralist one. The federalist parties and high-ranking individuals within them can fluctuate between both positions, depending on the problem to be decided (constitutional issues, tax, social, energy and environmental legislation) and the mood among the population. Generally, however, the Liberal Party of the federation tends to be more

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centralist in orientation<sup>3</sup> than the Conservative Party, which has not been represented in the Quebec parliament since 1936, when the Quebec *Union nationale* rose in popularity. The centralists occasionally invoke the danger of a “Balkanisation” of Canada.

Most Francophone federalists regard themselves, like the sovereignists, as being members of a Francophone<sup>4</sup> or a Quebec nation, and yet even so, they voted against the “sovereignty” of Quebec. Conversely, the predominantly Anglophone “Rest of Canada” and the Anglo-Canadians do not regard themselves as being a separate nation, so that from their point of view, Canada is not a binational or even multinational state, but simply a nation state. However, there is widespread regional patriotism among Anglo-Canadians, which occasionally tends towards secessionism or irredentism (to the USA) in individual provinces. If one day Quebec were to separate from Canada, it is not clear that the “Rest of Canada” would remain a unified state, particularly since there would then be no land connection between the four Atlantic provinces and the five provinces and three territories of central and western Canada. An increase in the strength of Anglophone regional nationalism could also trigger the division of the “Rest of Canada”. By contrast, Quebec, despite its eastern central position in Canada, would have its own access to the Atlantic via the Gulf of Saint Lawrence. The North American Free Trade Area (NAFTA) has already allowed far closer economic relations between the provinces and the neighbouring US states than transcontinental Canadian ones.

The situation is further complicated by the fact that the aboriginal population threatens to secede the north of Quebec to Anglo-Canada if Quebec were to become independent. Anglophone borderland communities in Quebec could also articulate the same desire (Alexandroff 2006, p. 231), according to the motto: “If Canada is divisible, so is Quebec” (Wells 1996). The fate of Ireland is accordingly

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<sup>3</sup>The most prominent and, at the same time, highly contested exponent of this direction was Pierre Elliott Trudeau (1919–2000), who from 1968 to 1984 was, with a brief interruption, the prime minister of Canada. His rigid policy of “national unity” and rejection of the special historic position of Quebec is strongly criticised by some as being partially responsible for the crisis in the Canadian federation, e.g., by McRoberts (1997). By contrast, Trudeau’s liberal predecessor, Lester B. Pearson (1897–1972), who was prime minister from 1963–1968, is regarded as being far more understanding of the dualistic concept of the Canadian state prevalent among many Francophones.

<sup>4</sup>This is about a concept of an ethnic or linguistic nation as opposed to the concept of the nation of the French Revolution. The term “Quebec nation” covers all three concepts of nationhood.

evoked, from which Northern Ireland was separated when the Republic of Ireland achieved independence. References could also be made to the process of division in Yugoslavia and the Soviet Union through to the crisis in eastern Ukraine.

The around one million Francophones who live outside the Province of Quebec have no interest in Quebec becoming independent, since this would severely weaken their position in a predominantly Anglophone environment. On the other hand, the efforts by the Quebecers in recent decades have strengthened the standing in society of the French language and culture, so that Canada has officially become a bilingual country. Since many Francophones in the Anglophone provinces speak two languages, they also have somewhat better opportunities of finding work in the federal authorities, since Anglo-Canadians tend to be less willing to learn French.

One has finally to take note of the fact that threats of secessionist solutions are sometimes made only for tactical reasons in order to strengthen Francophone autonomy within Canada. This is certainly a double-edged sword, since supporters do not necessarily recognise the tactical nature of the secessionist demands, and in fact support politicians and organisations within the sovereignist movement that are more persistent in demanding independence. However, there has been no unilinear process of increasing radicalisation since the 1960s, when the old idea of independence of Franco-Canada (Quebec with parts of New Brunswick and Ontario) was first expressed on a larger scale. Time and again, there has also been a return to more modest autonomist demands.

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## 12.2 Paths to Conflict Settlement

Since the British conquest of New France, the permanent conflict between the Francophone and Anglophone population has almost always been played out without armed force. However, politically, there have repeatedly been struggles over new power constellations, which, during the course of time, have led to different constitutional ways of regulating the conflict.

### 12.2.1 From British Federalism to Canadian Federalism

The federalisation of Canada in 1867 first secured the independence of predominantly Francophone Quebec. The 16 officially listed areas of responsibility of the provinces included social services and education, which attained greater importance following the introduction of mandatory schooling in all parts of the

federation. It remained contentious until today, however, how to delimitate tax authority between the provinces and the federation, the fiscal transfers between the provinces and interferences by the federation in provincial areas of competence, for instance, through the provision of federal funds for provincial-level matters such as universities. Phases of de facto reinforcement of the federation over the provinces alternated with phases of delegating responsibilities to them. The efforts in Quebec to secede triggered the drafting of the constitution of 1982 between the representatives of the federation and the provinces, with the aim of replacing the British North America Act of 1867. However, in the end, Quebec declined to agree to the constitution, since it did not include its special status as a "distinct society" and its claim to a right to veto constitutional amendments. Yet Quebec itself still has to adopt its own constitution, even though many draft versions have already been drawn up (see Turp 2013). In the end, the British Parliament in London passed the new constitution of Canada in line with the existing law, and in doing so, relinquished its constitutional sovereignty over Canada. The new constitution set high barriers for change,<sup>5</sup> which have prevented any modernization of the federal constitution.<sup>6</sup>

Thus, it has not yet been possible to modernize the functioning of the second chamber of parliament, which is generally perceived as anachronistic, since the provinces have very different ideas about reforming the Senate. The Senate serves as a representation of the provinces according to the US model, with representative numbers roughly weighted according to their original population and political importance, so that Quebec and Ontario are represented by 24 senators, and the three small eastern provinces are represented together by 24 senators. The western provinces, which nowadays have quite large populations, are represented by only six senators each. In the case of the senators of Quebec it was statuary determined that also districts of the English-speaking minority are represented. The British House of Lords is indeed much closer to the Canadian Senate than the US Senate. The members of the de facto politically less influential Senate, which on principle has equal legislative power to the House of Commons, which is elected directly by the people, are appointed to this day by the British Governor General on the recommendation of the Canadian Prime Minister, and remain in office until the age of 75. All attempts to reform the Senate will probably fail for

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<sup>5</sup>It requires unanimity between the federation and the provinces with regard to important amendments to the constitution, and for others, agreement between the federation and at least seven provinces.

<sup>6</sup>There is a large amount of literature on federalism in Canada, such as Gagnon (2009); Rocher and Smith (2003); Broschek (2009).

the foreseeable future. There is a consensus on the necessity of a democratic election of the senators, but not on the following questions: a) Should the US principle of equality of all provinces, whether small or large in population, apply, or b) should the number of senators approximately correspond to the size of the provinces, or c) is a direct election, an election by the provincial parliaments or an appointment by the provincial governments preferable?

At any rate, Quebec currently has no influence over the selection of the Quebec senators, who are chosen by the Governor General, and who are always federalist in their attitude, even if they frequently come from Quebec. Quebec also has no influence on the selection of the three judges at the Supreme Court of Canada (which has a total of nine judges), who must come from Quebec. However, in recent years, Quebec has shown no particular interest in a general strengthening of the powers of the provinces and the Senate in relation to the federation, since this would increase the weight of the Anglophone provinces compared to Quebec.

A dual party system based on the British model has initially developed in the Canadian Federation, facilitated by the relative majority rule in single-member districts for the House of Commons, in which either the Conservative or the Liberal Party took control in frequent alternation. As a result of the emergence of strong regional parties, up to five parties have been represented in the parliament since the 1990s. While industrialisation in Canada also led to new social class divisions and a workers' movement with socialist leanings, a strong Social Democracy could not emerge. The social reforms of both the Liberals and the Progressive Conservatives had an inhibiting effect. The Co-operative Commonwealth Federation, which has been represented in the House of Commons since 1935, and which in 1961 became the New Democratic Party (NDP), had strong socialist tendencies, however. In 2011, the NDP, which is in principle social democratic, gained far more seats than the Liberal Party for the first time, but failed to achieve a breakthrough in Quebec, where the national party PQ itself has a strong social democratic orientation and enjoys the support of the trade unions.

Only in the wake of the global economic crisis of the 1930s did the Francophone efforts towards independence radicalised into a party-political movement, the conservative *Union Nationale*, which also maintained close ties with the Catholic Church, which won the elections in Quebec in 1936, and which, until 1939, produced the Prime Minister (Maurice Duplessis).<sup>7</sup> It was characterised

<sup>7</sup>An interesting attempt to link the growth of the importance of exclusive, cultural nationalism to the expansion of social legitimacy and the constitution of rule was presented by Chennells (2001). However, he fails to take into account the asymmetries in the development of national political awareness among Franco- and Anglo-Canadians.

by a defensive form of nationalism, striving to secure the survival of the French language and culture. From 1944 to 1960, and again from 1966 to 1970, they were able to form the government in Quebec and to strengthen the autonomy of Quebec.

### 12.2.2 The Alternte Demands for Quebec's Autonomy and Secession

During this period, far-reaching changes in economic and social conditions took place, which were not least generated by the liberal Jean Lesage (1960–1966). Following the economic upturn after the Second World War, the industrialisation, urbanisation, secularisation and modernization of the education system (natural sciences and technology instead of a religious-humanistic education) and of the healthcare system progressed rapidly, as did the extension of state functions in the area of social services and the establishment of a welfare state, including in Quebec. The nationalisation of the hydro-electric power works (Hydro Québec) and the educational system, which had until then been controlled by the church, a separate Quebec pension system and the foundation of a Quebec Investment Bank in order to break the hegemony of the English companies and banks, were outstanding projects initiated by the new politics. As a result, many jobs were created for Francophones in business and in the public services. In this “silent revolution” (*révolution tranquille*) around 1960 (Waldmann 1992, pp. 49–61),<sup>8</sup> a new social middle class emerged, which tended to have liberal and secular attitudes, as well as a strong social democratic work force, which separated from Francophone clericalism and conservatism and brought a new, modern form of nationalism into being. Today, many Quebecers pride themselves on being politically liberal, more cosmopolitan, more pacifist and more environmentally aware, and above all, more socially united than the more individualistically-minded Anglo-Canadians and US Americans. Some authors see the tendency among Quebecers to support state or corporate intervention in socio-economic matters as being a form of secularised Catholicism. It is likely, however, that these attitudes are influenced to a greater degree by the rather traditional, statist notions from the history of France. The new, liberal to left-leaning social national movement presented itself as wishing

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<sup>8</sup>On the different socio-economic and political explanations for the silent, i.e. peaceful, reforming revolution, see Lammert (2004, pp. 102–111).

to become master of its own house under the motto *maîtres chez nous*, and ultimately also considered possible independence for Quebec.

In order to pull the rug from under the feet of Francophone and Quebec linguistic nationalism, the liberal Canadian Prime Minister, Pierre Elliott Trudeau, following recommendations by a Royal Commission on Bilingualism and Biculturalism (the word “binationalism” was deliberately avoided), had the Official Languages Act passed. Slightly amended in 1988, it specified English and French as the languages of parliament, the courts and around 25% of the federal authorities. Since then, products manufactured in Canada bear labels in both official languages, as a visible sign of Canada’s bilingual character. In 1971, Trudeau declared that multiculturalism was a guiding principle of Canadian politics (Geißler 2003), responding to demands by the aboriginal peoples, who had begun to develop a pan-Aboriginal nationalism (Rocher and Smith 2003, p. 33), and the Allophone immigrants. At the same time, his aim was to weaken the dualism propagated by the Francophones of the two founder nations, which was implied by the double terms of “bilingualism” and “biculturalism” (Forbes 1994). His great predecessor, Lester Pearson, had already accommodated this dualism with the statement: “While Quebec is a province in this national confederation,<sup>9</sup> it is more than a province because it is the heartland of a people: in a very real sense it is a nation within a nation” (quoted from Lammert 2004, p. 147). In 1988, a multiculturalism act was passed, which did not change the dominance of the English and French official languages, for which reason the term “multilingualism” was not used. However, the principle of multiculturalism remains disputed in Canada, particularly in Quebec, where it is still perceived as undermining the distinct status of the French culture.<sup>10</sup>

After 1970, the Union Nationale started to decline. Some sections of the party became more radical and merged into the *Parti Québécois* (PQ), which had been founded in 1968 by other national groups, which also attracted supporters from the social democratic and socialist camps. In 1976, under René Lévesque, it already won the election to the National Assembly of Quebec, as the legislative assembly had been called since 1968, demanding sovereignty for Quebec in association with Anglophone Canada. Earlier, the province had given itself the name of a state: *État du Québec*. Since 1976, the PQ has repeatedly formed the

<sup>9</sup>In 1867, the word “confederation” was still used in the sense of federation as a federal state, and not in the sense of a state alliance.

<sup>10</sup>Some of the views on this subject are quoted in Bothwell (1998, pp. 235–237); also Lammert (2004, p. 160).

government in the province, from 1976 to 1985, from 1994 to 2003, and from 2012 to 2014. Since then, the dispute between the Quebec “sovereignists” of the PQ and the pro-Canadian “federalists” of the PLQ has been the key characteristic of political life in Quebec, with the PLQ adopting some of the demands being made by the PQ and thus conflicting with the federal liberals. Under a liberal government, a Ministry for International Relations was also established in Quebec in 1967, which is responsible for cultivating relations with *La Francophonie*, i.e., the community of French-speaking states and regions, as well as with UNESCO (Balthazar 2004).

At the federal level, a powerful regional party was created with the *Bloc Québécois*, which in 1993 was even Canada’s strongest opposition party for one legislative period and which is closely linked to the PQ. But in 2011, voter support for the *Bloc* declined drastically and it won only four seats, from which the social democratic New Democratic Party benefited. Even so, at the same time, the PQ in Quebec enjoyed a new wave of support, which again underlines the sometimes sharp discrepancy between the development of the provincial and federal parties with the same fundamental political orientation.

Since the approval of the Charter of the French Language (Bill 101) in 1977, Canadians of French origin and immigrants are forbidden from attending public English-language schools which are, therefore, reserved only for the long-established Anglo-Canadians. Furthermore, it was decided that French should not only be the official language, but also the language of business (in companies with more than 50 employees) in order to break the dominance of Anglophone managers in business. To make the Francophone character of Quebec publicly more visible, all shops had to install signs in French, which was moderated upon an objection of the Supreme Court of Canada: Additional signs in other languages were also permitted if their font size was one third smaller than the sign in French. While the court invoked the individual freedom rights of the Charter of Rights and Freedoms, Quebec used the “notwithstanding clause” in the constitution that gave provinces the right to temporarily suspend the application of the legal norms of the Charter. A single authority controls the application of the public language regulations in shops, but does not systematically assert its power. However, a publicly demonstrated hegemony of the French language in Quebec was achieved. All this led to the emigration of Anglophones and immigrants from Quebec, as well as to the exodus of several companies, preferably to Ontario. At the same time, however, it led to a vitalization of the fortunes of Francophone companies, which meant that the economy of Quebec was not significantly weakened.

Education of the immigrants has significantly strengthened the Franco-phone character of Quebec, so that the share of the French-speaking population in Quebec has stabilised, despite the drastic decline of the birth rate among the

old-established Quebecers and the high level of immigration. At the same time, however, the ethnic origin of the original French settlers (*Québécois de souche*) with their close ties to traditional Franco-Canadian culture and history, as well as to Catholicism, is of lesser importance. The former clerical-conservative governments of Quebec preferred the immigrants to attend English language schools, so that they would not impair the ethnic purity of the Franco-Canadians and their Catholic character. In recent decades, the Francophones have become increasingly multicultural, as the Anglo-Canadians before them. In the interim, there is also a large number of Protestant, Muslim and Jewish Francophones. “In other words, French will become less and less the distinctive attribute of an ethnic community, and more and more the means of communication of an economic and political collectivity” (Breton 2005, p. 117).

In parallel, a change in national identity is also taking place. An ever decreasing number of Francophones in Quebec define themselves as being Canadians or Franco-Canadians, and far more as Quebecers.<sup>11</sup> However, the Anglophones, the aboriginal population and the many immigrants have not adopted a Quebecer national consciousness. For now, the Anglophones only rarely regard themselves as linguistic-ethnic minority in Quebec, but rather as Canadians (as members of the state nation) and thus automatically as part of its Anglophone majority (56.9%). The “progressive separation between language and ethnicity” could, as Raymond Breton postulates, facilitate the replacement of ethnonationalism by civic nationalism (Breton 2005, p. 117), which, however, has a mainly phonocratic character: It strives for dominance of a language and thus of those who speak it, the Francophones.

Finally, on 20 May 1980, the *Parti Québécois* initiated the referendum mentioned above on whether negotiations on the sovereignty of Quebec should be authorized. The referendum aimed at an association and a monetary union with Canada as well as dual citizenship, with the result of the negotiations to be put forward for a further referendum.<sup>12</sup> The referendum ended with a vote of 59.6%

<sup>11</sup>In 1970, in studies conducted by Maurice Pinard, 34% declared themselves as “Canadiens”, 44% as “Canadiens français”, and 21% as “Québécois”. In 1990, the corresponding figures were 9%, 28% and 59% (quoted from Lange 2000, p. 192). In another survey in 1995, 29% described themselves as being only (*seulement*) Quebecers, 29% as being Quebecers first, but also Canadian (*d’abord*), 28% as Quebecer and Canadian equally (*à part égale*), 6.7% as Canadians first, but also Quebecers, and 5.4% as Canadians alone (quoted from McRoberts 1997, p. 247).

<sup>12</sup>The longer English wording of the referendum question can be found, e.g., in Alexandroff (2006, p. 224) and Lammert (2004, pp. 171–172).

in favour and 40.4% against the unity of Canada. The sovereignists were supported almost entirely by Francophones, while less than five percent of Anglo- and Allophones voted in their favour. Supporters of the association with Canada were mainly young, better educated and secularised people, i.e., those who tend to be the bearers of modernization in society (Keating 1996, p. 83). The offer of a confederation with Canada was, like similar proposals made by national movements in Yugoslavia and the Soviet Union, designed to mitigate the desire for national secession. Despite the failed referendum, the PQ was re-elected in 1981. In 1982, Quebec then refused to agree to the Canadian constitution (Bories-Sawala 2012) and to the Charter of Rights and Freedoms, the enactment of which marked the end of the constitutional sovereignty over Canada held by the United Kingdom.

### 12.2.3 The Failure of Constitutional Reform

After 1982, the federal government made two attempts to persuade Quebec to agree to the constitution by amending it to incorporate the wishes of Quebec (such as recognition as being a “distinct society”, the right to veto future amendments to the constitution, and a greater say in immigration policy).<sup>13</sup> In fact, the federal prime minister and the ten premiers of the provinces achieved a compromise in the tradition of “executive federalism”, initially the Meech Lake Accord,<sup>14</sup> and later the Charlottetown Accord.<sup>15</sup> The first attempt at this type of “renewed federalism” failed in 1990 as a result of the refusal by the parliaments of Manitoba and Newfoundland to ratify the accord, while the second failed due to a Canadian referendum in 1992, in which 54% of citizens voted against the accord. The majority voted against in Quebec (where it was felt that it did not take adequate account of the Quebecer demands) as well as in West Canada (for being too accommodating). The referendum was organised because the elitist decision-making procedure by the premiers had been met with sharp criticism from the general public. Furthermore, the willingness among the Anglophone provinces to grant Quebec a special status in Canada had clearly decreased, and it is highly unlikely that it will be reinstated. The differences of interest between

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<sup>13</sup>Quebec presented five demands on this regard, see in detail Levine (1997, pp. 321–322).

<sup>14</sup>Meech Lake Accord (1987). A summary is given by Lammert (2004, p. 181).

<sup>15</sup>Charlottetown Accord (1992). A summary is given by Lammert (2004, p. 187).

the provinces and the complicated requirements that needed to be met in order to amend the constitution are thus blocking any constitutional reform in the spirit of the frequently promised “renewed federation”. This is without doubt an important factor in keeping the secessionist mood in Quebec alive. Despite the constitutional deadlock, new political developments have been initiated via non-constitutional routes, new federal political institutions have been created, and the powers of the constitutional organs (such as in tax legislation and spending policy) have been reinterpreted.

Although the PQ was forced to hand over the government to the liberals of the PLQ after the elections in 1985, it became firmly established in the provincial party system and has since repeatedly won the elections. It formed the government from 1976 to 1985, 1994 to 2003, and 2012 to 2014. This enabled it to again conduct a referendum on 30 October 1995, after the two attempts to change the constitution had failed, this time with a modified but again not entirely clear question, in which “sovereignty” (again the word “independence” was not used) was linked to an economic and political partnership with Canada in the event of a positive vote.<sup>16</sup> With a turnout of 93.5% among eligible voters, only 50.6% voted “No”, while 49.4% said “Yes” to sovereignty for Quebec. These were made up of more than 60% of Francophones, but just five percent of Anglophones, Allophones and members of the First Nations and the Inuit. However, opinion surveys showed that only just over 40% were in favour of unconditional independence for Quebec,<sup>17</sup> since many feared an economic downturn without the close economic ties to the “Rest of Canada”.

The Canadian government asked the Supreme Court to clarify whether Quebec had the right to secede according to constitutional or international law. In August 1998, the Supreme Court, in a detailed advisory opinion, concluded that a unilateral declaration of independence was not permissible. But it stated that the government must begin negotiations over secession if this were to be desired

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<sup>16</sup>“Acceptez-vous que le Québec devienne souverain, après avoir offert formellement au Canada un nouveau partenariat économique et politique, dans le cadre du projet de loi sur l’avenir du Québec et de l’entente du 12 juin?” In English: “Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new economic and political partnership, within the scope of the bill respecting the future of Quebec and the agreement signed on June 12, 1995?” (Lammert 2004, pp. 191, 201). On the effects of the imprecise formulation in both referenda, see Robinson (1998, pp. 215–222).

<sup>17</sup>During the course of time, the share of Quebecers who supported independence rose from 7% (1965) to 70% (June 1990), and then fell to just over 40% according to Levine (1997, p. 325). In 2004, it again rose to 52% (Alexandroff 2006, p. 226).

by a clear majority in Quebec, since in a democracy, the will of the people must be taken into account (Supreme Court Judgments 1998). Secession would only be possible by amending the constitution. In other words, it requires a majority in the federal parliament as well as in all provincial parliaments. The Supreme Court did not regard its duty to determine what a clear question and what a clear vote is, since this was the responsibility of the politicians. The Canadian House of Commons then passed a Clarity Act in June 2000 (Dion 2012/2013),<sup>18</sup> which only permits the federal government to enter into negotiations on secession when the referendum question is “unambiguous” (i.e., when the vote on independence is not tempered by an offer of association and a vague notion of “sovereignty”), and when it has been accepted by a “clear majority”. The House of Commons reserved the right to determine, how large such a majority would have to be, but only after the referendum (Justice Laws 2000). Hence the Clarity Act consciously leaves it open what a clear majority might be: Should it be 51% (instead of only 50% plus one vote, as preferred by the PQ), 55% according to the EU opinion on the secession of Montenegro in 2006 or a qualified majority of 66.7% of the votes cast? Evidently, the Canadian House of Commons wishes to retain the greatest possible freedom of action in order to be able to react to the political mood during and after a third referendum. In order to counteract Quebec secessionism, which waxes and wanes in waves, the federal Liberal Party organised a campaign to promote the unity of Canada. In September 2006, the Canadian House of Commons officially recognised the Quebecers as being a “nation within a united Canada”, which was essentially a symbolic gesture (BBC News 2006).

In February 2001, the Quebec National Assembly reacted to the unclear Clarity Act with a law “respecting the exercise of fundamental rights and prerogatives of the Québec people and the Québec state” in accordance with the right to self-determination of the peoples and international law, and denied the federation the right to limit the sovereignty of the Quebec National Assembly and the people of Quebec (CanLII 2001). However, the PQ lost the subsequent three elections, and the subject of secessionism disappeared from the political agenda. Some commentators regarded the rise in popularity of neoliberalism and the reticence of the federal government in influencing the politics of the provinces as being the deeper reason for the strengthening of the Canadian Federation (Changefoot and Cullen 2011). In September 2012, the PQ again came to power for 18 months

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<sup>18</sup>An even clearer explanation for the restrictive understanding of a clear majority was formulated by the initiator of the Clarity Act (Dion 2013). A critical appreciation of the verdict of the Supreme Court and of the Clarity Act is given in Lajoie (2004).

under the leadership of Pauline Maurois, who misjudged the mood among voters, however, and instigated early elections in which support for the PQ again fell drastically. Since November 2011, the party has faced serious competition from a new, liberal conservative autonomist party, the *Coalition Avenir Québec* led by François Legault. This party merged with the *Action Démocratique du Québec*, which had been represented in the National Assembly since 1994.

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### 12.3 The Sustainability of the Conflict Regulation

The rise and fall in popularity of Quebec separatism and autonomism in the decades since the mid-1930s neither indicate a clear trend in favour of independence nor a lasting conflict resolution. However, the rights and standing of the Franco-phone population in Quebec have been significantly strengthened in recent decades. At the same time, as a result of globalisation, an Anglicisation prevails, as is the case in the European Union and in other parts of the world. Yet it is far too early to talk of a post-nationalist era.

The language policy of Frenchification in Quebec since 1977 has had far-reaching effects on the economy and ethnic composition of the population in the province. Many Anglophone inhabitants and businesses left Quebec. Anglophone and Allophone immigrants also tend to bypass the province, since their children are not permitted to attend English-language state schools there, although the option of private schools is open. In Quebec's view, these losses have been compensated by intensified relations to the French-speaking world. There is no doubt that Francophones have also taken up leading positions in business, politics and administration in Quebec since the introduction of the national language policy. The previous ethno-social separation and unfavourable treatment of the Francophones in contrast to the Anglophones in Quebec has been largely overcome. Today, Francophone Quebecers have to a large extent achieved their goal of becoming a full society (*société globale*), i.e., one with almost all strata and professions that are commonly found in modern societies. The levels of income and unemployment are now largely equal among both language groups. People who speak both languages have good prospects of getting employed by the federal administration and large corporations, since Anglophones in the western provinces have less access to the French language and do not use it as regularly. The sovereignists regard as great success that many immigrants have been Francified in the schools, and are in some cases already developing a Quebecer national consciousness.

Naturally, the possible consequences of independence are a subject of vehement dispute between supporters of a united Canada and an independent Quebec. The federalists claim that Quebec will suffer economic decline by separating from Canada, and that, furthermore, the socio-political position of the Francophones and the French language in the “Rest of Canada” will be weakened dramatically, regardless of whether or not official bilingualism and the privileged status granted to French over other minority languages are abolished. If Quebec were to become independent, a key distinguishing feature, the dual-language character of Canada and its identity in comparison with the USA, would be lost. Francophone independentists refer to the willingness of Quebec to retain an economic and political association with the “Rest of Canada” along EU lines, as well as to remain in NAFTA. Hence Quebec would maintain intensive relations with Canada and the USA, while at the same time have a secured language and cultural space that would protect against the gradual Anglicisation of society. In foreign and security policy, Quebec would by no means have to isolate itself, but would confidently play its part among the existing alliances and the United Nations. The advantages of independence would also equalize the disadvantages that would ensue following independence. Quebec currently benefits from financial transfers between the provinces in Canada.<sup>19</sup> However, there is the promise of advantages from independent taxation, since in Quebec’s view Ottawa spends too much money collected through federal taxes on matters not supported by Quebec, such as participation in wars and Anglophone cultural projects. With regard to legislative issues (ways of fighting crime, youth rights), an independent Quebec would be better able to assert its own legal culture.

Evidently, the significant successes of the sovereignists and the pro-autonomy federalists in recent decades, with the strengthening of the French language in Quebec,<sup>20</sup> or at least have not allowed it to grow. This seems to support the theory that democracies can reinforce their state unity through decentralisation. However, it cannot be ruled out that one day, in a third or fourth referendum, the supporters of the state independence of Quebec will win a majority and that Canada will tolerate the secession of the province. An economic crisis with more severe consequences for Quebec could provoke such a situation in the same way as an economic upturn to the benefit of Quebec or unresolved disputes over financial transfers between

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<sup>19</sup>On the financial transfers between the provinces, see Hale (2006, pp. 380–383).

<sup>20</sup>This conclusion is reached by Lammert (2004, p. 206 et seq.).

the provinces and territories. A serious political conflict between Britain and France would also be likely to have effects on Canada. Aside from structural factors, inappropriate manoeuvres by those in power, such as during the period, when Brian Mulroney for Ottawa and Robert Bourassa for Quebec entered into negotiations on constitutional reform, could also stimulate demands for independence among Quebecers. However, regardless of any future national political disputes in Canada, a civil war akin to the one in the USA from 1861 to 1864 can safely be ruled out.

This by no means precludes a further strengthening of the autonomy and statehood of Quebec within the federal state of Canada ("Canada as a nation of nations"),<sup>21</sup> as long as the development of those elements that promote the cohesion of the state is not neglected. These are more likely to be found at the socio-economic level than at the traditional state level of domestic and foreign security policy and taxation. The important role of political education should not be disregarded, which should be organised more along cooperative than central state lines. An intensive exchange of school pupils between the regions in the own country should not be neglected in favour of furthering international communication. Bilingual schools hardly exist in Canada. The armed forces, however, are predominantly bilingual; there are only a handful of purely Francophone military units. It is also remarkable that the official political principle of multiculturalism has not stimulated ideas as to how the language communities could be institutionalised as constitutional bodies, as has been the case in Belgium since 1970. A linguistically and culturally secure Quebec would no longer have to fear or even fight bilingualism among Francophones as a vehicle for the Anglicisation of the whole of Canada and the subjugation to the linguistic-cultural hegemony of the USA.

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## 12.4 Conclusion: A Potential Model for Conflict Settlement?

Several elements of the conflict regulation, which is still in flux in Canada, could serve as a model for states with a linguistically, ethnically and nationally heterogeneous population, even though the Canadian model certainly cannot be imitated elsewhere. These elements include the federalism that guarantees a certain

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<sup>21</sup>Keating (2002, p. VI) expresses the same notion using different terminology: "Nations do not have to become states to achieve self-government." On the expression "nation of nations" see Keating (2002, p. 98).

degree of separate statehood to a regionally concentrated minority. At the same time, it is not a pure multinational federalism, since the linguistic majority itself is divided into particular states and does not face the minority in the federal bodies as a compact unit. The increase in political-psychological value attributed to the minority as a separate nation within the Canadian nation is also likely to contribute to the stabilisation of the state as a whole.

The term “multiculturalism”, which was created in Canada, has in recent decades contributed to an improvement of the status of linguistic-cultural minorities in numerous other countries. The bilingual and multicultural self-image of modern Canadian society, which does not question the limited hegemony of English and French over the languages and cultures of other Canadians, and which through simultaneous intercultural communication prevents a Balkanisation of Canada along its linguistic and ethnic fault lines, could be even more of a role model for many other linguistically and ethnically heterogeneous societies.

The equality of several national state languages, which can also be found in other countries such as Switzerland and Belgium, can certainly act as a model for other states, in which a linguistic majority still supports the idea of a single-language nation state, even though one or more strong national minorities exist in such a state. By granting these minorities extensive autonomy, they could be persuaded to recognise and consolidate the existing state.

By contrast, a questionable element in Quebec is the state regulation of the language of business used in larger corporations. Although this may be explained by the extremely strong power of assimilation and the North American and global hegemony of the English language, it is an extremely far-reaching intrusion into private and commercial activities that is not necessarily required when it comes to relations between language groups.

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## References

- Alexandroff, Alan S. 2006. The never-ending story: Quebec and the question of national self-determination. In *No more states? Globalization, national self-determination and terrorism*, ed. Richard N. Rosecrance and Arthur A. Stein, 221–334. Lanham: Rowman & Littlefield.
- Balthazar, Louis. 2004. Québec's international relations. In *Quebec: State and society*, 3rd ed, ed. Alain-G. Gagnon, 447–474. Peterborough: Broadview Press.
- BBC News. 2006. Canada backs Quebecer nationhood. 28 November. <http://news.bbc.co.uk/2/hi/americas/6190162.stm>.
- Bories-Sawala, Helga E. 2012. Die “heimgeholte” kanadische Verfassung von 1982 und warum Québec sie immer noch nicht unterschreibt. [www.kanada-studien.org/wp-content/uploads/2012/08/7\\_Bories\\_Verf.pdf](http://www.kanada-studien.org/wp-content/uploads/2012/08/7_Bories_Verf.pdf).

- Bothwell, Robert. 1998. *Canada and Quebec: One country, two histories*. Vancouver: University of British Columbia Press.
- Breton, Raymond. 2005. *Ethnic relations in Canada. Institutional dynamics*. Montreal: McGill-Queen's University Press.
- Broschek, Jörg. 2009. *Der kanadische Föderalismus- Eine historisch-institutionalistische Analyse*. Wiesbaden: VS Verlag.
- CanLII. 2001. Loi sur L'Exercice des Droits Fondamentaux et des Prérogatives du Peuple Québécois et de l'État du Québec. 28 February. [www.canlii.org/fr qc/legis/lois/lrq-c-e-20.2/derniere/lrq-c-e-20.2.html](http://www.canlii.org/fr qc/legis/lois/lrq-c-e-20.2/derniere/lrq-c-e-20.2.html).
- Changefoot, Nadine, and Blair Cullen. 2011. Why is Quebec separatism off the agenda? Reducing national unity crisis in the neoliberal era. *Canadian Journal of Political Science* 44 (4): 769–787.
- Charlottetown Accord. 1992. [www.thecanadianencyclopedia.com/en/article/charlottetown-accord-document](http://www.thecanadianencyclopedia.com/en/article/charlottetown-accord-document).
- Chennells, David. 2001. *The politics of nationalism in Canada: Cultural conflict since 1760*. Toronto: University of Toronto Press.
- Dion, Stéphane. 2012/2013. Secession and the virtue of clarity. *Ottawa Law Review* 44 (2): 403–418.
- Dion, Stéphane. 2013. Secession and democracy: A Canadian perspective. <http://stephanedion.liberal.ca/en/articles-en/secession-democracy-canadian-perspective-2>.
- Forbes, Hugh Donald. 1994. Canada: From bilingualism to multiculturalism. In *Nationalism, ethnic conflict and democracy*, ed. Larry Diamond and Marc F. Plattner, 86–101. London: Johns Hopkins University Press.
- Gagnon, Alain-G. (ed.). 2009. *Contemporary Canadian federalism. Foundations, traditions, institutions*. Toronto: University of Toronto Press.
- Geißler, Rainer. 2003. Multikulturalismus in Kanada – Modell für Deutschland. *Aus Politik und Zeitgeschichte*, B 26: 19–25.
- Hale, Geoffrey E. 2006. Balancing autonomy and responsibility. The politics of provincial fiscal and tax policies. In *Provinces. Canadian provincial politics*, ed. Christopher Dunn, 373–412. Peterborough: Broadview.
- Justice Laws. 2000. An Act to give effect to the requirement for clarity as set out in the opinion of the supreme court of Canada in the Quebec secession reference (S.C. 2000, c. 26). <http://laws-lois.justice.gc.ca/eng/acts/C-31.8/page-1.html>.
- Keating, Michael (ed.). 1996. *Nations against the State. The new politics of nationalism in Quebec, Catalonia and Scotland*. Basingstoke : Palgrave Macmillan.
- Keating, Michael. 2002. *Plurinational democracy: Stateless nations in a post-sovereignty era*. Oxford: Oxford University Press.
- Lajoie, André. 2004. The Clarity act in its context. In *Quebec: State and society*, 3rd ed, ed. Alain-G. Gagnon, 151–164. Peterborough: Broadview Press.
- Lammert, Christian. 2004. *Nationale Bewegungen in Québec und Korsika 1960–2000*. Frankfurt a.M: Campus.
- Levine, Marc V. 1997. Canada and the challenge of the Quebec independence movement. In *Global convulsions. Race, ethnicity, and nationalism at the end of the twentieth century*, ed. Winston A. Van Horne, 315–334. New York: State University of New York Press.
- McRoberts, Kenneth. 1997. *Misconceiving Canada. The struggle for national unity*. New York: Oxford University Press.

- Meech Lake Accord. 1987. 1987 Constitutional Accord. [www.solon.org/Constitutions/Canada/English/Proposals/MeechLake.html](http://www.solon.org/Constitutions/Canada/English/Proposals/MeechLake.html).
- Robinson, Gertrude J. 1998. *Constructing the Quebec referendum. French and English media voices*. Toronto: University of Toronto Press.
- Rocher, François, and Miriam Smith (eds.). 2003. *New trends in Canadian federalism*. Peterborough: Broadview.
- Sautter, Udo. 2007. *Geschichte Kanadas*. München: Beck.
- Simeon, Richard, and Luc Turgeon. 2013. Seeking autonomy in a decentralised federation. In *Practising Self-Government. A comparative study of autonomous regions*, ed. Yash Ghai and Sophia Woodman, 32–61. Cambridge: Cambridge University Press.
- Statistics Canada. 2006. Aboriginal identity population by age groups, median age and sex, 2006 counts for both sexes, for Canada, provinces and territories, and census metropolitan areas and census agglomerations. [www12.statcan.gc.ca/census-recensement/2006/dp-pd/hlt/97-558/pages/page.cfm?Lang=E&Geo=CMA&Code=24&Table=1&Data=Count&Sex=1&Age=1&StartRec=1&Sort=2&Display=Page&CSDFilter=5000](http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/hlt/97-558/pages/page.cfm?Lang=E&Geo=CMA&Code=24&Table=1&Data=Count&Sex=1&Age=1&StartRec=1&Sort=2&Display=Page&CSDFilter=5000).
- Statistics Canada. 2011a. Population by language spoken most often and regularly at home, age groups (total), for Canada, provinces and territories. [www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/lang/Pages/Highlight.cfm?TabID=1&Lang=E&PRCode=01&Age=1&tableID=403&queryID=1](http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/lang/Pages/Highlight.cfm?TabID=1&Lang=E&PRCode=01&Age=1&tableID=403&queryID=1).
- Statistics Canada. 2011b. Population by mother tongue and age groups (total), percentage distribution (2011), for Canada, provinces and territories. [www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/lang/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&View=2&tableID=401&queryID=1&Age=1](http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/lang/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&View=2&tableID=401&queryID=1&Age=1).
- Statistics Canada. 2011c. Population by knowledge of official languages, age groups (total), 2011 Counts, for Canada, provinces and territories [www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/lang/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&View=1&Age=1&tableID=402&queryID=1](http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/lang/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&View=1&Age=1&tableID=402&queryID=1).
- Supreme Court Judgements. 1998. Reference Re Secession of Quebec, 20 August. <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do>.
- Turp, Daniel. 2013. *La Constitution Québécoise. Essais sur le Droit du Québec de se Doter de sa Propre Loi Fondamentale*. Montréal: Éditions JFD.
- Waldmann, Peter. 1992. *Ethischer Radikalismus. Ursachen und Folgen gewaltsamer Minoritätenkonflikte am Beispiel des Baskenlandes, Nordirlands und Quebecs*. Opladen: Westdeutscher Verlag.
- Wells, Paul. 1996. ‘Chrétien, Ministers see logic of partitioning’. *Montreal Gazette*, 30 January.

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## **Part III**

### **Results and conclusions**



# Models for Settling Ethno-Territorial Conflicts

13

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*Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created.*

(CSCE Charter of Paris for a New Europe,  
November 1990)

The potential contradiction that may arise between the national self-determination of an ethnic group—generally in the minority—and the territorial integrity of the state in which this group resides plays itself out in vastly differing ways when such situations culminate in conflict. This spectrum spans from negotiations with amicable resolutions to irreconcilable and extremely bloody disputes which, in many cases, can only be mitigated by massive external interventions. In this context, it is no wonder that, throughout the twentieth century, a vast array of arrangements have been concluded, covering all possible variants found between the two extremes of secession in terms of national self-determination and the

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oppression of these demands in the name of territorial integrity. Independence, autonomy of the disputed territory, protective rights for the affected minorities, confederate and federalist forms of government in terms of internal self-determination and, last but not least, international mandates represent the classic settlement models, each of which assume very diverse forms of expressions (see Table 13.1 for an overview of relevant models). Considering that this diversity knows nearly no limits, the systematization that follows is not clear cut for each and every case.

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### 13.1 Independence

Internationally recognized secession remains an exception to the rule as International Law still does not provide for any consensual, codified provisions for when and under which circumstances the territorial integrity of a state may be subject to forfeit. All such decisions by the International Community are casuistic and generally only made in favor of the independence of a territorial unit in cases in which such a settlement has been reached through consensus or when the minority group has been subject to genocide-like atrocities. In addition to decolonization in the wake of the Second World War, special cases include arrangements laid out in the Paris Peace Agreements after the First World War that addressed the legacy of the Hapsburg, Hohenzollern, Ottoman and Romanov territories, as well as a corresponding situation faced decades later upon the dismemberment of the Soviet Union, Yugoslavia and Czechoslovakia after the end of the Cold War. Such state reorganizations were what first allowed for the issue of national self-determination and the protection of national minorities to turn into a matter of official discussions and international regulations within the framework of the League of Nations and, later, the United Nations.

Apart from these three waves of reorganization, just a few cases of secession have been recognized by the international community: two peaceful secessions including that of Iceland (1918/1944) and Singapore (1965) along with those reached through armed struggle in the cases of Bangladesh (1971), Eritrea (1993), East Timor (2002) and South Sudan (2011). The independence of Iceland marked the end of over 500 years of Danish rule. It progressed through various steps, from the granting of autonomy in 1904, to attaining sovereignty in 1918, to complete independence when the Danish king forfeited his former role as ruler of Iceland on 17 July 1944 upon the founding of the republic. Singapore's exit from the Malaysian Federation in 1965, on the other hand, marked what might be the shortest period of inclusion in any state—it was first established in 1963 through

**Table 13.1** Ethno-Territorial Conflict Settlements since 1918: Models (author's own)

Independence	Conditional independence	Autonomy	Federation	Confederation	Minority protection	Condominium	Mandate territory & protectorate
1. Iceland (1918/1944)	1. Bosnia and Herzego-vina (1995)	1. Åland Islands (1921) 2. Faroe Islands (1948) 3. Sicily (1948) 4. Sardinia (1948)	1. Malaysia (1957/1963) 2. Belgium (1993) 3. Bosnia and Herzegovina (1995) <sup>a</sup>	1. Cyprus <sup>b</sup>	1. Upper Silesia (1922–1939) 2. German minority regulation (Danish ethnic group, 1955) 3. Belgian minority regulation (German-speaking community, 1973) 4. US “Reserves” (Native Americans, 1971/1975)	1. Brzko District (1999)	1. Danzig/Gdansk (1920–1939) 2. Trieste (1947–1954)
2. Singapore (1965)	2. Kosovo (2008)	5. Aosta Valley (1948) 6. Friuli-Venezia Giulia (1948) 7. Trentino-Alto Adige (1948) 8. US insular areas (particularly Puerto Rico 1952)					
3. Bangladesh (1971)	4. Eritrea (1993)	9. Tibet (1951)					
5. East Timor (2002)	6. South Sudan (2011)	10. Tanzania (Zanzibar, 1964) 11. South Tyrol (1972) 12. Azores (1976) 13. Madeira (1976) 14. Greenland (1979) 15. Basque Country (1979) 16. Catalonia (1979) 17. Galicia (1981) 18. Corsica (1982) 19. Muslim Mindanao (1989) 20. Crimea (1992) 21. Tatarstan (1994–2017)					

(continued)

**Table 13.1** (continued)

Independence	Conditional independence	Autonomy	Federation	Confederation	Minority protection	Condominium	Mandate territory & protectorate
		22. Gagauzia (1994) 23. Quebec (1995) 24. Hong Kong (1997) <sup>c</sup> 25. Scotland (1997) 26. Northern Ireland (1998) 27. Macau (1999) <sup>d</sup> 28. Canada's Nunavut (1999) 29. Bougainville (2000) 30. Chechnya (2003) 31. West Papua (2003) 32. Aceh (2005) 33. Iraqi Kurdistan (2005) 34. Jeju (2006)			7. Swedish minority regulation (Sami group, 1992) 8. Estonian minority regulation (Russian ethnic group, 1993) 9. Slovakian minority regulation (Hungarian ethnic group, 1995) 10. Romanian minority regulation (Hungarian ethnic group, 1996) 11. Macedonian minority regulation (Albanian ethnic group, 2001)		

<sup>a</sup>Unsettled conflict but a confederation is the most frequently proposed model for Cyprus

<sup>b</sup>In addition to conditional independence, Bosnia and Herzegovina is also designed as a federal state

<sup>c</sup>Special status which most resembles an autonomy

<sup>d</sup>Special administrative zone similar to Hong Kong

a referendum that was ultimately unable to pacify an ongoing conflict between Malays and the Chinese population that dominated Singapore.

Most of the wars for secession—a number of which proved long lasting and quite bloody—revolved around the abolition of post-colonial arrangements, which had imposed markedly arbitrary characteristics. Following its independence from Portugal, East Timor underwent annexation by Indonesia in 1975, a move which the United Nations never officially recognized. For this reason, after the ensuing civil war that claimed 200,000 lives, the UN deployed peacekeeping forces in 1999 and organized a referendum that ultimately led to independence in 2002. The situation was reversed in Eritrea: Formerly an Italian colony and later a British mandate, Eritrea was federated with Ethiopia in 1952 through a UN resolution. After successively being deprived of its autonomous rights under Ethiopian rule, the two parts fought a civil war that lasted 30 years, finally concluding in 1993 when Eritrea attained its independence through a national referendum overseen by the UN.

The civil war in South Sudan was also drawn out, raging from 1955 until a peace agreement was reached in 1972 and erupting once again in 1983 until its resolution in 2005—in total, the war claimed the lives of around two million people and displaced an additional four million. Though mediation was provided by external powers such as Ethiopia and the USA, as well as through a UN mission (UNMIS) following the adoption of the second peace agreement in 2005, understanding between the government in Khartoum and the SPLA liberation movement was a classic case of mutual fatigue with respect to the victims. The autonomy arrangements, as originally demanded by the south, did not prove feasible between 1972 and 1983 or from 2005 to 2011, as they were only transitory in view of the referendum on independence.

The war in Bangladesh/East Pakistan progressed in a completely different manner: though it claimed a similar number of lives as the war in Sudan (with estimates of up to three million) and displaced many more people (up to 20 million refugees in India), it only lasted from March to December 1971 and resulted in an inter-state war between India and Pakistan. The conflict was based, in part, on a paradox: as a rule West Pakistan, with about the same population, outvoted the east—an area geographically separated from the rest of the country by India—in nearly every regard, but during the nation-wide elections in 1970, the Awami League, which originated from the east, for the first time gained an absolute majority in the national parliament, an achievement it was subsequently deprived of by the Pakistani military. India's military victory over (West) Pakistan paved the way for the unilateral declaration of independence, which was successively recognized by other states—and finally by Islamabad in 1974.

## 13.2 Conditioned Independence

Along with outright independence, there are also a number of cases in which the international community has conferred conditional independence, be it for a transitional period or with lasting effect until the present day. This relates to internationally mandated conditions that allowed for independence to be established in the first place and to traditional rights and practices that trace their origins far back into the (mostly feudal) past and primarily pertain to small states.

Currently, the most prominent examples include Bosnia-Herzegovina—with the Brčko District serving as a special administrative unit under its two constitutive entities, the Federation of Bosnia and Herzegovina and Republika Srpska—and Kosovo, both of which came into being in the wake of the wars of Yugoslav succession. Although Bosnia-Herzegovina's independence was internationally recognized upon its inclusion into the UN in 1992, it was the Dayton Peace Agreement of 1995 that brought the ongoing civil war to an end. The agreement also established an internationally monitored state that forced Bosniaks, Croats and Serbs within a common border through a carefully balanced yet highly convoluted arrangement. Situated at the juncture between the two regions constituting Republika Srpska, the Brčko District (439 km<sup>2</sup> with 93,028 inhabitants) retains a special status that directly subordinates it, as a condominium, to the two entities as well as to an International Supervisor, who is appointed by the UN High Representative and possesses far-reaching powers of intervention.

International recognition is yet to be granted to Kosovo, the constitution of which lays out its “internationally monitored independence” on the basis of the Ahtisaari Plan, as was requested by the UN Secretary-General. Ever since the declaration of independence from 2008, a total of 111 countries have recognized Kosovo's secession; in addition to the BRICS states, five EU member states (Greece, Romania, Spain, Slovakia and Cyprus) have refused to grant recognition. Joint monitoring by the UN (UNMIK), NATO (KFOR) and the EU (EULEX) remain in effect until further notice.

The status of Andorra (468 km<sup>2</sup> with 76,098 inhabitants), which has been a French-Spanish condominium since its founding in 1278, represents a special case. The Spanish Bishop of Urgell and the French President together share the role of head of state, though, after 700 years, this has changed to a representative function since the adoption of the 1993 constitution. Now a full-fledged UN member state (since 1993), Andorra's executive and legislative branches have also transitioned over along with its foreign relations.

A similar arrangement can also be found among the 16 members of the “Commonwealth Realm”, which, along with the United Kingdom, includes Canada, New

Zealand, Australia and Papua New Guinea. Here, Queen Elizabeth II is the head of state through personal union and is represented by governor generals with different degrees of supervisory rights. In Australia, for example, where the governor general presides over the executive through a Federal Executive Council and is commander-in-chief of the armed forces, his authority allowed him to dismiss the prime minister during the constitutional crisis in 1975. In Canada, on the other hand, the powers invested in this position are only nominal and ineffective in practice.

While the city-state of Monaco (2 km<sup>2</sup> with 37,800 inhabitants, of which only 21% possess citizenship under the discretion of the House of Grimaldi), has enjoyed nominal independence since 1489 (and has been a member of the UN since 1993 as well as of the Council of Europe since 2004), it has been a French protectorate since 1861. Though once extensive, Paris' authority was curtailed in 2002: In terms of foreign affairs, France now only requires consultation and limits itself to confirming the head of government, whereas previously it had the exclusive right to nominate the candidate. Moreover, the clause stipulating that the country would fall under French authority once all Grimaldis have passed away has been eliminated.

Other small European states also exhibit peculiarities that are based on dynasties. While Luxembourg (2586 km<sup>2</sup> with 576,200 inhabitants), for example, has been independent since the end of its personal union with the Dutch royal family in 1890, it has had a long and winding history with Belgium, France and Germany—with which it was previously bound through a dynasty and later through a customs union. The Principality of Liechtenstein (160 km<sup>2</sup> with 37,468 inhabitants) has been independent since the dissolution of the Holy Roman Empire (of German Nation) in 1806 (having also joined the UN in 1990 and now a member of the European Economic Area, unlike Switzerland, with which it is linked through a customs treaty). However, up until the “Anschluss” of Austria to Germany in 1938, the principality was administered from abroad, originally from the Palais Liechtenstein in Feldkirch, Vorarlberg (Austria), later from estates in the eastern part of Austria and in South Moravia.

Conversely, San Marino (61 km<sup>2</sup> with 32,800 inhabitants and a UN member state since 1992) traces its independence back to the year 301, making it the oldest republic in the world, with roots dating to the fourth century as well. Now completely surrounded by the state of Italy, San Marino has never forfeited its independence, although it had to endure numerous capricious occupations. The former British colony of Lesotho (30,355 km<sup>2</sup> with 1,930,500 inhabitants) tells a similar story: fully engulfed by and materially dependent on South Africa, its independence was never up for debate (Swaziland, which measures 17,363 km<sup>2</sup> in size with 1,419,600 inhabitants, on the other hand, is also mostly surrounded by South Africa but shares a border with Mozambique).

The independence of these states is no longer questioned in today's international system, unlike other entities which are denied official recognition under International Law. The most prominent example is that of Taiwan: formerly a member of the UN, the island nation lost its seat to the People's Republic of China in 1971 and is currently only recognized as an independent state by 17 countries. In contrast, Palestine is recognized by 137 states and enjoys observer status in the UN. A more complicated case is that of the "Sahrawi Arab Democratic Republic", which emerged from the former Spanish colony of Western Sahara and is currently recognized by 46 states. The republic only comprises a small strip of land in the desert, as the majority of the country is occupied by Morocco. A UN mission (MINURSO) from 1991 that sought to carry out a referendum was blocked by Morocco, while the POLISARIO has rejected offers of "extensive autonomy" granted by Morocco.

There are other entities which are yet to garner any international recognition at all, and it is unlikely that they will do so in the near future, as is the case for unregulated cases that only exist factually. This includes the Turkish Republic of Northern Cyprus, which is solely recognized by Turkey, along with Somaliland and Puntland, which respectively emerged in 1991 and 1998 in the wake of the state collapse of Somalia and are not recognized by any state. This group also includes the cases of Abkhazia and South Ossetia, two areas within the former Soviet Union that are recognized as independent by only five states—most prominently Russia—along with Transnistria and Nagorno-Karabakh, which no other state has recognized (see Table 13.2 for an overview of such cases).

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### 13.3 Autonomies

As an ideal type, territorial entities within a state are considered autonomous when they are represented by a central government only in matters of foreign relations yet retain full authority over their internal affairs. This not only includes their own independent administration but also legislation, taxation and the judiciary. In reality, a wide array of gradations exist, ranging from mere partial autonomy on cultural and linguistic matters to complementary competencies related to public services (healthcare and social welfare) and business promotion, to autonomous responsibility over domestic security and tax sovereignty, to limited authority over foreign affairs in individual cases. When speaking of "far-reaching" autonomy in political parlance, this generally refers to the comprehensive ideal type.

While an equally binding framework to all subjects is prescribed within federations, gradations often exist for cases of autonomous entities within a state,

**Table 13.2** Political entities with no or limited (international) recognition

Self-declared entities	Year of self-declaration	Context/Status
1. Taiwan	1949/1971	A self-declared region of China, currently recognized by 17 UN member states, mostly in Central America and the Caribbean
2. Western Sahara	1976	A disputed territory in Northwest Africa, two thirds of the territory occupied by Morocco, as an independent state currently recognized by 46 UN member states, also a full member of the African Union
3. Northern Cyprus	1983	A self-declared part of Cyprus, recognized only by Turkey
4. Palestine	1988	A disputed region in the Middle East involving the state of Israel, recognized by 137 UN member states, since 2012 it has the status of a non-member observer state in the United Nations
5. Transnistria	1990	A self-declared region of Moldova, not recognized by any state (or international organization)
6. Somaliland	1991	A self-declared region of Somalia, not recognized by any state (or international organization)
7. South Ossetia	1991	A self-declared region of Georgia, only recognized by five states (Russia, Nicaragua, Venezuela, Nauru, Syria)
8. Nagorno-Karabakh	1991	A self-declared region of Azerbaijan, not recognized by any state (or international organization)
10. Abkhazia	1992	A self-declared region of Georgia, only recognized by five states (Russia, Nicaragua, Venezuela, Nauru, Syria)
11. Puntland	1998	A self-declared autonomous state in Somalia; aiming for a united but federal Somalia; officially not recognized
12. Kosovo	2008	A self-declared region of Serbia, recognized by 111 UN member states, but not a UN member yet

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the concrete form of which are laid out in individually negotiated statutes of autonomy. Russia's "asymmetric federalism" from the 1990s is one such example for which Tatarstan and its bilateral agreement with Moscow played a pioneering role. However, in the decade that followed, Vladimir Putin's "vertical power structure" put an end to what it denounced as an uncontrolled expansion of powers among Russia's federation subjects.

Spain, on the other hand, represents an example of a constitutionally enshrined graduation of autonomy, with some regions (the Basque country, Catalonia and

Navarra) possessing much greater, and partially historical, rights compared to other areas that came to constitute Spain as a nation of autonomous communities following the adoption of its constitution in 1978. These three regions bear responsibility for internal security, possess their own police forces (which grant Madrid's police only limited authority, e.g., in combating terrorism), and were granted tax sovereignty with an agreed-upon payment obligation to the central government.

A similar pattern is found in Italy, which bears a unitarian composition subdivided into 20 regions, 15 of which have “ordinary statutes” and the remaining five border regions with national minority groups or separatist traditions are under “special statutes”: Sardinia, Sicily, the Aosta Valley, Friuli-Venezia Giulia and Trentino-South Tyrol (comprising the two provinces of Trentino and South Tyrol with especially far-reaching autonomy arrangements). In accordance with central framework legislation and in the areas for which Rome does not claim authority, all regions have legislative competencies, while the regions with special statutes also enjoy limited tax authority.

The fundamental purpose of introducing autonomous entities is to grant regions with special characteristics their own degree of internal autonomy without having to alter the national boundaries. The form and the scope of autonomy depend on political homogeneity, on the self-awareness of the regions in question, and also on the intensity of conflict in relation to the central government. In practice, various factors assume a decisive role.

Autonomy arrangements are a classic instrument for conflict management that serve to protect and foster (in most cases) ethnic minorities. They are usually applied when a national minority comprises the majority population in a certain region; in other cases, regulations for minority protections are applied without reference to any specific territory. In Europe, this includes the cases of Italy and Spain as mentioned above, while the autonomous status of Kurdistan in Iraq and Muslim Mindanao in the Philippines constitute two cases outside of Europe. The original autonomy statute for Kurdistan—adopted after the takeover of the Baath party in Iraq in 1970—foresaw the use of the region’s own language within educational institutions and public authorities as well as the establishment of special Kurdish administrators; this arrangement collapsed shortly thereafter with the civil war of 1974/1975. After the fall of Saddam Hussein, the statute was revived, expanded and codified within the constitution in 2005, and autonomy has transformed itself into virtual independence as a result of Baghdad’s weak authority. In the Philippines, the autonomy of Mindanao came about in 1989 in the wake of the civil war that had broken out in 1975. In this struggle, the Moro Muslim minority fought for the establishment of the independent state of “Bangsamoro”

on the nation's second-largest island group and for its separation from the majority Christian Philippine state. However, as Muslims only constitute a majority on some of the islands, inclusion within the autonomous region had to be clarified through a referendum. Despite passing an official peace accord in 1996, and even though the Moro National Liberation Front has officially abandoned its secessionist ambitions, the situation remains unstable and recurring violence continues to the present day.

Autonomy arrangements are also partially alleviated or partially inspired when a contested region is situated in a geographically remote location. In these cases ethnic considerations are not necessarily a factor. This particularly applies to islands, which seem almost predestined to acquire autonomy arrangements. One example is the Azores and Madeira, which concluded an autonomy statute with Lisbon in 1976. Another is the Faroe Islands, which, drawing inspiration from Iceland's independence, voted for independence from Denmark through a narrow majority in a referendum in 1946, moving away from a country to which they (and Iceland) had belonged since the fourteenth century. However, in the end this resulted in only limited autonomy as the police and justice still fall under the authority of Denmark. Another pertinent example is that of Corsica, which, after receiving initial concessions in 1982, again fought with the centrally organized French state in 1991 for expanded autonomy with reference to the status of France's overseas territories, particularly in cultural matters. Similarly relevant is the case of the South Korean island of Jeju, which obtained an autonomy statute in 2006.

The Åland islands, which belong to Finland yet are primarily populated by Swedish inhabitants, are a European prototype for autonomy arrangements. The territorial autonomy of these islands dates back to the years 1920/1922. Åland possesses its own government and its own parliament, which has legislative powers in all matters of self-administration, including the regional economy, social welfare and internal regulations. Finland retains authority over foreign affairs, civil and criminal law, the judicial system and matters related to customs and taxation. While Åland's inhabitants hold Finnish citizenship, the official language is Swedish. One quite unique arrangement in place is the so-called right of domicile which can only be attained by Finns who have continuously resided in Åland for five years or more and are fluent in Swedish. The right to vote and the right to acquire real estate are both conditioned on this special right. Even though Åland is part of the European Union through Finland, the islands have their own tax borders, making them exempt from EU regulations on the alignment of sales and excise taxes. As such, all goods transported to or from Åland must undergo customs clearance.

The island of Puerto Rico (8959 km<sup>2</sup> with 3,667,000 inhabitants) comprises an autonomous area *sui generis*, as the USA keeps the Caribbean territory at a greater distance than otherwise desired by the island's inhabitants (the majority of which are Spanish speaking). A US colony since 1898, Puerto Rico gained the status of "Commonwealth" in 1952 and it is one of the USA's "Insular Areas", much like the purely military strongholds of Guam and Midway. Puerto Rico is one of the unincorporated areas of the United States, without its own foreign relations. The currency in use on the island is the US dollar. Moreover, while all Puerto Ricans are citizens of the United States (which included compulsory military service when it was in effect), they only enjoy basic rights and do not have the right to vote (they may, however, participate in the party primaries). Though subject to US taxation in principle, Puerto Rico may pass its own tax laws, which has turned the island into a well-known tax haven. During a referendum in 2012, over 60% voted in favor of Puerto Rico becoming a full-fledged US state, a matter that is currently under discussion in Washington.

Besides ethnic and geographic factors, historical claims to independence also play a role in demands for autonomy and in the design of autonomy arrangements. The special status of Scotland in the United Kingdom is based on such considerations, as is Zanzibar—long subject to Arab domination—within the Tanzanian "Union" and the calls for self-determination voiced by (West) Papua (Irian Jaya)—the former Dutch colony was incorporated into Indonesia after a questionable, yet UN-approved, referendum in 1969. A violent, though largely unorganized, phase of resistance which was brutally repressed by the Indonesian military culminated in a half-hearted autonomy statute that proved unable to pacify the situation. One of the problems in this context is that immigrants from Indonesia have since come to comprise half of the region's population while the original inhabitants are fragmented among a myriad of indigenous peoples (whose traditional rights and laws were supposed to be protected through the autonomy statute).

In addition to East Timor's secession, which jeopardized the integrity of the Indonesian state, economic interests were a decisive factor taken into consideration by Indonesian policy makers in relation to Papua, specifically timber production (which concurrently deprives the indigenous population of its living environment). Discretionary power over natural resources is another contentious topic often tied to conflicts over autonomy statutes. Such conflicts are, however, not only an issue of use, as demonstrated by the example of Bougainville in the South Pacific. Home to one of the largest copper mines in the world, the local clans retaliated against incursions, especially in response to environmental damage caused by mining, resorting to acts of sabotage against the power supply and attacks against the miners. They succeeded in shutting down the mine, and their

actions also led to the adoption of an autonomy statute in 2001, which foresees an independence referendum by 2020. However, guerrilla warfare related to their efforts and, indirectly, the naval blockade imposed by the central government claimed the lives of 20,000 people (out of a population of 200,000).

Ensuring that autonomy arrangements are honored cannot, however, rely on a paper agreement alone, as, in actual fact, a significant gap between norms and reality in many cases ensues. This is not surprising considering the preponderance of bloody histories related to such agreements paired with antagonistic interests and asymmetric power relations. The political regime of the states under dispute likewise plays a role.

The People's Republic of China represents a typical example of such discrepancies in that it provides for an elaborate system of autonomy arrangements yet only grants them limited application in reality. For instance, constitutional provisions in place since 1984/2001 have allowed for the existence of five ethnically defined autonomous regions at the highest province level (even if the titular nations do not comprise the majority of respective populations in each case). This includes Tibet, which lost the *de facto* autonomy it had held since 1911 through a 17-point plan imposed in 1951, the Guangxi autonomous region of the Zhuang nationality, the largest ethnic minority in the country, the autonomous region of Inner Mongolia, in which 70% of China's nearly 6 million ethnic Mongolians reside yet currently only comprise 20% of the region's population, the Ningxia autonomous region of the Muslim Hui nationality, and the Uighur autonomous region of Xinjiang. In nominal terms, the heads of state of these autonomous areas have to be members of the titular nations, to whom self-administration in financial and economic affairs is guaranteed as well as in matters relating to culture, the organization of local police forces and language. But as Beijing casts an especially suspicious eye on these marginal regions within its unitary state and since they are financially dependent on the rest of the country, their decision-making authority is extremely limited in practice.

The entities of Hong Kong and Macau, however, are another matter altogether. Upon being handed over to China in 1997 and 1999 from British and Portuguese colonial rule, respectively, they have been allowed to retain their originality for a period of fifty years in accordance with Deng Xiaoping's motto, "one country—two systems". For Macau, this includes the maintenance of its own currency and, for both, the right to carry out their own cultural and economic foreign relations, which is quite exceptional for autonomous entities. As a result, Hong Kong and Macau are members of a number of international organizations such as the WTO and ASEAN.

Special conditions in foreign affairs also apply to Greenland, which saw a marked expansion of its autonomy statute in relation to Denmark in 2009, encompassing areas such as foreign relations and defense; the territory left the former European Community in 1982 in order, in part, to protect its fishing rights. A similar caveat exists in the case of Gagauzia's autonomy in Moldova, which has been in place since 1995. In a referendum in 2014, a broad majority of citizens voted against association with the EU and supported accession to the Customs Union which later became the Eurasian Economic Union. The understanding in Gagauzia also sets forth that autonomy is conditioned on the status of Moldova remaining unchanged (as in relation to an interim debate that Moldova might unify with Romania).

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### 13.4 Federations

Although autonomy arrangements are a typical characteristic of centralist unitary states, they are also found in federations. As previously mentioned, such arrangements are generally designed “symmetrically” and confer equal rights and obligations to all units; they may, however, also be constituted in an “asymmetric” manner. There is a systematic difference with autonomy, as federations are comprised of subjects under constitutional law: they create a legal association of (non-sovereign) states within a (sovereign) unitary state. This includes conceding exclusive competencies to their federated entities—in Germany, for example, this covers the areas of education, media and the police—and often implies exercising influence on decision-making at the federal level. In this regard, federations differ from confederations, which are an association of sovereign federated entities, and from unitary states, such as France or Great Britain, which merely delegate competencies or grant autonomy.

In accordance with these criteria, 28 federal states exist in the world, which includes Germany, the USA, Canada, Argentina, Brazil, Mexico, India, Nigeria and Australia. While the nominal federations of Russia and South Africa also have a federal constitution, a lack of competencies granted to the federated entities makes such a labeling questionable.

In many cases, federations have peculiar historical roots, meaning that their suitability as a model for managing current ethno-territorial conflicts is disputed, though, at the same time, repeatedly propagated. Supporters of federalism promise that conflict potentials can be mitigated within the borders of a state by way of partially sovereign self-determination. In contrast, critics fear that this may lead to an intensification of centrifugal tendencies and a weakening of a state's ability to act, or even to its collapse.

The federal state of Belgium is illustrative for both evaluations. In the context of the gradually increasing language conflict between the Flemish and French segments of the population, Belgium in 1993 began to transform itself from a unitary to a federal state through numerous steps. The constitution of this new state is highly complex, comprising three “regions” (the Flemish region, Walloon region and Brussels region) as well as three “communities” defined linguistically (Flemish, French and German). Both are equally constituent states within the federation yet hold different competencies: the regions are responsible for the economy and traffic and the communities for education, culture, health and social welfare, while the federal government controls foreign, defense and financial policies and domestic security (the police and judiciary). Nevertheless, the constituent states may engage in foreign relations within the framework of their jurisdiction, and all international agreements reached by the federal government require confirmation by the states if they impinge on their competencies. In principle, both the regions and the communities each have their own parliament and government. The territorial delineation of the regions is unambiguous, whereas the communities maintain a common jurisdiction in relation to the bilingual area of Brussels (despite the fact that 80% of its inhabitants are French speaking). Throughout the rest of the state, the Flemish population forms a majority (60%) of the population—however, data ceased to be collected upon definition of the language boundaries in 1962 in order to avoid intensifying the conflict. The German-speaking minority, which was recognized in 1919 and today numbers 75,000 individuals, does not assume any notable role.

The Belgian attempt to institutionally balance the complicated ethno-territorial conflict situation was akin to squaring a circle. Nevertheless, the government did succeed in steering the escalation-prone conflict into deliberative trajectories, especially considering that similar situations elsewhere have ended in violence and ethnic cleansing. The Belgian form of federalism is, however, fragile and does not preclude the possibility that the two entities will end up separating.

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### 13.5 Confederations

As opposed to federations, states within a confederation that enter into a legal association retain their sovereignty. Though such arrangements are often the result of foreign or security-related considerations, such as in alliances, confederations differ in that they share a number of common political organs (in which delegates act on behalf of the member states).

To date, there have been very few cases of confederation. One example was the German Rhenish Confederation, which was established in 1806 after the fall of the Holy Roman Empire and encompassed a significant part of today's Germany. Founded under the influence of Napoleon's military victories, it disappeared from the map in 1813 following France's defeat. In most cases, however, confederations are actually just federations in disguise. For instance, the Swiss Confederation—the Confoederatio Helvetica—is, in fact, the prototype of a federal state.

The Cyprian model of a confederation currently assumes an important role in that it is meant to contribute to overcoming the island's division into Greek and Turkish territories. In accordance with similar predecessor models, the Annan Plan from 2004 envisioned the creation of a “confederation” between the two entities on the island, which was to ensure a high degree of independence and only grant central institutions authority over foreign relations, defense and monetary policies. *Strictu sensu*, however, this would also not entail a confederation as the sovereignty assumed by the respective entities would have been noticeably limited. Two separately conducted referenda addressing the Annan Plan ultimately led to the model's failure on account of opposition from the Greek population.

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### 13.6 Minority Protection

Regulations that cover the protection of national minority groups draw from internationally codified provisions, as first laid out in the framework of the Versailles Treaties and the League of Nations and, since the 1960s, by the United Nations. These emerged in response to the creation of nation states following the collapse of various empires, the borders of which did not correspond to ethnically defined boundaries. With their newly acquired sovereignty, the titular nations tended to outvote, assimilate, oppress or even expel minorities. In this respect, the modern nation state and minority protections complement one another.

As before, an international legal definition of minorities still does not exist: they are merely ascribed ethnic, religious or linguistic similarities and a certain sense of solidarity or identity; moreover, approaches promoting individual rights continue to compete with those promoting group rights. In addition, regulations tend to focus on protection obligations (in consideration of cultural, linguistic and religious identities) and on banning discrimination (including a ban on compulsory assimilation) rather than on positive state obligations to support minorities. In this regard, two documents are of significance today: the UN ‘International

Covenant on Civil and Political Rights” from 1966 and the “Declaration on the Rights of Minorities” from 1992 (under the control of the “Sub-Commission on Prevention of Discrimination and Protection of Human Rights” and the UN “Human Rights Committee”). The resolutions guarantee the right of minorities to freely use their language in private and public areas along with adequate participation in decisions that affect them.

Such protection provisions can also be set by autonomy arrangements in areas where a minority group comprises the majority, rendering outvoting unlikely. In all other cases, non-territorial legal protection of minorities is required.

Minority rights are predominantly limited to protective measures, granted by the respective states in accordance with international standards and monitored by them. This, for instance, applies to the Sámi regulations in Norway (1987), Sweden (1992) and Finland (1991/1995), which merely grant consultation rights at the central level for their elected representative bodies.

Constitutionally ensured regulations on consociational democracy that relativize majorities by way of veto rights, blocking minorities or double simple majorities are the most far-reaching protection instruments. These have, for example, been utilized in Macedonia since 2001, where a majority of the Albanian minority must also vote in favor when addressing cultural matters that impact its constituents.

In order to guarantee that they remain binding, some arrangements regarding minority protections arise from negotiations between two neighboring states and/or are codified in bilateral agreements. This applies to agreements that the Hungarian government reached with Slovakia in 1995 and with Romania in 1996 regarding the status of Hungarian minorities in both countries. Although Hungary’s claim to representation (including the issuance of passports) repeatedly leads to tensions, these arrangements have, by and large, deescalated Budapest’s Trianon trauma. Another case with a pacifying effect was the 1955 Bonn-Copenhagen Declaration on the protection of the respective borderland minorities, which also addressed the mutual recognition of borders. In contrast, the Estonian law covering the cultural autonomy of the country’s Russian minority from 1993 came into being without any involvement from Moscow (which is yet to grant the law a positive evaluation).

The limits of such protection regimes for minorities revealed themselves in one of the first agreements reached: namely in Upper Silesia in the difficult conditions of a nationally heated atmosphere after World War I. Contrary to the results of a referendum through which a narrow majority favored joining with Germany, Upper Silesia ultimately came to be divided between Germany and Poland in 1922. Besides generating a militant sense of nationalism on both sides, it also left behind two significant minorities (300,000 Germans and 500,000

Poles). The rights of these minority groups with respect to the public use of their languages and education were supposed to be protected under a treaty elaborated in detail under the supervision of the Allies and guaranteed by the League of Nations (including an international committee and a court of arbitration). However, these provisions were not destined for success: German revisionism and Polish assimilation policies stood in the way of this agreement, which was ultimately unable to help moderating the conflict between the two countries.

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### **13.7 Condominiums**

Condominiums, which refers to jointly exercised sovereignty by two or more states over a particular area, were a common model during the Middle Ages that has become rare in the present day—though they do exist in isolated cases. The most prominent example is that of Andorra, as mentioned previously—a state that traces its roots back to the thirteenth century and assumed the form of a condominium until obtaining its sovereignty in 1993. A more recent case is that of the Brčko District, likewise mentioned above. The only way out of the ethno-territorial conflict within Bosnia-Herzegovina that had engulfed this entity was through the establishment of a condominium. Other present-day condominiums include a number of non-demarcated rivers and uninhabited islands.

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### **13.8 International Mandate Territories and Protectorates**

International mandate territories, in which external powers or international organizations safeguard the interests of a certain area in a semi-fiduciary function, hardly occur any longer. Established by the League of Nations—and continued by the United Nations after its dissolution—they existed from 1919 until 1994 and encompassed the former German colonies, Saarland, a few of the German Empire's eastern territories and parts of the Ottoman Empire. The administration of these territories was carried out by the victorious powers of Versailles, namely France, Great Britain and the USA, along with their allies, Australia, Belgium, Japan, New Zealand and South Africa. Although mandates by the League of Nations envisioned that the affected territories be prepared for independence, this process progressed in an exceedingly hesitant manner; South-West Africa (present-day Namibia) was even de facto annexed by South Africa, an action

penalized by the UN in 1966 through the withdrawal of its trusteeship—without notable effect.

Reinstatement of the practice of trusteeship was later experienced by Kosovo: Once NATO had forced Serbia to withdraw, the UN Security Council conferred the UN mission (UNMIK) with unlimited governmental authority over Kosovo for a provisional period. However, the international community was unable to achieve consensus—neither between Belgrade and Prishtina nor within the UN Security Council—meaning that the UNMIK retained de jure but lacked de facto authority in Kosovo.

The “Free City” of Danzig (1920–1939) represents a special case. Hosting a majority German population, the city remained under the direct supervision of the League of Nations, while Poland was granted special privileges (such as control over the harbor) and rights in relation to external representation and defense in coordination with the “High Representative”. This status was maintained until the start of the Second World War, by which point it had become ever more precarious with the rise of the Nazis after 1933.

International protectorates do not fall under the category of trusteeships as their external representation and defense are contractually delegated to another state, leaving the protectorate in question with a limited degree of sovereignty. The term itself is contentious and politically charged—as is the case of the German “Protectorate of Bohemia and Moravia” following the dismantlement of Czechoslovakia in 1938. Greenland, Monaco and San Marino are occasionally identified as Danish, French and Italian protectorates, respectively.



# A Way Out for Nagorno-Karabakh: Autonomy, Secession—or What Else?

14

Azer Babayev and Hans-Joachim Spanger

*He who causes bloodshed to abate,  
Saves the earth itself, and is truly great.  
(Huseyn Javid, 1882–1941)*

Thirty years after the conflict in Nagorno-Karabakh escalated into war, there seems to be no solution. Countless attempts and numerous rounds of negotiation have failed and an attitude of resignation is creeping in. However, in this respect Nagorno-Karabakh is not alone: Almost all the ethno-territorial conflicts we have studied seemed to have no solution at first and often for decades—until new perspectives and negotiating approaches were able to break the stalemate. While these other cases offer no ready-made solutions for Nagorno-Karabakh, they teach worthwhile lessons that belie the notion that they are insolvable.

By applying lessons learned from other ethno-territorial conflicts, we discuss possibilities for settling the one between Armenia and Azerbaijan. After we present the main characteristics of the conflict in Nagorno-Karabakh, we review the basic parameters. Then we discuss if, and in which form, any of these models for settling ethno-territorial conflicts that are described in greater detail in this study can contribute to resolving the conflict in Nagorno-Karabakh.

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## 14.1 Relevant Dimensions of the Conflict

The Nagorno-Karabakh conflict is a typical dispute over an advanced state of secession that had been brought about by military force with the active participation of a neighboring patron state of the same titular nation. Nagorno-Karabakh is not internationally recognized and the conflict parties continue to fight over whether the region should remain part of Azerbaijan, become an independent entity, or be attached to Armenia. Many different ways to break this stalemate have been negotiated under the aegis of the Minsk Group of the OSCE.

No proposal has yet been accepted by all parties. The two antagonists have irreconcilable notions about how to resolve the conflict as well as how to conduct peace negotiations. Baku argues in favor of a step-by-step solution, while Yerevan wants a package solution that involves implementing individual measures only in the framework of a comprehensive peace agreement, along the logic that “nothing is agreed until everything is agreed.” The OSCE Minsk Group has tried to combine these two approaches—with no success.

The current conflict situation features structural asymmetry: Armenia wants to use the power of facts to maintain the de facto status and change the de-jure status, while Azerbaijan wants to use the force of the law to preserve the de-jure status and change the de facto status. This pattern characterizes the two parties’ negotiating positions and their strategies: They hardly intersect. The status quo—Nagorno-Karabakh’s actual secession and the expulsion of the local Azeri population, along with Armenia’s occupation of Azerbaijani territory—puts Azerbaijan in the weaker position and creates inertia that becomes more sustainable the longer it lasts. Azerbaijan seeks to compensate for its unfavorable situation by using its economic clout and the possibility of isolating Armenia internationally with the help of its allies. These moves, however, only make Armenia more dependent on Russia.

Although the conflict was sparked by the status of Nagorno-Karabakh, which remains the main bone of contention, a total of five contentious issues stand in the way of a settlement. The positions of the conflict parties are diametrically opposed: While Nagorno-Karabakh and Armenia had sought to unite the region with Armenia before the Soviet Union was dissolved, Yerevan has since officially favored independence for the region, which was renamed the “Republic of Artsakh” in 2017. Associating Nagorno-Karabakh with an ancient Armenian province signalizes much broader territorial claims. Azerbaijan refuses any discussion about its territorial integrity and holds that self-determination for the Armenians of Nagorno-Karabakh can only happen within the borders of Azerbaijan, in a kind of extended autonomy.

The two states recognize the principle of national self-determination and have agreed to hold a referendum to decide the future status of the conflict region. However, they do not agree on either its timing or the modalities. Yerevan wants to hold a referendum as soon as possible, with both the inhabitants of Nagorno-Karabakh as well as Azeris who fled the region eligible to vote. Baku, on the other hand, wants to hold a referendum in all of Azerbaijan and at a later stage (Eder 2010, p. 169). The Minsk Group proposes first agreeing on an *interim status* for Nagorno-Karabakh that includes security guarantees and self-government, and then determining its final status through a “legally binding expression of will” (cf. Madrid Document, chap. 2). However, this compromise proposal has not been approved. Armenia, in particular, rejects it.

*Armenia’s withdrawal from the districts (“rayons”) of Azerbaijan* outside of Nagorno-Karabakh that it has occupied is another major point of contention for the two parties. They have not been able to agree on either a formula or a schedule for the evacuation of the Armenian troops. In Baku’s preferred step-by-step solution, the first and most important step is for Armenia to end its occupation. However, this aspect is complicated by the view that the occupied districts are not equally important: Armenia considers the Lachin and Kelbajar rayons—along the border of Armenia and Nagorno-Karabakh where Armenians now live<sup>1</sup>—as particularly strategic. Yerevan is therefore ready to use the other five districts—which have no Armenian residents—as a bargaining chip in a package solution if that would tip the political-legal status of Nagorno-Karabakh in its favor. This is why the negotiations in 2011 in Kazan failed: Azerbaijan insists that Armenian forces first withdraw from the five districts around Nagorno-Karabakh and then from those two border districts (the 5+2 formula), while Armenia specifically wants to keep Lachin (also known as the Lachin Corridor) and Kelbajar to create a secure *land connection to Nagorno-Karabakh*. Armenia views a direct, secure and continuous overland connection between Armenia and Nagorno-Karabakh under Armenian jurisdiction as guaranteeing security and material livelihoods. Baku is ready to grant Armenia the right to use a corridor through the Lachin District, but not to have Armenia control the whole area. The two sides also cannot agree on how wide such a corridor should be.

Other differences concern the *return of refugees*, although this issue has been of secondary significance in negotiations. Azerbaijan, in particular, points out the humanitarian responsibilities. Azeris who had to leave Nagorno-Karabakh and

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<sup>1</sup>Approximately 11,000 Armenians have been settled in Kelbajar and Lachin since they were occupied. Cf. chap. 2.

the Armenian-occupied districts have been living as internally displaced persons (IDPs), some of them in very precarious conditions. Armenia regards the return of Azeri refugees to Nagorno-Karabakh as particularly controversial. This is why Yerevan holds that this issue and other steps towards normalizing relations can only be discussed once the region's final status has been determined, while Baku demands that Azeri refugees be allowed to return to Nagorno-Karabakh before that.

The last point concerns *international security guarantees*. Yerevan insists on receiving reliable security guarantees, including the stationing of international peacekeeping troops, before its army withdraws from the regions around Nagorno-Karabakh. Baku does not say much about this issue, which is generally less controversial than the others.

While it is true that Nagorno-Karabakh's final status is at the core of the conflict, the other contentious issues—the occupation of Azerbaijani territory, the return of refugees and IDPs, and security guarantees—are so intertwined that they regularly block any resolution. The specific complexity of this conflict is compounded by various underlying factors that are not new to conflict management. We will examine their effects, which are overwhelmingly negative, below.

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## **14.2 Which Factors Support—and Which Hinder— A Settlement of the Conflict?**

Whether efforts to settle ethno-territorial conflicts succeed or fail does not just depend on the difficulty and complexity of the issues, but also on the conditions that frame their development (cf. Wolff 2011, p. 163). In the third chapter, we identified and analyzed nine factors that have proven to be relevant to international mediation of ethno-territorial conflicts: six structural factors (history, geography, economy, political regime, ethnic make-up and level of violence) and three procedural factors (timing of the settlement, modes of negotiation and international influence). In the case of Nagorno-Karabakh, too, we must analyze the extent to which these factors and their individual elements facilitate or complicate compromise.

### **14.2.1 Inhibiting Structural Factors and Their Correctives**

#### **14.2.1.1 Historical Narratives**

As in many other conflicts, traditional narratives about the history of Nagorno-Karabakh have proved to be extremely effective for inhibiting any rapprochement of the conflict parties. Both sides use these narratives to legitimize their antagonistic positions and inertia, and to create enemy images that are used to mobilize

and demand allegiance. We find familiar topoi in all comparable conflicts, from handed-down claims to stylized victimhood.

In Nagorno-Karabakh, the mutual animosity began well before the current conflict. At the beginning of the 20th century, civil-warlike disturbances involving Armenians and Azeris galvanized both peoples for their respective national missions: Images of the enemy from back then continue to be used to encourage segregation and confrontation.

Azeris regard Armenians as an unwelcome group who, mostly during the 19th century, immigrated from Iran and the Ottoman Empire to its regions (then occupied by Russians) and displaced the resident population. In contrast, the Armenian side, which suffered from the Ottoman genocide during the First World War, sees little difference between Azeris and Turks, whom it views as the same ethnically related enemy that still has the same goal: wiping out the Armenian people. The enemy stereotypes are of Armenians, protected by Russia, who are stealing territory from Azerbaijan, and Azeris, who are lumped together with the genocidal Turks. These stereotypes help shape the two national identities.

The two sides use familiar templates to anchor their claims to settlements and regions in times immemorial and canonize them in national historiographies. Nagorno-Karabakh represents an important point of reference in both histories. Armenia's founding myth locates the "cradle of the Armenian nation" in Nagorno-Karabakh.<sup>2</sup> In contrast, Azerbaijani historiography considers the region as part of the ancient Caucasian Albania, which corresponds to present-day Azerbaijan.

However, Nagorno-Karabakh cannot invoke its earlier independence, which is always helpful for legitimizing secession. The region's lack of any sovereign tradition contrasts with Abkhazia, another long-term post-Soviet conflict.<sup>3</sup> However, both Armenia and Azerbaijan refer to their bloody fights for sovereignty in the disputed area.

Instead of arguing over a historical statehood that never existed, the opponents have been arguing over Nagorno-Karabakh's legal status in the Soviet Union. The Soviet leadership first issued a decision declaring Nagorno-Karabakh

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<sup>2</sup>Historical arguments have always figured prominently in the Armenian claim to Nagorno-Karabakh. This now seems to be slowly extending to the occupied territory, as indicated by the widely publicized discovery of ruins of the ancient city of Tigranakert, attributed to the Armenian king Tigranes, in 2005 and the 2010 opening of a museum in the occupied Azerbaijani city of Agdam (Crisis Group 2016, p. 12).

<sup>3</sup>A principality from the 15th to the 19th century with its own tradition of statehood, Abkhazia was a Soviet Socialist Republic from 1921 to 1931 before it was downgraded to being an autonomous republic of Georgia.

an autonomous region of Azerbaijan in July 1921. Baku continues to regard this ruling as confirmation of the Azerbaijani nation-state's rightful boundaries. The Armenians, however, consider that the Soviet ruling unfairly and artificially separated Nagorno-Karabakh from Armenian territory: Including the region into Azerbaijan was just a willful act of the Soviet regime under Stalin. Armenians used appeals, letters of protest and petitions to attempt to get that decision annulled and have Nagorno-Karabakh attached to Armenia. Moscow, however, rejected their requests, an act that Armenians viewed as violating the right to self-determination propagated by the Soviet government. Over the decades, while this created a kind of Karabakh grievance among Armenians, Azeris were mostly concerned about losing still more territory—in addition to the areas that Moscow had ceded to Armenia in the 20th century.

Both Armenia and Azerbaijan attempt to justify their territorial claims to present-day Nagorno-Karabakh by also referring to historical boundaries and purported cultural connections to the region. They use their own interpretations of history to legitimize their negotiating positions and prevent the opponent's claims from being accepted, thereby eliminating any compromise.

History, however, is not deterministic: It is used as a political instrument that can be applied in various doses as needed. However, especially in ethnic conflicts, the emotional identification with historical accounts can take on a life of its own and embolden hardliners on both sides of the conflict. A disabused standpoint would help adversaries recognize how their commonalities are systematically blanked out in favor of things that separate.

In fact, reframing some historical events could help reconcile the two sides' view of Nagorno-Karabakh. A prime political example is their joint statehood in the Federal State of the South Caucasus, which lasted from 1917 to 1936, with one interruption.<sup>4</sup> Moreover, Nagorno-Karabakh has not just been a byword for

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<sup>4</sup>To disassociate itself from the October Revolution, the administrative units of the Russian Provisional Government in the South Caucasus founded a single regional government on 14 November 1917, the Transcaucasian Commissariat, which on 22 April 1918 became the Transcaucasian Democratic Federative Republic—for approximately one month. On 26 May 1918, Georgia's declaration of independence put an end to the first modern state in the South Caucasus. This first experience of integration was renewed in the early phases of Sovietization, first in the Federative Union of Socialist Soviet Republics of Transcaucasia, founded on 12 March 1922, which was transformed into the Transcaucasian Socialist Federative Soviet Republic on 13 December 1922. Tbilisi was the capital of both entities. On 5 December 1936, after only 14 years, the federative bond in the South Caucasus was dissolved in the course of reforming the Soviet constitution.

Armenian-Azeri rivalry, as the city of Shusha, the old capital of the entire historical region of Karabakh, shows. Shusha's history does not just illustrate Armenian-Azeri rivalry, but also the two peoples' highly productive cultural interaction.<sup>5</sup> Once the regional center for carpet production, Shusha was also home to many Azeri composers and singers who made it famous as the musical capital of Azerbaijan.<sup>6</sup> During the Soviet era, Shusha was even declared an inspiration for Azerbaijani architecture and history. However, the city has also long been important for Armenian cultural life in the region. The Church of the Redeemer (Ghazanchetsots Cathedral) and the Green Church (Kanach Zham) in Shusha are keys to the religious identity of Armenians in Nagorno-Karabakh.

The history of the 20th century reveals another important and positive moment in the collective memory of the two peoples: the period of peaceful co-existence when they lived together and got along day in and day out.<sup>7</sup> Building on these and similar examples could gradually transform the historically antagonistic distortions and enemy images and make it possible to create a new, shared identity.

#### **14.2.1.2 The Intensity of Violence in the Conflict**

With regard to the course of the conflict itself, the main question is how much the experience of violence hinders its political settlement. Nagorno-Karabakh exhibits a marked amount of violence—including against civilians. The inter-ethnic violence, which began with demonstrations in 1988 and in 1992 escalated into an all-out war that lasted until 1994, included massacres like that in Khojaly in 1992. Tens of thousands died or were injured, and hundreds of thousands fled ethnic cleansing carried out by the military. This is no basis for a peaceable solution to the conflict.

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<sup>5</sup>Shusha was founded as the capital of the Karabakh Khanate (1748–1822), one of the most important feudal predecessor states on the territory of contemporary Azerbaijan that also included Nagorno-Karabakh and five Armenian principalities in the region. The successful 33-day-long defense of the Shusha fortress against the all-powerful army of the Iranian Aga Mohammed Khan Qajar in 1775 is a *lieu de mémoire* for a popular national-historical story of Azeri heroism.

<sup>6</sup>The great composers Uzeyir Hajibeyov and Niyazi and the singers Bulbul and Khan Shushinski all were born in Shusha.

<sup>7</sup>Here we should note that during the Soviet era, Armenia and Azerbaijan were home to large communities of the opposite ethnicity and that each ethnicity was the largest minority in the other country. According to the 1979 Soviet Census, the Armenian minority (including Armenians in Nagorno-Karabakh) represented 7.9% of Azerbaijan's total population (475,486 people), while the Azeri minority represented 5.3% (160,841 people) of Armenia's total population. The Nagorno-Karabakh Armenians represented one quarter (25.9%) of the Armenian minority in Azerbaijan (123,076 people).

Obviously, the two-year war that ended with Armenia's military victory created no peace. Nagorno-Karabakh thus contradicts the well-known thesis that military victories, rather than political compromises, guarantee a stable peace after civil wars. While the ceasefire of 1994 has largely held, the conflict continues to smolder with a low-level of violence and claims lives every year. It also repeatedly threatens to escalate, as in the "Four Day" war in April 2016. Ongoing exposure to violence emotionally burdens the conflict, making any peaceful settlement that much more difficult.

Violent experiences foster a specific type of remembrance of victims that interferes with reappraising the conflict in a way that could pave the way to compromise. Specifically honoring victims resuscitates enemy stereotypes on both sides and destroys any possible confidence building. Azeri commemorations of the Khojaly Massacre and Armenians commemorating the Sumgait Pogrom are typical examples: The images of victims and violence they cultivate make it extremely difficult for any individual from either side to suggest possible compromises to their communities.

#### **14.2.1.3 Geography**

The political and physical geography of Nagorno-Karabakh differs from that in the other cases we have studied. The fact of being an enclave should have hindered the region's secessionist aspirations and certainly strengthened the resistance by the central government. At the same time, Nagorno-Karabakh's geographic position has helped expand the conflict beyond its boundaries. In ethno-territorial conflicts, a peripheral location (border region or island) is generally said to have strong centrifugal effects whereas the contrary (an enclave in a heartland) is expected to foster centripetal tendencies and cause secessionist efforts to be strongly resisted. Nagorno-Karabakh is an ethno-territorial enclave within Azerbaijan that is separated from Armenia by the high mountains of the Lesser Caucasus, which make access even more difficult. It clearly exemplifies the second situation that should have inhibited secession and made it much harder for Azerbaijan to agree to any territorial compromise. However, Armenian irredentism and Yerevan's patronage have compensated for geography. Nagorno-Karabakh also sought to create an overland connection to Armenia, thus expanding the original conflict over its final status into a territorial conflict that involves shifting borders.<sup>8</sup>

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<sup>8</sup>Interestingly enough, in 1921 the Soviet leadership cited economic interrelations and constant connections with Lower Karabakh/Azerbaijan as its official reason for granting the region to Azerbaijan.

The Armenian military side strategically occupied the adjacent Azerbaijani regions and created an extensive “security belt” around Nagorno-Karabakh to offset the enclave’s precarious isolation and facilitate its control by shortening the length of the front line.

#### **14.2.1.4 The Ethnic Composition**

Another relevant factor is connected to the ethnic composition and structure of settlements in the secessionist area and the main state. Prior to the war, the situation in Nagorno-Karabakh proved contradictory. Armenians represented more than three-quarters of the population but the region also had a substantial number of Azeris. However, the Azeri and Armenian settlement areas were not compact: They were spread throughout the region—a situation that generally seems best suited to a system of autonomy with minority protection. Then, during the war, ethnic cleansing transformed Nagorno-Karabakh into a homogeneous, ethnically Armenian region. Nearly all the Armenians and Azeris left the (new) “enemy” country. At the onset of the conflict, in Azerbaijan proper only a tiny part of the population living in an equally tiny part of the country was of Armenian origin.

Although Armenians and Azeris have long been living in the same region, their basic ethno-cultural differences remain. An analogous situation has also made it difficult to settle the conflicts in Kosovo, Cyprus, and Bosnia and Herzegovina. Armenians are Indo-European, Azeris Turkic; Armenians are Christians with a national Apostolic Church, Azeris Muslims. Added to that, Armenians’ self-identification as the oldest Christian nation creates a kind of exclusivity for their national identity.<sup>9</sup> The two different ethnicities with historical animosities burden the conflict with identity issues that increase segregation, making it that much more difficult to negotiate compromises for any kind of coexistence.<sup>10</sup>

Unlike the Israeli-Palestinian conflict, however, the ethno-cultural differences in Nagorno-Karabakh have not caused it to become an international proxy

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<sup>9</sup>Christianity was declared the official religion of Armenia in the early 4th century, which is why the country views itself as the world's first Christian country and part of the Western world on the edge of Europe. Centuries of living in the Persian, Ottoman and other Islamic empires also created a very strong sense of Armenian national identity.

<sup>10</sup>In this respect, the following remarks by Robert Kocharyan, who first led the Nagorno-Karabakh secessionists before becoming President of Armenia, and who embodies the “Karabakh Issue” in Armenia like no one else, sound paradigmatic: “[E]ven if it had been good in Azerbaijan, then these problems would have risen all the same. There is something more than good or bad life that people understand and that pushes those people towards independence” (De Waal 2003, pp. 139–140).

conflict between Muslims and Christians—despite efforts by Armenia and its diaspora to portray themselves as endangered Christian outposts.<sup>11</sup> The role of its next-door neighbor Iran is striking in this respect: The Shia Muslim theocracy cultivates friendly relations with both Christian Armenia and Muslim Azerbaijan, which after Iran, has the world’s largest percentage of Shia among the country’s total population. In the case of Nagorno-Karabakh, the clash of cultures that has been invoked so often since the end of the Cold War does not seem to apply.<sup>12</sup> Yerevan greatly appreciates Iran’s neutrality, especially because Iran is the only country that shares borders with Armenia, Azerbaijan, and the occupied areas of the conflict region. Armenia’s National Security Strategy of (2007) described the Islamic Republic as a “factor for ensuring stability and balance” in the region. From the Armenian point of view, Iran is an “important regional power” which as the “representative of the Islamic world” pursues “a balanced approach” to the conflict in Nagorno-Karabakh.<sup>13</sup>

Alongside the religious factor, the ethno-linguistic factor is not significant for how the Nagorno-Karabakh conflict is regarded internationally. Unlike Ankara, the Central Asian Turkic-speaking republics of Kazakhstan, Uzbekistan, Kyrgyzstan, and Turkmenistan have not sided with Azerbaijan but have remained neutral. This is documented by Armenia’s acceptance into the Eurasian Economic Union along with Kazakhstan and Kyrgyzstan (despite initial quarrels over Nagorno-Karabakh) and its membership in the post-Soviet military alliance, the Collective Security

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<sup>11</sup>Although this is the source of the West’s general sympathy for Armenia, its direct effects are limited. The US was the only Western country to impose sanctions against Azerbaijan in 1992—a sign of one-sided solidarity helped by the Armenian diaspora’s intensive lobbying.

<sup>12</sup>In any case, the conflict in Nagorno-Karabakh refutes Samuel Huntington’s well-known thesis: “The world of Islam divides and subdivides. The battle lines in the Caucasus [...] are not coextensive with civilizational fault lines. The lines follow the interests of states. Where Huntington sees a civilizational duel between Armenia and Azerbaijan, the Iranian state has cast religious zeal and fidelity to the wind. Indeed, in that battle the Iranians have tilted toward Christian Armenia” (Ajami 1993, p. 9). Pakistan is the only Muslim country that has not established any diplomatic relations with Armenia because of the conflict in Nagorno-Karabakh, whereas Turkey’s lack of relations with Armenia can be explained along “ethno-linguistic” lines.

<sup>13</sup>The land route through Iran serves as an alternative to Georgia for Armenia’s imports and exports and ensures Armenia access to Asia and the Middle East. Rich in oil and gas, Iran also significantly contributes to Armenia’s energy security, for example, through the gas pipeline between the two countries.

Treaty Organization (CSTO). By and large, the Turkic-speaking post-Soviet states are cultivating relations with Armenia that are unencumbered by the conflict.<sup>14</sup>

#### 14.2.1.5 Economic Factors

Economic factors, which often prove to be big obstacles to settling a conflict, are not important with regard to Nagorno-Karabakh. Both Armenia and Azerbaijan are classified as economies in transition. They are far from being “developed,” which is considered to present the best conditions for peacefully resolving a conflict. The World Bank (2015) classifies the two as “middle-income” countries: fossil-rich Azerbaijan, which exports a lot of energy, is “upper” and Armenia “lower.”<sup>15</sup>

The conflict region itself is largely agricultural, with no significant natural resources or raw materials. Nagorno-Karabakh does not represent an important economic factor for either Armenia or Azerbaijan.<sup>16</sup> Nor were economic factors (such as profound inequality or expectations that it could develop better economically without Azerbaijan) a reason for Nagorno-Karabakh to secede. However, since then the region’s economic situation has deteriorated, mainly due to its international isolation. In 2015, Nagorno-Karabakh had a per-capita gross domestic product (GDP) of USD 2959, slightly more than half (54%) of Azerbaijan’s per-capita GDP of USD 5500.<sup>17</sup> It is highly dependent on Armenian subsidies and money transfers from the Armenian diaspora. Armenia’s per-capita GDP is somewhat higher (USD 3610) than that of Nagorno-Karabakh (World Bank 2015).

<sup>14</sup>In August 2017, Turkmenistan President Gurbanguly Berdimuhamedow made an official visit to Armenia. He and the Armenian president announced, “Armenia and Turkmenistan will continue to build their relations in the spirit of mutual trust, guided by the principles of equality, non-interference in each other’s internal affairs, respect for mutual interest and benefit” (Press Releases, Joint Statement by President of the Republic of Armenia Serzh Sargsyan and President of Turkmenistan Gurbanguly Berdimuhamedow, 24 August 2017, [www.president.am](http://www.president.am)).

<sup>15</sup>Countries whose gross national income (GNI) per capita was between USD 4126 and USD 12,736 in 2014 were defined as upper middle-income economies; those with per-capita GNI between USD 1045 and USD 4125 in 2014 were defined as lower middle-income economies.

<sup>16</sup>In 2015 Azerbaijan’s GDP totaled USD 53.074 billion, whereas Armenia’s GDP was USD 10.529 billion and Nagorno-Karabakh’s GDP was USD 0.429 billion (Statistical Yearbooks of Nagorno-Karabakh Republic, in: [www.stat-nkr.am/en](http://www.stat-nkr.am/en)).

<sup>17</sup>Ibid.

Azerbaijan's accelerated development is largely a result of increased oil sales since 2006, which have boosted the government's self-confidence and made it more assertive in peace negotiations.<sup>18</sup> Another factor is Azerbaijan's military buildup. Between 2006 and 2015, Azerbaijan's average growth rate (9.6%) was more than twice that of Armenia (4.4%) although that does not seem to have made Baku more economically attractive to the secessionist territory. With growth dependent on energy exports, Azerbaijan experiences greater economic fluctuations (with a standard deviation of 10.8) than does Armenia (standard deviation of 7.3) (World Bank 2006–2015). This could be another reason why, despite the fact that Nagorno-Karabakh is lagging behind, economic incentives to come to terms with Azerbaijan have not materialized.

#### **14.2.1.6 The Type of Political Regime**

In the relevant literature, the political regimes of countries in conflict are viewed as significant factors for managing the conflict. Nagorno-Karabakh is a perfect example of how a political regime's ambivalence can encourage the escalation and/or settlement of an ethno-territorial conflict. The conflict that had been settled early in the Soviet era violently flared up again during the Soviet Union's phase of democratization in the late 1980s. Back then, and also during the early 1990s, democratization in the post-Soviet states of Azerbaijan and Armenia strengthened nationalism and intransigence and were used for mobilizing by protagonists on both sides: They preferred to go to war rather than negotiate a political settlement.

All relevant indices on the character of political regimes worldwide indicate that the conflict parties represent political systems dominated by a single party (see Spanger 2018). Our case studies of the Åland Islands, Northern Ireland, Quebec and South Tyrol show that the existence of established democratic-pluralistic institutions and standards make it easier to peacefully resolve a conflict (contemporary Scotland and Catalonia belie this finding, however). The parties to the Karabakh conflict lack the normative and institutional mechanisms of developed democracies that can help facilitate peaceful negotiated settlements to political and even ethno-territorial conflicts, albeit with greater difficulty. Specific conditions can also hamper the development of a political culture that helps the conflict parties leave their ideological trenches and acknowledge opposing positions and interests—and reach a compromise.

On the other hand, single-party regimes can also present opportunities for resolving conflicts. Negotiations over Nagorno-Karabakh are the prerogative

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<sup>18</sup>Since 2014, however, economic development has clearly suffered from the drastic drop in oil prices.

of the two leaders and foreign ministers, which means that they are practically conducted in secret with no involvement from other institutions or actors. While democratic inclusiveness is lacking in this case, theoretically it could facilitate the search for alternatives to the long entrenched positions. Such top-level negotiations can also facilitate diplomatic breakthroughs since both leaders command relatively stable political regimes and enjoy significant freedom to negotiate. If they manage to negotiate a compromise solution, they will probably be able to muster sufficient political authority and strength from their constituencies to push it through. In the case of Nagorno-Karabakh, however, there is not much evidence of this yet: So far, the political leaders in both Armenia and Azerbaijan have been generally intransigent and the elites have strongly resisted any potential changes in direction. One example of this was the government crisis in Yerevan in February 1998: President Ter-Petrosyan, who gave the impression that he was ready to compromise with the Minsk Group's December 1997 proposal for a phased ("land for peace") approach, was forced to resign by hardliners under Prime Minister Kocharyan, the former leader of the Karabakh Armenians. Then in April 2001, Azeri President Heydar Aliyev was forced to let a different peace plan fail during the Key West talks after three high-ranking members of his administration (including the foreign minister) resigned to protest another compromise proposal (a "land swap") which he was seriously considering.

The decades-old unsuccessful negotiations have created a permanent condition of "no war, no peace" which the adversaries appear to accept. For the elites in both countries the conflict has also become a unique power resource that they can use to create political capital: Hardline positions provide time-tested and relatively risk-free legitimization by grooming their nationalistic/patriotic clientele and stoking the latently bellicose public opinion.<sup>19</sup> Focusing on an external enemy always helps to distract from social and democratic deficits.

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<sup>19</sup>This attitude is reflected in many opinion polls: In 2013, a survey in Azerbaijan determined that of those questioned, an overwhelming majority (82%) strictly rejected the compromise solution of an independent Nagorno-Karabakh, whereas just 8% of those polled stated that they would accept that under certain conditions. In Armenia, public opinion is exactly the opposite, with the overwhelming majority (77%) in favor of uniting the conflict region with Armenia, while 56% support independence for Nagorno-Karabakh. As many as 95% of Armenians are against Nagorno-Karabakh becoming an autonomous region within Azerbaijan; just 2% would accept this under certain conditions. Regarding the proposal of a special administration for Nagorno-Karabakh to be jointly controlled by Baku and Yerevan: In Armenia, 93% reject this out of hand, compared with 90% in Azerbaijan (Caucasus Barometer 2013, <http://caucasusbarometer.org/en/datasets>).

Compounding this difficult situation is the fact that the conflict helped establish the current regimes. Armenia's President Serzh Sargsyan (2008–2018) and his predecessor Robert Kocharyan (1998–2008) both came from Nagorno-Karabakh; the two victorious commanders were able to catapult to power in Armenia. The country has thus been dominated by the “Karabakh faction” that personally identifies with the conflict. As for Azerbaijan, Heydar Aliyev came to power in 1993 during the war, albeit under opposite conditions: He ended what appeared to be an unwinnable war. In 2003, the successful transfer of power to his son Ilham Aliyev cemented the control of the New Azerbaijan Party (formed by Heydar Aliyev in 1992), which threatens to reconquer the occupied regions.

However, it is unrealistic to assume that regime change and democratization could break the stalemate. Experience shows that a second wave of democratization during a decades' old frozen conflict would most likely lead to renewed nationalistic mass mobilization. That is, a democratization process in one or both of the conflict countries could actually cause an escalation and resumption of war.

#### **14.2.2 Procedural Factors to Watch: From Mediation to the “Ripe Moment”**

One unique aspect of the conflict in Nagorno-Karabakh is that the passage of time has not brought the conflict parties' negotiating positions any closer. In fact, they have become more radical. The “Karabakh faction” that took power in Armenia in 1998 made the Karabakh Armenians' maximalist demands for full sovereignty official state policy.<sup>20</sup> Since then, the Armenians have favored a package solution. However, since assuming power in Azerbaijan in 2003, Ilham Aliyev has generally rejected that and increasingly advocates a step-by-step solution.

In this connection, Baku's categorical rejection—since 1997—of any representatives from Nagorno-Karabakh participating in any negotiations, because that would upgrade the region's political status, has been a major hindrance. In turn, Yerevan demands Baku recognize Stepanakert as an independent party to the conflict and in negotiations, and insists that Nagorno-Karabakh must approve any political settlement. Similar positions on secessionist territories have also blocked rapprochement in other ethno-territorial conflicts.

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<sup>20</sup>While it is true that President Ter-Petrosyan (1991–1998) also supported Nagorno-Karabakh's right to self-determination and viewed Armenia as the guarantor of the Nagorno-Karabakh Armenians' security, his government “repeatedly stated” that it had no territorial claims regarding Azerbaijan (Zourabian 2006, p. 259).

Another hindrance to negotiations is the total ban on communication which implies that there have been no confidence-building efforts. Both conflict parties insist on advance concessions from the other side—a highly effective blocking measure. Baku continues to insist that its accommodation depends on Armenian concessions, such as evacuating at least part of the occupied territories. Only after that is done could Azerbaijan rule out taking Nagorno-Karabakh back militarily and begin to negotiate other steps towards rapprochement. Armenia for its part insists that Azerbaijan take the first step by withdrawing its snipers from the ceasefire line and credibly renounce the use of force. True, both Armenia and Azerbaijan have declared that they are open to compromise—in principle. Nevertheless, deep mutual mistrust prevents both sides from daring to make even a small first step towards rapprochement. The intensive arms race between Baku and Yerevan is another expression, and source, of mistrust.

Compared to many other ethno-territorial conflicts, external actors are not much involved in settling the conflict in Nagorno-Karabakh. Even before the 1994 ceasefire, the OSCE Minsk Group was created with three permanent members of the UN Security Council as joint chairs. However, aside from this early stab at conflict intervention and the subsequent Minsk negotiations, international actors have shown little inclination to get deeply involved. No external powers—who declare themselves responsible for world peace—have taken any substantive positions on the conflict. They restrict themselves to “facilitating” and “mediating.” They assume that “[o]nly a peaceful, negotiated settlement can allow... [them] to move beyond the status quo” and explicitly limit themselves “to assist[ing] the sides... [T]he responsibility for putting an end to the Nagorno-Karabakh conflict remains with them” (White House 2013).

All international actors have dismissed the idea of “power mediation.” They have not used either political or economic pressure, nor have they indicated any readiness to intervene militarily if need be. This emphasizes that unlike other conflicts in the South Caucasus, the conflict in Nagorno-Karabakh has not affected any immediate interests of the relevant great powers and they need not deal with the problem of seeking a way out of a military intervention like in the Balkans in the 1990s. Apart from Russia and its ambivalent regional interests, no international protagonists have felt a strong need to try to resolve the conflict peacefully.

Fortunately, the conflict in Nagorno-Karabakh is neither the object of great power rivalries nor a proxy conflict that could block an external solution. In this case, Russia’s great power interests on one side and those of the US and the EU on the other are largely compatible. That cannot be said of the conflicts in Georgia (over Abkhazia and South Ossetia) and Moldova (over Transnistria), or Eastern Ukraine and the annexation of Crimea.

Russia is directly involved in all these conflicts on the territory of the former Soviet Union. In Nagorno-Karabakh, however, Russia's involvement is only indirect: There it is both a critical and a questionable actor. On one hand, the Kremlin has taken a central position in mediating a peaceful settlement to the conflict while, on the other hand, Moscow has been delivering weapons to both sides. The arms do less to deter and more to perpetuate the state of war. Russia is militarily allied with Armenia and has a robust military presence in the country. It provides security guarantees to Yerevan, primarily through its CSTO membership, which neutralizes the potential effect of the weapons Russia sells to financially strong Baku on a purely commercial basis.

Moscow's role as an external veto power is also central—in two regards. On one hand, Russia is the only external actor that could contain and actually stop a new war between the conflict parties, as was evident during the April 2016 clashes, when Moscow forced them to a ceasefire. On the other hand, any amicable resolution to the conflict that goes against Moscow's will is unimaginable. But this does not imply that Russia could unilaterally bring about a peaceful resolution to the conflict if it wanted to.

Moscow's main strategic interest is controlling the military and political situation surrounding the conflict that binds the two adversaries to Russia and ensures its regional dominance. The big neighbor to the north thus pursues a minimalist approach. It wants to prevent a new escalation of the conflict and is satisfied with the status quo. The Kremlin is more concerned with managing the conflict than resolving it. Having a positive image as a mediator is more important than getting real results.

Since the conflict began, two countries have imposed sanctions on one of the two parties. In 1992, under the influence of the Armenian lobby, the US Congress prohibited direct aid to Azerbaijan for as long as Baku took no “demonstrable steps to cease all blockades and other offensive uses or force” against Armenia and Nagorno-Karabakh (U.S. Congress 1992, p. 38). The US was the first country to impose direct sanctions in the conflict in Nagorno-Karabakh. Since then, US humanitarian and technical support for Azerbaijan has been legally restricted and linked to a moratorium that the US president has to renew each year. From Azerbaijan's point of view, the US sanctions turned the perpetrator-victim relation on its head, and have little or nothing to do with a sensible negotiating strategy on the part of the USA.

Following the USA, Turkey imposed sanctions on Armenia. Ankara had in fact recognized Armenia's independence in December 1991 but did not establish formal diplomatic relations. In 1993, when Armenia occupied territory outside Nagorno-Karabakh, Turkey closed its border and cut its rail connection to

Armenia. Although Ankara regards the Nagorno-Karabakh conflict as Armenian aggression against Azerbaijan, it has played virtually no role in any peacemaking efforts.<sup>21</sup>

To sum up, for the past 25 years, the conflict parties have conducted partly intensive peace negotiations that, according to diplomatic circles, were close to a breakthrough a fair number of times. However, none was ever achieved. The positions of Armenia and Azerbaijan have not grown closer: On the contrary. Despite numerous attempts—with the help of third parties—to find compromises that could last, the antagonists have never been able to agree. Instead, the conflict continues to smolder with a low level of violence. This raises the question of the last potentially crucial factor: the timing of the sought-after settlement. When will the conflict reach a “mutually hurting stalemate” that helps no one and causes everyone to suffer equally? In theory that would be the “ripe moment” to find a successful compromise to the conflict in Nagorno-Karabakh.

However, both parties are still playing a zero-sum game and practicing strategies of attrition, expecting the other side to suffer more and finally give up. Azerbaijan responds to Armenia’s policy of occupation with its own policy of isolation. The government in Baku has been trying to prevent Yerevan from participating in all the big projects in the region: the Baku-Tbilisi-Ceyhan crude oil pipeline, the South Caucasus gas pipeline and the Baku-Tbilisi-Kars railroad line, all of which are operating around Armenian territory. Armenia’s isolation is supposed to force it to compromise. Yet Yerevan has not moved from its expectation that sooner or later Baku will get used to losing Nagorno-Karabakh, which resembles a “lose-lose more” strategy. Armenia views any change in the military-political status quo or a withdrawal from parts of the occupied areas as its strategic loss, while Azerbaijan regards any change in the regional geostrategic network of relationships as undercutting its pressure on Armenia. That is why in 2010, Baku vehemently and successfully fought the opening of the Turkish-Armenian border, which would have ended Armenia’s isolation.

Having lost the war, Azerbaijan views itself as the victim and interprets Armenia’s negotiating practice as a kind of salami tactics: Yerevan is trying to make only rhetorical—or at most minimal—concessions in order to prolong negotiations because it is not at all interested in changing the status quo. Armenia counts

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<sup>21</sup>In 2009/2010, it looked as if Washington might be able to force some change in the frozen relations between Ankara and Yerevan. However, this failed because no progress was made in settling the conflict in Nagorno-Karabakh, which the Turkish side had insisted on including in the negotiations.

on the negotiations either being ended with minimal concessions or broken off with absolutely no results. The positions remain entrenched. The Minsk Process is leading nowhere, which is why, from time to time, the Azerbaijani side asks what the point of negotiations is and threatens to use its ultimate form of pressure—its military—in order to prevent the Nagorno-Karabakh conflict from remaining frozen and forgotten by the international community.

The factors influencing the Nagorno-Karabakh conflict and its settlement create a very complex, contradictory, and overwhelmingly negative image. Nevertheless, the situation is not hopeless. In many comparable cases that have been resolved (such as Bosnia-Herzegovina and South Tyrol), the conditions were also complicated and appeared to preclude any settlement for a very long time. Any possible approach to peace is worth trying—no matter how small it may be. With this in mind, we next discuss what could be applied to Nagorno-Karabakh from comparable conflicts, and how crucial factors can be enhanced or neutralized. This is urgently needed. The status quo is anything but stable. It contains a potential for violence that could erupt at any moment.

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### **14.3 How Can the Conflict Be Settled? Options for Compromise and Paths to Understanding**

The conflict in Nagorno-Karabakh has two dimensions that are linked but should be analyzed separately. One concerns the type of agreement to be reached, specifically, the desired form of settlement; the other is about a settlement process that creates sufficient trust and the proper political climate to stimulate an understanding.

The main questions are: Do the conflict parties share any points of reference that could bring them closer and enable them to reach an understanding? Which role(s) could or should the relevant international actors play? As in other ethno-territorial conflicts, Nagorno-Karabakh is blocked by what appears to be the irresolvable contradiction of two principles of international law: territorial integrity and national self-determination. This has created a zero-sum constellation that only accepts maximal solutions and demands. A way out of this impasse must be charted. This must be possible for the conflict in Nagorno-Karabakh—even if the protagonists persistently invoke the singularity of their case. Protagonists in other conflicts do that, too.

A compromise must be found between Nagorno-Karabakh's secession and its reintegration. Both sides will have to make concessions regarding their ideal visions. The settlement process is about organizing a rapprochement that makes

this possible, which generally happens by adopting new perspectives and changing priorities. This could involve minimizing the significance of identity so that greater emphasis can be placed on the conflict parties' interests. Such a shift in emphasis makes it easier to balance competing interests and more soberly reassess pros and cons. This increases the chances of agreeing on interim solutions and the acknowledgment that an unresolved frozen conflict holds unjustifiably large risks in the long run: not just the daily skirmishes at the line of contact, but also the repeated combat operations. Not to mention the opportunity costs of latent war.

Nevertheless, the great emotionalism that can mobilize masses makes ethno-territorial conflicts particularly resistant to any kind of understanding or compromise. Highly emotional issues regarding identity tend to drown out mundane concerns. This explains the indispensable role of the international community, provided it adopts a clear and resolute position.

Below we discuss and evaluate the schemes and approaches for settling such type of conflict, taking into consideration the unique contextual factors. International experiences have already been considered in the Minsk Process (cf. chap. 2), and Azerbaijan and Armenia have negotiated a number of creative proposals. In due consideration of this, we will systematically examine the entire range of available schemes and processes and assess their potential applicability to Nagorno-Karabakh. These involve:

- a) *Models for settling ethno-territorial conflicts*: Which schemes for compromise are relevant for Nagorno-Karabakh and under which preconditions? How could they contribute to conflict settlement?
- b) *Approaches for reaching a solution*: Which procedures and which preconditions could enhance the prospects for a peaceful solution? Which measures and steps could help move the intractable situation towards a resolution?

### **14.3.1 Models for Settling the Conflict**

In the 13th chapter, we presented the range of possible arrangements for the final status of disputed settlement areas and identified eight models: independence, conditional independence, autonomy, federation, confederation, minority protection, condominium, and international mandate or protectorate. In the Armenian-Azerbaijani conflict, negotiations focus on options for autonomy within the Azerbaijan state and independence, which most probably entails Nagorno-Karabakh's subsequent union

with Armenia. This rigid alternative will be expanded and augmented through our systematic consideration of three approaches:

1. Internal settlement in the form of autonomy, federation, or confederation: Nagorno-Karabakh would be reintegrated into the Azerbaijani state under certain conditions.
2. Secession in the form of independence for Nagorno-Karabakh: Nagorno-Karabakh would leave the Azerbaijani state under certain conditions.
3. Sovereignty for Nagorno-Karabakh in the form of an international mandate, protectorate, or condominium that is externalized or shared among the conflict parties.

#### **14.3.1.1 Variations of an Intra-State Settlement**

There are three possible models for an internal settlement: autonomy for Nagorno-Karabakh, federalizing Azerbaijan (with two or more member states including Nagorno-Karabakh) and the confederation of Azerbaijan and Nagorno-Karabakh. All these schemes could create a political order in which Nagorno-Karabakh Armenians would enjoy a legal, politically protected status as a separate nationality within Azerbaijan. This scheme is similar to the cases of Quebec, the Åland Islands, Bosnia and Herzegovina, South Tyrol or what is envisaged for Cyprus. Most internal conflict settlements consist of an arrangement protecting the ethno-cultural minority with guarantees that allow them to broadly defend their interests as a political entity without impairing the functioning of the whole state.

##### *Autonomy*

The most obvious and most discussed variation of an internal settlement consists of expanded autonomy for Nagorno-Karabakh, which is Baku's preferred solution. It is associated with Nagorno-Karabakh's Soviet-era autonomy but in the spirit of compromise, promises a major institutional upgrade. Autonomy is a common way for external actors to settle ethno-territorial conflicts because the international community is very reluctant to accept secessions. Autonomy settlements are the dominant model among the cases we analyzed such as in South Tyrol, Åland, Northern Ireland, and Quebec.

Self-determination—which originally did not refer to ethnicity but rather to democracy, in accordance with self-rule—is entirely possible within a single state. This is shown by Switzerland and its partly sovereign cantons, which have broad legislative powers (cf. Schoch 2000), and South Tyrol (cf. chap. 8), whose success is based on the “Autonomy Package” which was phased in between 1972 and

1992, when the conflict was declared settled. The South Tyrolean model fulfills two basic goals of an extensive autonomy: the right to independently shape political competencies in policy areas that are essential to the South Tyrolean minority, and effectively maintaining the minority's linguistic and cultural identity. When such an approach succeeds, a linguistic, ethnic or religious minority's self-rule within a given state can be given precedence over their secession. The old city republic of Geneva that Napoleon had annexed to France sought to become part of Switzerland after his defeat, because it expected to have more sovereignty and self-determination as an independent Calvinist canton than on the periphery of centralist, Catholic France—notwithstanding the shared French language. At some point, most South Tyroleans preferred autonomy to joining the Austrian federal state of Tyrol, despite centuries of unity and their common German language. Experts of international law speak of “internal self-determination” that protects the common good and the identity of the affected population group and prevents cultural and linguistic outvoting. In 1997, then-Armenian President Ter-Petrosyan got to the heart of the matter when he said: “It should not be about calling for a return of Karabakh but rather that Karabakh remains Armenian: Armenians have lived there for 3000 years and should remain there another 3000” (ANI Armenian Research Center 2017).

The practical challenge of such a settlement is defining what “expanded” autonomy could and should look like. In the dispute over Kosovo’s status, Belgrade also promised “more than autonomy but less than independence,” without ever explaining what that would mean.<sup>22</sup> Serbia, on the other hand, presented its new constitution that enshrined Kosovo as part of Serbia to Serbs but not to Kosovo Albanians, although it considered them as belonging to the same state. Kosovo simply declared its independence while the Dayton Agreement established “cantons” and “entities” in Bosnia and Herzegovina to preserve the state and at the same time grant maximal self-determination to the three ethno-national communities. The Dayton safeguards were big enough to pacify the conflict, although serious operational shortcomings have since come to light. As for South Tyrol, after much hesitation Rome finally introduced extensive (special) autonomy for the province of South Tyrol within the autonomous region of “Trentino-Alto Adige” in order to prevent German-speaking South Tyroleans from being outvoted.

In order for Nagorno-Karabakh to have a chance at autonomy, Baku must substantiate what exactly it envisions as “expanded” autonomy. Rights must also be

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<sup>22</sup>What, for instance, would that have meant regarding the reintegration of Kosovo Albanians in the Serbian army or police force?

substantively and reliably guaranteed. As in the case of the Åland Islands, Azerbaijan's central government must be allowed to only veto Nagorno-Karabakh laws that overstep its autonomy-linked competencies or endanger the whole country. Åland shows how broad autonomy rights can be designed with respect to the rest of the country's population. The Ålanders have Finnish citizenship and their own "home region rights" (*hembygdsrätt*). These rights are tied to certain unique privileges: the right to vote and be a candidate for their own parliament, and the right to own property and do business on the islands. Åland's demilitarized status also exempts everyone with the right to residence from conscription to the Finnish defense forces. Finally, Ålanders are entitled to approve all international treaties that affect them.

This catalog could be used as a blueprint for Nagorno-Karabakh's expanded autonomy. In some policy areas, the arrangements have to go much beyond the traditional issue-specific power sharing that autonomy statutes usually grant to protect only linguistic, cultural, and religious identities. Such a restriction is usually meant to prevent autonomy from blocking the entire country, a problem for the entities in Bosnia and Herzegovina.

A sober calculation reveals that autonomy presents clear advantages for Nagorno-Karabakh. One aspect is its geographic link to Azerbaijan: Autonomy would facilitate development of the territory's economic and transportation connections, which in turn would positively impact the surrounding regions. Azerbaijan's economic potential, which is far superior to that of Armenia, along with its financial resources, also presents opportunities for relatively poor Nagorno-Karabakh. The case of South Tyrol again serves as an example: Once a province of mostly poor mountain farmers, South Tyrol is now one of Italy's wealthiest provinces. It even has no debts, which in habitually indebted Italy really says something. South Tyrol benefited not only from Italian government grants, but also from Italy's membership in the EC/EU that granted significant regional funds to the autonomous province. South Tyrol was thus able to distinguish itself from North and East Tyrol, because Austria only joined the EU in 1995. In the same vein, if Nagorno-Karabakh became prosperous compared with Armenia like South Tyrol did in comparison with North and East Tyrol, it could develop its own political and economic interests and self-confidence. This, however, would require creating incentives, for instance in the form of special offers, such as announcing a "Develop Karabakh" initiative and financial transfers. The regional road network, municipal infrastructure and energy supply urgently need to be upgraded. Creating competitive structures, renovating and modernizing homes, and building new housing are also needed.

However, the region's violent history and the emotionalism of the conflict make an autonomous settlement difficult. The Armenian minority remains terrified of being outvoted, particularly because of its collective memory of the genocide perpetrated by (Young) Turks. In this respect, Nagorno-Karabakh exhibits structural similarities not just with Palestine, but also with Cyprus, where the one-state solution proposed by all international mediators has not yet been implemented—despite professions of intent by both sides as well as local border traffic, which is still lacking in Nagorno-Karabakh.

### *Federation*

A different internal settlement would make Nagorno-Karabakh a federal subject of Azerbaijan. Defined as a power-sharing political entity composed of numerous subjects of partially self-governing states or regions, unlike a unitary state, a federation does not just delegate competencies or grant autonomy. Were the conflict in Nagorno-Karabakh to be settled in a federation, the centralized state of Azerbaijan would become a new state composed of Nagorno-Karabakh and the rest of the country—that could also be federated. Nakhichevan is one obvious candidate.

In a federation, competencies are established like those in autonomies: Nagorno-Karabakh would independently legislate education, culture, health-care, and social affairs, as well as economic and transportation policy, and control its domestic security (the police and judicial system). Foreign, security, and economic policy would remain the purview of the federation. The cantons in Switzerland and the reforms in Belgium that transformed it into a federal state between 1970 und 2012 could serve as models, along with the Dayton Agreement for Bosnia and Herzegovina. One of Dayton's most significant compromises—and after the civil war, the most sensitive—was on defense policy. Dayton allowed separate forces in Bosnia and Herzegovina at the beginning, which was necessary until a national defense ministry was created and the entities' troops could be incorporated into the new federal forces. Something similar is feasible for Nagorno-Karabakh. The region could even get a say in foreign policy, with the stipulation that all of Azerbaijan's international treaties affecting the mountainous region would require its approval. This important element was used in Belgium's federative model, whereas in Switzerland, referendums are required for all international treaties.

A federation is a particularly suitable framework for a consociationalist system that ensures ethnic and religious minorities political participation at the federal level and facilitates consensus. Such a system can even become the institutional mechanism of a permanent compromise between the conflict parties. Consociationalism helps facilitate non-violent conflict transformation in deeply

divided societies. For example, it helped to end the civil war in Lebanon. Such systems underlie all UN plans for the reunification of Cyprus—that have not been implemented. Although the consensus is that Cyprus should become a federation of two states with a bicameral legislature, opinions are divided over the concrete design: The Turkish side demands the creation of a new state with two largely independent entities, a federation that is really a confederation. The Greek side believes that the Turkish solution would undermine joint statehood and insists that the Republic of Cyprus be transformed into a federation that actually resembles a unitary state. The great asymmetry between Azerbaijan and Nagorno-Karabakh, along with Azerbaijan's tradition of a centralized state, makes federation even more difficult.

### *Confederation*

Another option is a confederation, which is based on joint power: It is a union of two sovereign states. This implies granting maximal sovereignty to Nagorno-Karabakh: A confederative solution marks the transitioning to (conditioned) independence. Like Kosovo, the region would only be restricted in terms of choosing its partner. It would never be able to unite with Armenia.

Regarding both schemes, one constraint immediately strikes the eye. As a unitary state with a centralized presidential government, it would be very hard for Azerbaijan to consider either a federative or a confederative solution with Nagorno-Karabakh. Back in 1998, the Minsk Group's common-state plan that foresaw a joint state for Azerbaijan and Nagorno-Karabakh failed because Azerbaijan would not accept Nagorno-Karabakh as its equal (Babajew 2014, pp. 72–73).<sup>23</sup>

#### **14.3.1.2 The Alternative: Secession with Strings Attached**

Theoretically, Nagorno-Karabakh's secession could be carried out in three ways: independence with all sovereign rights and UN membership; conditional independence with limited rights (like Kosovo); or in a union with Armenia (as was contemplated prior to Russia's annexation of Crimea). The only possible compromise solution is conditional independence for Nagorno-Karabakh, but Armenia's occupation of Azerbaijani territory and its territorial demands would make it difficult to demarcate the border. Relevant conditioning and specific restrictions could be written into a state treaty.

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<sup>23</sup>In this respect, Armenia is not very different from Azerbaijan.

The Ahtisaari Plan for Kosovo's independence is an exemplary way to introduce such conditioning. The "internationally supervised independence" enshrined the following conditions for independent Kosovo:

1. *No irredentism.* Any effort to found a Greater Albania or make other changes to the borders is prohibited. Kosovo's constitution, which incorporated the Ahtisaari Plan, makes no territorial claims against neighboring states nor does it aspire to union "with one state or a part of a state"—Albania or the Albanian part of Macedonia. The Republika Srpska in Bosnia and Herzegovina is similarly forbidden to unite with Serbia. A similar condition could be applied to Nagorno-Karabakh, prohibiting unification with Armenia. Nagorno-Karabakh could also be constrained to military neutrality.
2. *Return of refugees and property.* The Ahtisaari Plan grants all refugees and IDPs the right to return to Kosovo and recover their property. The same could be stipulated for Nagorno-Karabakh: All Azeris who had fled or were driven out of the region would have the right to return and restitution. Most likely, only a limited number of refugees and IDPs would return. Judging from the experience of Kosovo Serbs, they would exercise their claims to restitution and then want to sell their homes.
3. *Protection of ethnic minorities.* Non-Albanian minorities in Kosovo, particularly Serbs, receive special protection in the Ahtisaari Plan. Serbian is an official language of Kosovo, along with Albanian. In addition, the ethnic communities are accorded "cross-border cooperation on matters of mutual interest." The Serbian minority may closely follow Serbia, particularly with regard to education and healthcare issues. Should Nagorno-Karabakh be granted independence, something similar could be agreed for returning Azeris: a special relationship with Azerbaijan and bilingualism in Nagorno-Karabakh. In Kosovo, and in Bosnia and Herzegovina, this solution had to be implemented under international monitoring and in the presence of a foreign military force. These conditions are obviously lacking in the case of Nagorno-Karabakh, but could be compensated through the introduction of an international peacekeeping force.

Nagorno-Karabakh's secession pursues the persuasive power of facts. As those who do not have (international) law on their side always say, "Realities have to be acknowledged." Conditional independence would mean that the Armenian side had more or less achieved its war aims. Compromise would be necessary, yet compared with the latent danger of war under less favorable conditions than in the 1990s that would be a smaller sacrifice for Yerevan and Stepanakert. Since

Azerbaijan's offensive in April 2016 at the latest, the risks for Armenia should have been obvious. In 1997, President Ter-Petrosyan had warned his compatriots, "In the future we will have to request what we are rejecting today—as has often happened to us in the past" (ANI Armenian Research Center 2017).

Although Azerbaijan would lose more in this kind of settlement, it would receive partial compensation thanks to two elements in Nagorno-Karabakh's conditioned independence. One would be linked to Armenia evacuating the occupied Azerbaijani territories (possibly with special arrangements for the Lachin Corridor, the shortest route between Armenia and Nagorno-Karabakh). The persuasive power of facts is currently acting against Azerbaijan, the way Israel's partial annexation and colonization of the Palestinian territories it occupied in 1967 is blocking any peace settlement there. The other element regarding Nagorno-Karabakh's conditioned independence would preclude any union with Armenia—like Kosovo, which Serbia is no longer threatening to reclaim. In this scheme, Nagorno-Karabakh's secession would no longer be perceived as Azerbaijan losing more territory to Armenia and could counter one of the dominant narratives. A conditionally independent Nagorno-Karabakh, as opposed to one allied with Armenia, could also be more open to Azerbaijan.

Should Nagorno-Karabakh's independence be recognized, however, the international community would have to wonder about what all its resolutions meant: Since the beginning of the conflict, it has regularly supported Azerbaijan's claim to territorial integrity. Kosovo is no model here: When Kosovo seceded from (rump) Yugoslavia all the international actors declared that this did not set any legal precedent. Most recently, the "advisory opinion" of the International Court of Justice at Serbia's request in July 2010 reaffirmed this line.<sup>24</sup>

#### **14.3.1.3 Beyond Autonomy and Secession: Is There a Third Way?**

The contradiction between the integrity of existing states and secessionists' claim to national self-determination cannot be reconciled. However, in many comparable conflicts it has been possible to circumvent this difficulty with special arrangements, using a third way on a temporary or a permanent basis. Examples include the League of Nations' mandate for the former German colonies and the Free City of Danzig. Such special arrangements indicate that it is possible to find

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<sup>24</sup>International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion* (22 July 2010), [www.ici-cij.org/docket/files/141/15987.pdf](http://www.ici-cij.org/docket/files/141/15987.pdf).

a way out of the apparently hopeless clash of two principles of international law. The disputed area is separated from the undesirable state but is not granted state sovereignty, which is transferred to a third party, such as an international organization or a neighboring country.

After the League of Nations was dissolved, its remaining mandates were made UN trust territories. Few have been created since. From 1947 to 1974, Trieste was an “independent, demilitarized, neutral country” with its own flag, currency, and diplomatic representation under the authority of the UNSC. However, that was just for appearances: During the Cold War, the UNSC could not agree on a governor for the Free Territory of Trieste, which remained two zones, one under British and American forces, the other under Yugoslavian military administration. A treaty later divided the territory between Italy and Yugoslavia. As for the Balkans, since 1995 a “High Representative” of the UN has exercised the highest authority in Bosnia and Herzegovina—and was initially very involved in the new state’s governance. The Brčko District, the bottleneck of the Republika Srpska entity in Bosnia, has been administrated by a “Principal Deputy High Representative for Bosnia and Herzegovina” since 2000. Kosovo, whose final status could not be cleared, was accountable to the UN Mission in Kosovo (UNMIK) appointed by the UN Secretary-General from 1999 to 2008, when Kosovo declared its “supervised” independence. The UNMIK still exists because the UNSC has not been able to agree on a new resolution, but has practically just a residual function—a quite confusing legal situation.

The mandate and protectorate models externalize an obstructed final-status situation. In principle, they could also be applied to Nagorno-Karabakh, with the region becoming a mandated territory supervised by an external power or the UN: An international demilitarized special administration could put an end to the ethno-territorial zero-sum game. At the same time, Azerbaijan would regain sovereignty over the surrounding areas now occupied by Armenia. Agreement would also have to be reached about a transit corridor between Armenia and Nagorno-Karabakh.

In a certain sense, Nagorno-Karabakh has already experienced one of these types of models, albeit briefly. When the conflict was heating up near the end of the Soviet era, Moscow temporarily placed Nagorno-Karabakh directly under central Soviet institutions. In July 1988, the Soviet leadership created a Special Administration Committee (SAC) with a special representative for the region. In January 1989, the SAC began its activities. However, by then the conflict had escalated so far that the special administration could no longer provide the hoped-for stability. In September 1989, the Supreme Soviet of Azerbaijan adopted a resolution to abolish it.

An international mandate underscores the temporary nature of the status quo, creating a type of provisional recognition of the power of facts and giving it a legal basis—without approving an unlawful situation by unilaterally recognizing its independence. Although such a status can last a long time, it is intended to be transitional with the goal of opening perspectives for solutions that go beyond stubborn insistence on positions of power or the law. An international mandate also very practically helps to reopen the conflict parties' communication that was blocked by their mutual claims. Communication is crucial for reaching an understanding and helps break the deadlock of “friend” and “foe.” When both sides have to submit to an external power, they could well re/discover their common concerns.

In principle, Nagorno-Karabakh could also be a condominium in which Armenia and Azerbaijan would jointly exercise sovereignty. Andorra was a French-Spanish condominium for hundreds of years. Today, however, this model is rare. Technically, the Brčko District is a condominium of the “Federation of Bosnia and Herzegovina” and the “Republika Srpska” but is de facto controlled by the central government in Sarajevo under international supervision. This is because the two entities of the Republika Srpska and the Federation could not agree on territorial boundaries. The Brčko District shows that in very tense situations, agreements about joint administration are illusory.

### **14.3.2 Paths to Understanding**

There is no model that could magically settle the Nagorno-Karabakh conflict—if it were just put forward vigorously enough. All these schemes have pros and cons for the conflict parties, both of which have to stand up to very agitated publics at home. Those costs are only bearable and can only be communicated if a process of interaction and rapprochement has brought about a change of perspective and priorities. There is no hint of that yet, and merely discussing possible models will not overcome the existing blockade. A settlement process has to lead the parties out of the seemingly fatalistic lack of options. In the case of Nagorno-Karabakh, there first has to be some movement in the stalemated situation. Then a goal can be set.

Usually, a goal is the prerequisite of any movement. Here the way is the goal, and that way is called confidence building. Like it or not, the initial steps have to be small. Only at an advanced stage can they become more ambitious. The steps also have to begin where both sides see the greatest risks; the biggest opportunities only come later. At the same time, however, the first steps cannot just be symbolic: In order for the other side to view them as serious and credible, they

must signalize the readiness to take risks. This is the inherent contradiction in confidence building. At the same time, the approach must remain gradual so that individual steps can be corrected without too much effort in case something goes wrong or there is no reciprocity. This also makes it possible to spread the costs for everyone over a longer period of time, which can help to reduce them.

Accordingly, attention should be given to pragmatic issues regarding the sequence and speed for taking certain steps to settle the conflict. In concrete terms, incentives and detours are to be used to get past well-worn patterns and hardline positions. To help change their attitudes, the great risks and high costs of maintaining the status quo and clinging to traditional standpoints must be made clear to the conflict parties. The aim: A positive-sum calculation must replace the zero-sum calculation.

The specific pros and cons of all schemes for settling the conflict must be made tangible: This is where international actors play a decisive role. The case of Northern Ireland serves as an excellent example. Negotiations were not initiated by the conflict parties but rather by London and Dublin, with the involvement of politicians from the USA. A pattern of slow and instructive diplomatic scuttling was developed, and although antagonistic perceptions, binary ways of thinking, and behavioral patterns were not totally eliminated, the antagonists began to be open to compromise. That took a lot of time and often, tortuous paths. Every single step towards possible cooperation demanded the careful management of spoilers who resisted each partial concession that they regarded as betraying their holy mission (cf. chap. 11).

If this opening succeeds, it will then be possible to relativize the apparent antitheses of autonomy and secession and of phased and package solutions. With regard to the Nagorno-Karabakh conflict, the following three approaches appear to be keys for overcoming the current obstruction: military détente, defusing the status issue, and restoring relations. They can all be influenced or accelerated through peace-building initiatives by the international community; given the current confrontational positions, they are indispensable. Military détente has to be the starting point of confidence-building. This is because ongoing military confrontation holds the greatest potential for violence and escalation, and keeps the conflict parties on permanent trigger alert. Defusing the final-status issue and the gradual restoration of relations follow immediately thereafter.

#### **14.3.2.1 Military Détente**

Military détente has two goals: One is to contain the latent risk of war, the other to help promote a negotiated political settlement. It involves a whole set of measures—from renouncing the use of force to military confidence building, disengaging troops, and disarmament.

Nagorno-Karabakh does not just have a long history of violence but is also one of the most heavily militarized regions in the world. These facts inhibit a political agreement. The cases we have studied show how exposure to extreme violence makes it difficult to reach a compromise (Bosnia and Herzegovina, Kosovo and Cyprus, as well as Trieste and South Tyrol before 1945), and how low or negligible levels of violence facilitate compromise (Åland, Quebec, Trieste, and South Tyrol after 1945). In the Nagorno-Karabakh conflict, violence has remained virulent: massive armament, daily skirmishes at the line of contact, and repeated eruptions of hostilities, along with Baku's latent threat to militarily end Armenia's intransigence. Mutual threats have been repeated at ever higher, and more costly, levels. Only mutually renouncing the use of force can open the door to a political settlement.

A purely declaratory renunciation helps little because it can be retracted at any moment. For it to be credible and transparent, arms control and confidence-building measures that address the threat perceptions of the adversaries are necessary.

Unlike Cyprus, Kosovo, and Bosnia and Herzegovina, the region around Nagorno-Karabakh is not being monitored internationally, which greatly increases the risk of escalation at the line of contact. To reduce the danger of military escalation caused by errors, misunderstandings or miscommunication, a simple "hot line" between the military forces on both sides could be set up. It would also be helpful to beef up the OSCE monitoring mission, as has been repeatedly requested, for instance by creating permanent positions at the line of contact to make supervising the ceasefire more effective and accelerate information gathering about incidents.<sup>25</sup> Although a similar mission with around 700 observers in Eastern Ukraine cannot enforce a ceasefire that has been reaffirmed on many occasions, it does contribute to a certain restraint on both sides by making their behavior transparent.

A clearer sign of readiness for military restraint and détente would come from disengagement, which, with respect to Nagorno-Karabakh, means first withdrawing the snipers from the front, ending artillery fire, and pulling back the heavy weapons. Armenia and Azerbaijan must also follow current contractual obligations. Both states are parties of the (legally binding) Treaty on Conventional Armed Forces in Europe (CFE) (see Table 14.1) as well as the (politically binding) Vienna

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<sup>25</sup>After the bellicose escalation in spring 2016, the Minsk Group suggested that more observers be added to the OSCE Mission, and an investigation mechanism for violent incidents be introduced. These proposals were approved by the two conflict parties. However, like so much in this conflict, two years later the measures are still awaiting implementation (Cavanaugh and Stares 2017).

**Table 14.1** CFE Treaty-limited military equipment

	Tanks	Artillery	ACVs	Aircraft	Helicopters
Azerbaijan	520/220	864/285	239/220	54/100	48/50
Armenia	144/220	234/285	241/220	15/100	8/50

Source: UK Ministry of Defence, Statistical Series 4—Equipment Bulletin 4.02—Vehicle & Aircraft Holdings within the scope of the Conventional Armed Forces in Europe Treaty Annual: 2016 edition. TLE ceilings are taken from the “Protocol on National Ceilings for Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe,” [www.osce.org/library/14108?download=true](http://www.osce.org/library/14108?download=true). The first figure is for the official inventory, the second the maximum amount allowed. (According to the US State Department, as regards Armenia, “outstanding compliance concerns are: 1) exceeding limits on Treaty-Limited Equipment (TLE); 2) reported stationing of forces on the territory of Azerbaijan without Azerbaijani consent; and 3) possible failure to declare Conventional Armaments and Equipment Subject to the Treaty (CAEST).” As regards Azerbaijan, “outstanding compliance concerns are: 1) exceeding limits on Treaty-Limited Equipment (TLE), 2) unilateral suspension of certain Treaty notifications and failure to report correctly certain objects of verification (OOVs), and 3) possible failure to declare equipment limited by the Treaty” (U.S. Department of State 2017)

Document on confidence and security building measures. They have not, however, signed the highly relevant Treaty on Open Skies or the Ottawa (Mine Ban) Treaty. While the Vienna Document’s high thresholds for observing maneuvers are of limited use, the CFE Treaty places effective restrictions on both sides—which regularly violate them. This is not only because they conceal arms procurements, but they are also the only parties to the treaty who officially exceed the limitations for weapon systems, and by Azerbaijan, drastically in some categories.

At first glance Armenia comes out slightly better in this regard. However, since Nagorno-Karabakh has not been officially recognized, its territory is not covered by the CFE Treaty. Consequently the sizable contingent of Armenian forces stationed in Nagorno-Karabakh is not counted against the Armenian ceilings nor are the parties to the treaty entitled to conduct mandatory inspections. The actual figures for Armenia are thus considerably higher.

The violations of the spirit and the letter of the CFE Treaty by the parties to the conflict create a constant source of mistrust. The two sides must urgently explore how they can both respect the treaty instead of constantly accusing each other. A first step could be to initiate the evaluation visits as foreseen in both the CFE Treaty and the Vienna Document but which Armenia and Azerbaijan have thus far foregone. Communications leading up to regular meetings of high-ranking military officers from Azerbaijan and Armenia could complement this.

Another, less orthodox step toward military détente would be for Azerbaijan to also join the CSTO. Armenia is the only regional party to the treaty, from which it derives its security guarantees from Russia. With Azerbaijan acceding, the security problems of these two parties could be put on the agenda of the organization. A comparable structural peace-promoting effect is attributed to the joint NATO memberships of Turkey and Greece (even if neither NATO nor the EU has yet been able to settle the conflict on Cyprus).

Finally, the continual stream of weapons into the region must be stopped. Practically no arms are manufactured locally which means that these imports make military action possible in the first place. There is no binding international arms embargo of the conflict region; both the OSCE and the UN have only passed resolutions demanding restraint.<sup>26</sup> The US and the EU have generally respected these resolutions but Israel, Belarus, Ukraine, and Russia have not. Russia in particular brokers arms to Baku on a grand scale and then tries to neutralize them by making preferential deliveries to Yerevan. This activity seriously contradicts Russia's much-trumpeted responsibility to settle the conflict peacefully.

As urgent as military détente may be to contain the latent danger of war and make it possible to transform the conflict, in such a tense situation it is hard to take corrective action through arms control. Global efforts experience the greatest success when the level of tension is dropping. When it is high, arms control remains empty rhetoric; when there is little tension, there is no interest. This Catch-22 is obvious in the conflict in Nagorno-Karabakh: Baku insists on first removing the sources of tension and building confidence, while Yerevan tries to reinforce its advantageous status quo by demanding a renunciation of violence and insisting on arms control—all the while masterfully ignoring basic elements in the CFE treaty. Reconciling these contradictory approaches that reflect the asymmetric interests of the two parties to the conflict requires international mediation, which should place more emphasis on progress in this area than on the lucrative arms business.

#### **14.3.2.2 Defusing the Final-Status Issue**

The issue of Nagorno-Karabakh's final status hangs like a sword of Damocles over any progress in managing the conflict: Whatever one of the conflict parties does and whatever one of the international conflict mediators suggests is assessed to see if it strengthens or weakens the respective status claims. Both parties consistently follow a zero-sum rationale and will continue that as long as

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<sup>26</sup>See, for example, UNSC Resolution 853 (Huseynov 2013).

their positions—territorial integrity versus national self-determination, autonomy versus independence, a package solution versus a phased solution—are pitted against each other. As shown above, even with far-reaching conditioning, both sides regard the costs of alternatives as unacceptably high. In such a situation, progress can only be made by stretching the time axis, in other words by devising an interim solution. That alone can break the stalemate.

At first glance, the interests of the two conflict parties appear to be as irreconcilable as the final status issue since one party wants to defend what the other wants to overcome: the status quo. The Armenian side wants to secure the militarily enforced territorial status quo which is, however, at risk because Armenia is violating international law and remains vulnerable to a military backlash. Conversely, Azerbaijan is determined to restore the status quo ante that it lost militarily, which, however, entails military risks and violates the UN Charter's prohibition of the use of force—despite its legal justification. Thus, both sides are in precarious situations for different reasons. Therefore, resolving these through negotiations promises more than the continuation of the confrontational posture: That merely perpetuates uncertainty for both.

Although the circumstances are very clear to any external observer, they are not very obvious to the people in the conflict region, thanks to a cognitive blockade created by the deep mutual mistrust. The first steps of the military détente outlined above are intended to neutralize both Azerbaijan's military threat and Armenia's perception of that threat, and should create enough trust to enable a process of rapprochement. The first fruit would be new points of view regarding the final status.

The appeal of a contractually agreed and internationally safeguarded and administrated interim solution for Nagorno-Karabakh is that it would reinforce the status quo in the interest of Armenia yet remain a temporary solution, which is in Azerbaijan's interest. Any changes, however, would be up to the international community. There are plenty of precedents for such a solution: UNSC Resolution 1244 of 1999 on settling the conflict in Kosovo respected the territorial unity of (rump) Yugoslavia but removed Kosovo from Belgrade's state sovereignty by placing it directly under the UN purview. That enabled the UN to create "provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo" with the final goal of starting "a political process designed to determine Kosovo's future status."<sup>27</sup> Like

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<sup>27</sup>UN Resolution 1244 (1999), adopted by the Security Council at its 4011th meeting, on 10 June 1999, [www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1244\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244(1999)).

Kosovo, Nagorno-Karabakh would neither become a subject of international law nor be admitted to the UN.

The advantages of such an interim solution are obvious for both sides. For the Armenians it represents progress toward the international recognition of Nagorno-Karabakh: In many secessionist cases, realpolitik recognition has preceded recognition under international law.<sup>28</sup> For Azerbaijan, this would simply ratify what otherwise could only be unilaterally changed with many difficulties, high risks, and equally high costs. An interim solution would make it possible for both parties to restore economic and human relations. Like the Madrid Principles of the Minsk Group from 2007, the time and procedure for determining Nagorno-Karabakh's final status would remain undefined and linked to an agreement between the conflict parties.

There are two prerequisites for cutting the Gordian knot of the final-status issue: On one hand, Armenia must acknowledge Azerbaijan's territorial integrity and renounce any territorial claims; on the other, Azerbaijan has to recognize that Nagorno-Karabakh is a party to the conflict and a partner for dialogue. Other conflict parties also have had to take such steps. The Anglo-Irish Agreement of 1985, in which London acknowledged Dublin as an equal negotiating partner and the Republic of Ireland effectively renounced its claim on Northern Ireland, was a major stepping-stone in the peace process. These policy changes made it possible for the two sides to agree to not decide which of the two states Northern Ireland would finally join and to put off that decision for the distant future. It also made it possible to "deterritorialize" the nationality of the people living in Northern Ireland by giving citizens the right to choose a British or an Irish passport, or have both.

#### **14.3.2.3 A Gradualist Policy**

Beginning with military détente and defusing the final-status issue creates conditions that enable the gradual restoration of economic relations and human contacts between Armenia, Nagorno-Karabakh, and Azerbaijan. Unlike West Germany's détente policy of small steps after 1961, which resulted in—the unforeseen—German unification, progress in negotiations over Nagorno-Karabakh is a condition subsequent. Unlike Germany, it concerns two ethnicities that in the wake of the war want nothing more to do with each other. Nevertheless, the process of creating understanding only promises success if the advantages of peace gradually become tangible for both parties.

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<sup>28</sup>After the Second World War, for example, Indonesia was de facto recognized by the Netherlands and Israel by the US. Governments can also be first recognized de facto (the Soviet government by Great Britain and the Franco government by the Western powers).

An example of a gradualist policy is the Stability Pact for South Eastern Europe that the EU established the day after NATO stopped bombing Yugoslavia in 1999. The pact involved many international organizations including the UN, the OSCE, and the IMF. Its aim was to help the successor states to Yugoslavia, which had been destroyed in the war, by giving them a leg up economically through massive amounts of international financial assistance and stimulating regional cooperation. The additional prospect that the new states would be able to join the EU one day demonstrably helped to strengthen cooperative politicians and weaken nationalistic warmongers. In Northern Ireland, economic progress similarly encouraged efforts to create a sustainable peace. There were funds available from both public and private sources and EU integration policy stimulated its economic modernization.

In the South Caucasus, a first step would be rebuilding the transportation infrastructure (roads, railways, and air traffic) with international support. Experience shows that cross-border retail trade would begin immediately thereafter. This is no panacea, but rather the beginning of a long process. In some regions of Bosnia and Herzegovina, relations were reestablished right after the end of the war, while they remain tense in others.

Ethno-nationalist and revisionist historical narratives must be rejected, starting with reporting about the other side. Joint activities can be organized later. Take the case of Trieste: In 1993, more than 40 years after Italy and Yugoslavia were forcibly separated and 20 years after the Osimo Treaty (which settled their final borders), Italy and Slovenia finally set up a historical commission that published a co-authored text on “Italian-Slovenian Relations 1880–1956”. Obviously, such changes in the national psyche take generations, especially after wars and civil wars. However, it is possible to start restoring human contacts and trade relations, and revising the official history earlier, with sponsorship by the EU, the OSCE, individual countries, or NGOs.

One very practical hindrance to conflict transformation has been Baku’s rejection of representatives from Nagorno-Karabakh at official negotiations—since 1997. Baku also rejects all contacts because it does not want to raise the secessionists’ status and have to view them as equals. This must change. Here, too, intermediate steps are conceivable. For example, a commission of “eminent persons” could be set up—like those the Swiss Presidency enlisted to advise on strengthening the OSCE in 2014. A commission mandated to discuss ways to solve the conflict could include people from both states and Nagorno-Karabakh and be enhanced by international dignitaries. In such a format, Baku’s reluctance to negotiate on an equal basis with its renegade province is of no consequence. After great hesitation, the Italian government finally set up the “Commission of

Nineteen” to elaborate concrete proposals for South Tyrol’s autonomy. Rome and South Tyrol approved them in 1972, opening the way to settle the conflict that was officially declared ended to the United Nations in 1992. The commission for South Tyrol met in Rome; in the case of Nagorno-Karabakh it could meet in a third country. The commission on Cyprus has met in Switzerland many times; in the case of Kosovo, the EU first moderated talks by experts and then with government members in Vienna and Brussels. Although no commission of experts can lift a political blockade by itself, it can establish contacts and start communication. Such a commission would create a venue for ongoing meetings and dialog, which does not exist anywhere in the conflict region. Yet communication is crucial for creating a minimum of trust and exchange between Nagorno-Karabakh and Baku: That is what it is all about.

In the early phase of settling the conflict in Nagorno-Karabakh, two interrelated challenges are also building-blocks for starting the process of rapprochement and indicating good intentions: Armenia should withdraw from the areas it occupies and allow refugees and IDPs to return.

Armenia’s occupation of Azerbaijani territory is unacceptable. Therefore, it is not surprising that following the logic of swapping land for peace in Palestine, this issue recorded the most noticeable movement in previous negotiations. An important step toward building confidence and security would be for Armenia to first withdraw from five of the seven occupied rayons, as has been suggested by international mediators on many occasions. To do that, Yerevan needs credible security guarantees from Baku that should be part of the agreement on military détente. A prohibition on stationing Azerbaijani troops in the districts evacuated by Armenia would further substantiate the required pledge of non-use of force from Baku. International peacekeeping troops to monitor the border would create an additional safeguard. In this respect, too, what happened in the Balkans is a good example: An international peacekeeping mission with 60,000 soldiers ensured the ceasefire in Bosnia and Herzegovina. The geographical area, number of inhabitants and scale of violence made that number of soldiers necessary. In Nagorno-Karabakh, however, a much smaller military presence would suffice.

Armenia’s withdrawal from the Lachin and Kelbajar rayons located “in-between” should be left for a later phase of the peace process considering Nagorno-Karabakh’s demand for a crisis-proof link to Armenia. The final settlement is a major challenge that will be hard to overcome in the near future—no matter what the link looks like. Armenia’s insistence on a permanent overland connection remains unacceptable to Azerbaijan and would be sure to mobilize

revisionist ambitions; a corridor linking Nagorno-Karabakh and Armenia that runs through Azerbaijani territory, such as the Lachin District, would also create a permanent state of tension. Such corridors are always sensitive issues due to the bureaucratic complexity of establishing them and what subsequent users perceive as harassment. The route linking West Germany and West Berlin on the basis of the Transit Agreement of 1971 is one example; the current route through Lithuania to the Russian exclave of Kaliningrad another.<sup>29</sup> However, were a corridor to be created through Armenian territory to link Azerbaijan with its exclave Nakhichevan (specifically the Meghri municipality), it would address a similar need and could perhaps help offset its concerns.

Associated with the issue of territory is the return of Azeri refugees and IDPs. They undeniably have the right to return. However, as in comparable conflicts, implementing that right is anything but obvious. These groups do not make up a single homogeneous community. One group includes Azeris who fled Armenia and Armenians who fled Azerbaijan in the early phase of the conflict. These people are generally integrated into their “new” societies and because they are unlikely to return, they are not involved in the negotiations. The second and largest group is made up of Azeris who fled the seven districts that Armenia occupied in 1992/1993, but where few Armenians have settled. Although these refugees have become somewhat integrated into their new homes, most of them intend to return to their old homes after they have been evacuated. The third group is the Azeris who left Nagorno-Karabakh. Although they constitute the smallest group, their return is the most sensitive because Armenians have been living in their homes for almost 30 years: The now exclusively Armenian surroundings are not very inviting. This problem is well known in Bosnia and Herzegovina, where most places have remained ethnically homogeneous; the same holds for Kosovo. Nuance is required to resolve the situation of IDPs, which is most urgent where a resolution should be easiest: through Armenia’s evacuation of the Azerbaijani rayons it occupies.

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<sup>29</sup>A particularly disastrous example was the corridor linking mainland Germany with its exclave East Prussia after the First World War when the newly created Polish republic was granted access to the Baltic Sea. Although the Treaty of Versailles ensured Germany unhindered rail, ship, post, telephone, and telegraph traffic through the corridor, implementing that right turned out to be a bureaucratic hurdle for rail and street traffic. The railway had to use predetermined routes with Polish locomotives and Polish staff. Although visas were not required, the prices were fixed, and the trains were sealed and their windows were covered by curtains.

#### **14.3.2.4 International Actors Are Indispensable Mediators**

Relevant international actors became involved in seeking to manage the conflict in Nagorno-Karabakh in its very early stages and created a joint platform in the form of the Minsk Group. That, however, was only limited to facilitation and intermittent mediation efforts. At the same time, a number of serious contradictions became apparent. The international mediators repeatedly agreed that international law protects territorial integrity but did little to enforce it. Furthermore, they emphatically supported a peaceful settlement but did not follow through with an arms embargo: In particular, Russian arms exports have greatly profited from the ongoing arms race in the region.

Almost all the cases we have studied document that despite the different types and degrees, interventions by international actors have been decisive for breaking stalemates and settling conflicts. In the Balkans, international engagement began with a standard process of mediation by the CSCE and the UN that had limited effect and was followed by far-reaching and more successful efforts by the USA and NATO. NATO's military intervention ended the war and created the conditions for negotiating a political settlement to the conflict. The adversaries were subjected to constant political pressure. In Bosnia and Herzegovina, for example, Croatia was heavily pressured to stop supporting the secessionist efforts of its clients, the Bosnian Croats. The UNSC considered imposing economic sanctions and the USA threatened to stop insisting that the Serbian secessionist movement in Croatia, the Republika Srpska Krajina, be disbanded. Reconstruction aid and memberships in NATO and the EU were promised as incentives. In the cases of the Åland Islands and Trieste, international guarantees and supervision, first by the League of Nations then by the UN, were helpful. The Irish Republic and Austria played generally constructive roles as patron states in Northern Ireland and South Tyrol, respectively. The UN also played a significant role in the long process of pacifying South Tyrol: The UN General Assembly repeatedly affirmed the binding nature of the Gruber-de Gaspari Agreement of 1946 and publicly admonished Italy for not sufficiently protecting the cultural and linguistic development of the population of South Tyrol.

In the case of Nagorno-Karabakh, it is clear that the conflict cannot be resolved without international engagement. The conflict parties are incapable of doing that on their own. It is also obvious that the current level of international involvement, which is largely limited to good offices, is insufficient. A negotiating approach that offers incentives and imposes sanctions is needed. This could begin by stepping up the efforts of the Minsk Group, which includes the relevant actors from East and West in the OSCE framework and is a suitable format for

negotiations. Although the Minsk process has not yet made any appreciable progress, it has nevertheless managed to prevent the negotiating process from being broken off. Given the risk that the conflict between two parties that are continually acquiring weapons will escalate, this is to be regarded as success even if it does not suffice for a sustainable resolution. A more robust form of negotiation could be the presentation of a comprehensive plan with specific recommendations and binding parameters for negotiating. To propel its implementation, the OSCE should convene the international Minsk peace conference called for in 1992<sup>30</sup> that could then adopt the “OSCE plan.” Such an initiative would have to offer security guarantees and in the event of non-cooperation, threaten sanctions such as the desperately needed arms embargo.

The fact that negotiating efforts have not yet reached a higher level is not because external actors are pursuing different interests. In Nagorno-Karabakh, unlike in the other “frozen” conflicts on the territory of the former Soviet Union, they are nominally working together. However, although their interests are all heading in the same direction, these interests are hardly what are generally described as “strategic” or “vital.” The South Caucasus is peripheral to world politics, and the lack of, or just minimal, competition of the great powers in the region has the unintended effect that none of them has taken control of the situation. The significance of this factor is shown by the Western powers’ domination of—and Russia’s sporadic cooperation regarding—the Balkans. That engagement made it possible to finally scotch the region’s ethno-territorial wars and force a settlement. An international constellation also favored a peaceful settlement for the Åland Islands: Great Britain exerted pressure because it had no interest in a war between Sweden and Finland and the potential spoilers, Germany and Soviet Russia, were paralyzed after the First World War.

Russia, a neighbor capable of projecting power, seems to be the only international actor that could impose a diktat in Nagorno-Karabakh like the one in Dayton. However, Russia has not shown much willingness to do that. Moscow

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<sup>30</sup>This originally read: In order to “provide an ongoing forum for negotiations towards a peaceful settlement of the crisis on the basis of the principles, commitments and provisions of the CSCE,” its Council of Ministers requested the Chairman-in-Office to convene “a conference on Nagorno-Karabakh under the auspices of the CSCE [...] as soon as possible” – on 24 March 1992. The conference was to take place in Minsk and include Armenia, Azerbaijan, Belarus, Czechoslovakia, France, Germany, Italy, the Russian Federation, Sweden, Turkey, and the United States. Elected and other representatives of Nagorno-Karabakh were to be invited to the conference as interested parties by the conference chair after consulting with the participating States (CSCE 1992, p. 14).

became active after the April 2016 escalation, when it pressured Armenia to withdraw from parts of the occupied Azerbaijan territories as foreseen in the Lavrov Plan of 2015 (see chap. 2). However, Yerevan was able to fend off this pressure. Like all external actors, Russia considers borders sacrosanct. Nevertheless, in recent years this standpoint has been called into question many times. Although Russia stubbornly fought Kosovo's secession by invoking the principle of territorial integrity of existing states, in Georgia and Ukraine, Russia did exactly what it criticized NATO for with regard to Kosovo: It encouraged secessionists and violated its neighbor's territorial integrity by annexing Crimea. Nonetheless, after Crimea Russia did not change its basic position regarding international law (see Dembinski and Spanger 2017) and holds its line regarding the conflict in Nagorno-Karabakh. Moscow does not view its recognition of the Abkhazian and South Ossetian secessions as any guide for Nagorno-Karabakh. On the contrary, Foreign Minister Lavrov has pointedly emphasized that the situation there is different from Abkhazia and South Ossetia (see Russian Ministry of Foreign Affairs 2008).

Russian conflict negotiation is far from consistent and follows the rhythm and rationale of stopgap diplomacy: When the conflict escalates militarily, as it did in 2016, or when the moment seems ripe for enhancing its reputation as a mediator of international crises, Moscow becomes active. A typical example was the 2 November 2008 invitation by then-President Dmitry Medvedev to Presidents Aliyev and Sargsyan to talk peace in Moscow right after the Georgia War.<sup>31</sup> Beyond that, the stalemated conflict politically immobilizes both sides so it is easier for Russia to protect its regional interests. Azerbaijan's latent threat firmly binds Armenia to Moscow; hence, in September 2013 Russia's reference to its security guarantees was enough for Yerevan to pull out of the Association Agreement it had finalized with the EU only a few weeks earlier. On the opposite side, the conflict has made solvent Azerbaijan a reliable customer for Russia's weapons technology. It is worth exploring whether stationing peacekeepers, including Russians, in the region and Azerbaijani and Armenian pledges of neutrality and their renunciation of NATO and EU membership, could inspire Moscow to take a more

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<sup>31</sup>In their final declaration, the three presidents expressed themselves in favor of a political settlement to the conflict, taking into consideration the principles and rules of international law. This declaration is the first serious document that the presidents of the two conflict parties have signed since the ceasefire of 1994. It states that a peaceful resolution to the conflict should be reached through legally binding international guarantees "in all aspects and stages" of the negotiations (The Kremlin 2008).

active part in negotiations. Another approach could be for Baku to join the CSTO, as mentioned earlier. In any case, the two antagonists in the South Caucasus will have to sacrifice some sovereignty because: You cannot have your cake and eat it, too!

Russia is not the only party whose help in resolving the conflict in Nagorno-Karabakh is solicited: The EU, too, could become much more active—as a supporter, not a negotiator—and offer incentives of its own. Countries in the Caucasus are not potential candidates for EU membership, an incentive that proved conducive to peace in the Balkans. Yet the EU could still effectively make use of the Eastern Partnership, provided it stops viewing regional engagement as a way to compete with Moscow for geostrategic spoils. Armenia and Azerbaijan are members in the variable geometry of the Eastern Partnership; negotiations are currently being held about specially tailored relationships.<sup>32</sup> An effort comparable to the Stability Pact for South Eastern Europe (1999–2008) would be extremely helpful. Even without the prospect of EU accession, the Stability Pact’s comprehensive approach combining political stabilization, economic reconstruction and the creation of security is exemplary. In the two cases in the Balkans we studied—Bosnia and Herzegovina and Kosovo—it was crucial to first consolidate the militarily imposed ceasefire and then gradually bring political movement into the hard-nosed friend-foe constellation. In Northern Ireland, the EU used similar programs to help mitigate the negative effects of a border between the island’s two legal, economic, and monetary zones.

Another approach would be to revive regional cooperation as suggested by Ankara: After the Georgia War in 2008, Turkey proposed a Caucasus Stability and Cooperation Pact. The pact was intended to serve as a dialog platform for regularly convening the four Caucasian states (including Russia) and helping normalize relations in the region.<sup>33</sup> It is worth taking up this idea because currently there is nothing of its sort. Including the conflict parties’ neighbor, Georgia, which has a definite interest in breaking the stalemate, could be a way to strengthen the regional approach. Such an initiative could also revive traditional South Caucasian integration as well as Georgia’s regional leadership of the early 20th century, when Tbilisi was the political and cultural center of the South Caucasus.

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<sup>32</sup>In Armenia’s case, the most recent negotiations ended successfully with Yerevan and Brussels signing a new Partnership Agreement, the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) on 24 November 2017. Negotiations with Azerbaijan about a new comprehensive agreement are continuing.

<sup>33</sup>Although the idea was welcomed on all sides, it was never realized (see Hohberg 2009).

Establishing diplomatic ties between Turkey and Armenia and opening the border is regarded as highly desirable for the region. In 2009/2010, rapprochement was attempted but failed although Armenia's geographic and economic isolation gives Yerevan a vital interest in rapprochement. Turkey is politically and economically the most influential of Armenia's four neighbors: Azerbaijan, Georgia, Iran, and Turkey. In addition to the historical burden of the genocide, another obstacle to the rapprochement of Armenia and Turkey is the fact that their border was closed through the efforts of Ankara and Baku to force concessions from Yerevan—albeit with limited success. These sanctions should be transformed into an incentive for making a timetable to open all regional borders, including the transport routes from Turkey to Armenia and those that pass through Armenia to Azerbaijan. Linking these openings to Armenia's partial evacuation of the areas it occupies in Azerbaijan would give Armenia an immediate reward—that could help end the current futile blockade of the negotiating process.

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#### **14.4 Conflict Settlement—a Lasting Task**

Secessionist conflicts are among the most difficult challenges to managing international conflicts. They are often enflamed by a single incident. They also are often particularly violent, and obstinacy and intransigence on the part of the conflict parties repeatedly thwart amicable resolutions. In the face of all-or-nothing antagonisms, trying to settle such ethno-territorial conflicts can be like running in a hamster wheel. In this regard, Nagorno-Karabakh is no exception. Nevertheless, in many comparable cases it has been possible to reach consensus or at least find solutions acceptable to all sides—partly thanks to the negotiators' insistence, partly because of external pressure, and always after a long gestation period.

The cases we have documented and analyzed in this study show that these types of conflict cannot be overcome for good: Ethnic differences remain. Ethnic conflicts can, however, be managed and controlled: Tensions can be contained and violence prevented—permanently. This is an important lesson. The various settlements discussed in this volume provide insights for resolving other contemporary conflicts. We have attempted to apply these lessons to the conflict in Nagorno-Karabakh and hope they can help stimulate further considerations and new initiatives.

Like all secessionist conflicts, the one in Nagorno-Karabakh has its specific characteristics. It is however, not unique, despite the claims of its protagonists. There is neither a magic formula to solve the conflict, nor can the international community or the great powers that have been willing to intervene be saddled

with that responsibility: The conflict parties themselves have to compromise. The real challenge is stimulating their willingness to reach an understanding and preserve their courage in the face of strident preachers of nationalist identity and hate. The international community continues to be called upon to support this challenge.

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## References

- Ajami, Fouad. 1993. The summoning: “But they said, we will not hearken”. *Foreign Affairs* 72 (4): 2–9.
- ANI Armenian Research Center. 2017. *Левон Тер-Петросян: ‘Война, или мир? Пора стать серьезнее’* [Levon Ter-Petrosyan: ‘War, or peace? It is time to get serious’]. Yerevan. [www.aniacr.am/2017/11/01/war-or-peace-ter-petrosyan-1997](http://www.aniacr.am/2017/11/01/war-or-peace-ter-petrosyan-1997).
- Armenian Ministry of Defense. 2007. The military doctrine of the republic of Armenia. Yerevan. [www.mil.am/media/2015/07/825.pdf](http://www.mil.am/media/2015/07/825.pdf).
- Babajew, Aser. 2014. *Weder Krieg noch Frieden im Südkaukasus: Hintergründe, Akteure, Entwicklungen zum Bergkarabach-Konflikt*. Baden-Baden: Nomos.
- Cavanaugh, Carey, and Paul B. Stares. 2017. A simmering crisis over Nagorno-Karabakh. Council on foreign relations, expert brief, 22 September. [www.cfr.org/expert-brief/simmering-crisis-over-Nagorno-Karabakh](http://www.cfr.org/expert-brief/simmering-crisis-over-Nagorno-Karabakh).
- Crisis Group. 2016. Nagorno-Karabakh: New opening, or more peril? Baku/Yerevan/Vienna/Brussels: Europe report 239. <https://d2071andvip0wj.cloudfront.net/239-Nagorno-Karabakh-new-opening-or-more-peril.pdf>.
- CSCE. 1992. Summary of conclusions. Helsinki additional meeting of the CSCE council, 24 March 1992. [www.osce.org/mc/29121?download=true](http://www.osce.org/mc/29121?download=true).
- de Waal, Thomas. 2003. *Black garden. Armenia and Azerbaijan through peace and war*. New York: New York University Press.
- Dembinski, Matthias and Hans-Joachim Spanger. 2017. ““Plural peace”—Principles of a New Russia Policy”, *PRIF Report*, 145 Frankfurt a.M.: Peace Research Institute Frankfurt.
- Eder, Franz. 2010. Der Konflikt um Berg-Karabach: Lösung, status quo oder Eskalation? In *Lösungsansätze für Berg-Karabach/Arzach: Selbstbestimmung und der Weg zur Recognition*, ed. Vahram Soghomonyan, 163–176. Baden-Baden: Nomos.
- Halbach, Uwe, and Franziska Smolnik. 2013. *Der Streit um Berg-Karabach: Spezifische Merkmale und die conflict parties*. Berlin: SWP-Studie 2.
- Hohberg, Tarek. 2009. *Eine Plattform für Stabilität und Kooperation auf dem Kaukasus? Chancen und Grenzen einer Initiative türkischer Regionalpolitik*. Berlin: SWP-Arbeitspapiere 3–2009/Nr. 1.
- Huseynov, Tabib. 2013. Conventional arms control measures: Could they mitigate tensions around Nagorno-Karabakh? Caucasus Edition: Journal of Conflict Transformation. <http://caucasusedition.net/analysis/conventional-arms-control-measures-could-they-mitigate-tensions-around-Nagorno-Karabakh>.
- National Security Strategy of the Republic of Armenia. 2007. Yerevan. [www.mfa.am/u\\_files/file/doctrine/Doctrineeng.pdf](http://www.mfa.am/u_files/file/doctrine/Doctrineeng.pdf).

- OSCE. 1996. Lisbon document 1996. Lisbon. [www.osce.org/mc/39539?download=true](http://www.osce.org/mc/39539?download=true).
- OSCE. 1998. *Minsk group draft on “On the principles of a comprehensive settlement of the Nagorno-Karabakh Armed Conflict”*. Vienna.
- OSCE. 2009. OSCE minsk group issues statement. Athens. [www.osce.org/mg/51685](http://www.osce.org/mg/51685).
- Russian Ministry of Foreign Affairs. 2008. Transcript of remarks and response to media questions by Russian minister of foreign affairs sergey lavrov at joint press conference of foreign ministers from CSTO MEMBER STATES and of the CSTO Secretary General, September 4. Moscow. [www.mid.ru/en/foreign\\_policy/news/-/asset\\_publisher/cKNonkJE02Bw/content/id/326522](http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/326522).
- Spanger, Hans-Joachim. 2018. *Post-Soviet Eurasia: A stable crisis—Transformation Index BTI 2018*, 94–102. Gütersloh: Bertelsmann Stiftung.
- Statistical Yearbook of Nagorno-Karabakh Republic. 2007–2013. Stepanakert. [http://stat-nkr.am/index.php?option=com\\_content&view=article&id=431:-2007-2013&lang=en&Itemid=1](http://stat-nkr.am/index.php?option=com_content&view=article&id=431:-2007-2013&lang=en&Itemid=1).
- The Kremlin. 2008. Declaration between the republic of Azerbaijan, the republic of Armenia and the Russian Federation, November 2. Moscow. <http://en.kremlin.ru/supplement/232>.
- U.S. Congress. 1992. FREEDOM support act. Washington. [www.gpo.gov/fdsys/pkg/STATUTE-106/pdf/STATUTE-106-Pg3320.pdf](http://www.gpo.gov/fdsys/pkg/STATUTE-106/pdf/STATUTE-106-Pg3320.pdf).
- U.S. Department of State. 2017. Compliance with the treaty on conventional armed forces in Europe condition (5) (C) report. Washington. [www.state.gov/t/avc/rls/rpt/2017/270369.htm](http://www.state.gov/t/avc/rls/rpt/2017/270369.htm).
- White House. 2013. Joint statement on the Nagorno-Karabakh conflict by Barack Obama, President of the United States of America, Vladimir Putin, President of the Russian Federation, and François Hollande, President of the French Republic. Washington. [www.whitehouse.gov/the-press-office/2013/06/18/joint-statement-Nagorno-Karabakh-conflict-barack-obama-president-united-](http://www.whitehouse.gov/the-press-office/2013/06/18/joint-statement-Nagorno-Karabakh-conflict-barack-obama-president-united-).
- Wolff, Stefan. 2011. Managing Ethno-National conflict: Towards an analytical framework. *Commonwealth and Comparative Politics* 49 (2): 162–195.
- World Bank. 2006–2015. Countries and economies: Data on Armenia and Azerbaijan. Washington. <https://data.worldbank.org/country>.
- Zourabian, Levon. 2006. The Nagorno-Karabakh settlement revisited: Is peace achievable? *Demokratizatsiya* 14 (2): 252–265.