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## Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy

### I. INTRODUCTION

In March of 2001, ethnic Albanian rebels launched Macedonia<sup>1</sup> into a violent civil conflict that made the international community hold its breath at the prospect of a new Balkan war. Until the hostilities of 2001, Macedonia had managed to remain virtually unscathed by the violent ethnic conflicts of its Balkan sister states. In part, Macedonia's success was due to recognition by the United Nations ("UN"), the Organization for Security and Cooperation in Europe ("OSCE"), and other international actors of the fragile ethnic situation in Macedonia after the dissolution of the Communist bloc. As early as 1992, the international community had established preventive peacemaking and peace-building<sup>2</sup> operations in Macedonia to monitor the situation and support the new democracy.<sup>3</sup> The UN's deployment of troops to Macedonia from 1992 to 1999 played a key role in preventing a spillover of violence from Macedonia's Balkan sisters,<sup>4</sup> but the Macedonian government consistently resisted "interference by the UN in sensitive *internal* matters, especially interethnic relations."<sup>5</sup> The UN struggled to stabilize internal ethnic tensions through a "good offices"<sup>6</sup> mandate

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1. In 1993, the United Nations admitted "Macedonia" as a member state under the provisional name of "The former Yugoslav Republic of Macedonia" ("FYROM") due to a dispute with Greece over the use of the name Macedonia. G.A. Res. 225, U.N. GAOR, 47th Sess., 98th plen. Mtg., U.N. Doc. A/225 (1993). For economy, this paper will refer to the country as Macedonia.

2. See *infra* note 22 and accompanying text.

3. See S.C. Res. 795, U.N. SCOR, 47th Sess., 3147th mtg., U.N. Doc. S/795 (1992) (authorizing the United Nations Protection Force to establish a presence in Macedonia).

4. See, e.g., ALICE ACKERMANN, MAKING PEACE PREVAIL: PREVENTING VIOLENT CONFLICT IN MACEDONIA 3-4, 51 (1999); ABIODUN WILLIAMS, PREVENTING WAR: THE UNITED NATIONS AND MACEDONIA 1-2 (2000); Stephen T. Ostrowski, *Preventive Deployment of Troops as Preventive Measures: Macedonia and Beyond*, 30 N.Y.U. J. INT'L L. & POL. 793 (1998).

5. WILLIAMS, *supra* note 4, at 112 (emphasis added); see also *infra* Part II.C.

6. "Good offices" diplomacy constitutes efforts by third parties "to induce the conflicting parties to negotiate between themselves." J. L. BRIERLY, THE LAW OF NATIONS 373 (Sir Humphrey Waldock ed., 6th ed. 1963). Generally "good offices" refers to the

due to the Macedonian government's unwillingness to address the roots of the conflict. The Macedonian government feared that a special UN good offices "delegate would act as a 'colonial governor,' an undesirable prospect for the newly independent and sovereign state. In short, the UN was welcome to 'look out,' but its decision to 'look in' was quite another matter."<sup>7</sup>

In a large number of post-Cold War conflicts,<sup>8</sup> and certainly in the Macedonian conflict, the inability of the international

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prestige and clout of the officer in the world community. The term appears to have originated in the Hague Peace Conferences of 1899 and 1907:

[I]n order to maintain this general peace, the Signatory Powers agree to have recourse, as far as circumstances will allow, to the good offices or mediation of one or more friendly Powers . . . .

Powers are not more prone than individuals in controversy to listen to friendly advice, and they are accustomed to resent intermeddling. Between nation and nation the fear that the exercise of good offices and mediation may become a precedent and insensibly pass into a claim of intervention inconsistent with independence and its corollary, equality, has doubtless prevented an offer on more than one occasion . . . . If, however, the exercise of the offer of good offices and mediation be purely voluntary, and be not raised to the rank of a duty of strangers to decide the controversy, and if the effect of good offices and mediation be restricted to advice which may be accepted or rejected by either of the parties to the conflict, it is difficult to see how the offer, although it may be embarrassing, can prejudice the freedom of action of the contending parties.

. . . .

The essence of good offices consists in advice to parties in controversy to settle their difficulties. It precedes and calls into being negotiation, and when this is done good offices as such are exhausted. . . . In a word, good offices begin and end in counsel . . . .

JAMES BROWN SCOTT, 1 *THE HAGUE PEACE CONFERENCE OF 1899 AND 1907*, at 256–60 (1972). Today, the UN Secretary-General's Office views the role of good offices diplomacy as "extend[ing] beyond serving as a mere go-between" to taking an "active part in the dispute settlement process." Alys Brehio, *Good Offices of the Secretary-General as Preventive Measures*, 30 *N.Y.U. J. INT'L L. & POL.* 589, 592 (1998). The Secretary-General views good offices broadly: "[to] adapt to the needs of the international community, filling a role as facilitator, problem-solver, and persuasive force." *Id.*

7. WILLIAMS, *supra* note 4, at 112 (citation omitted).

8. Lewis Rasmussen explains:

[I]t is the *type* of conflict plaguing international society today—the nature of the belligerents and the location of the battlefield—that poses analytical and prescriptive problems for scholars and foreign policy practitioners. Mass violence now is waged not so much by states against each other as by more amorphous groups whose members are contesting the states and borders that contain them. Nearly two-thirds of the ongoing conflicts in 1993 could be defined as "identity-based" . . . .

J. Lewis Rasmussen, *Peacemaking in The Twenty-First Century: New Rules, New Roles, New Actors*, in *PEACEMAKING IN INTERNATIONAL CONFLICT: METHODS & TECHNIQUES* 30 (I. William Zartman & J. Lewis Rasmussen eds., 1997).

community to effectively “look in” has consistently hampered internal stabilization efforts. The basic question arises: How can the international community effectively intervene while still respecting national sovereignty? This paper presents a case study of post-Communism Macedonia and posits that the seeming paradox between intervention and sovereignty is to some extent illusory. International peacemaking within a country is most successful when guided by a respect for national sovereignty and political independence. Such respect is more likely to facilitate the necessary peacemaking precondition of host country cooperation than is paternalistic intervention. When the international community acts overly paternalistic, it signals, at least in the mind of the “adolescent” nation, its “disrespect” for the nation’s sovereignty. Peacemaking facilitated by a UN good offices mandate should center first on understanding the conflicting incentives, goals, and motivations; second, on formulating diplomacy strategies that account for these factors—including perception correction and attitudinal structuring approaches; and third, on actually mediating the conflict. This paper analyzes the Macedonian civil conflict under these premises and uses simple game theory to demonstrate the importance of developing disciplined and informed good offices missions.

Part II provides background on the situation in Macedonia prior to the 2001 hostilities and delineates the UN’s efforts to stabilize internal strife in the country through a good offices mandate. Part III investigates the pertinent events of the 2001 ethnic Albanian uprising and describes the events that ultimately catalyzed negotiations over ethnic Albanian grievances and led to the Ohrid peace agreement. Part IV contrasts the mediation efforts of the Ohrid envoys with the prior efforts of the UN’s good offices mission by using game theory to highlight failures and successes of the mediation efforts. It particularly advances the continuing development of comprehensive good offices strategies that will make mediation efforts more effective in resolving internal disputes. Part V provides a brief conclusion.

## II. BACKGROUND

*A. Preface to Independence*

A detailed examination of the Macedonian region's history of unremitting external domination impedes the timely development of this paper's thesis. On the other hand, the reader should realize that by the beginning of the twentieth century, foreign oppressors had controlled the region for so long that the notion of a distinct, autonomous Macedonia was more of a fantasy than a reality. Prior to declaring independence in 1991, there had not been an independent Macedonian state since the times of Philip of Macedon and Alexander the Great—over 2300 years ago.<sup>9</sup> For more than two ensuing millennia after the empire's collapse, the Macedonian region endured an incredible "history of violence and external domination," which calls to mind "the image of the region as a center of intractable conflict, and of the 'Macedonian Question,' which [preoccupied] European statesmen in the nineteenth and early twentieth century."<sup>10</sup> In fact, when contrasting modern Macedonia's

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9. Ackermann explains:

[T]he contemporary Republic of Macedonia was part of the Macedonian Empire in the fourth century B.C. under Philip II (reigned 359 B.C.–335 B.C.) and his son, Alexander the Great (reigned 336 B.C.–323 B.C.). The Macedonian Empire was a vast geographic area that included most of the present day Republic of Macedonia, Kosovo, Albania, southern Bulgaria, Greece, Turkey, Egypt, and Iran.

ACKERMANN, *supra* note 4, at 53–54.

10. *Id.* at 53. After the demise of Alexander the Great's ancient Macedonian empire, the Roman, Byzantine, Bulgarian, Serbian, and Ottoman Empires each took turns dominating portions of what is now modern-day Macedonia. During the sixth and seventh centuries A.D., the Slavs and Bulgars moved into the region where they found mostly a Greek-speaking population, but by the end of the ninth century two Greek missionaries "undertook the conversion of the Slavs to Christianity, and also developed the first written Slavic language." *Id.* at 54; see also Elisabeth Barker, *The Origin of the Macedonian Dispute*, in THE NEW MACEDONIAN QUESTION 7–8 (James Pettifer ed., 1999). At this same time, the Slavs and Bulgars began challenging the rule of Byzantium over the Macedonian region. "Macedonia, or parts of it, were alternately under Bulgarian or Byzantine rule until the thirteenth and fourteenth centuries." Barker, *supra*, at 8. Macedonia then fell under the rule of the Serbian tsars who, at one point, made Skopje the capital of the Serbian kingdom. In the last half of the fourteenth century, the Turks conquered the Serbian Kingdom and ushered in 500 years of Ottoman rule in the Macedonian region. As in prior occupations of Macedonia, the Ottoman Empire dramatically contributed to the ethnic, religious, and cultural diversity of the region. See ACKERMANN, *supra* note 4, at 54.

As the Ottoman Empire faded in the late nineteenth century, Bulgaria, Greece, and Serbia also "staked out claims to Macedonian territory, justifying them on historical, linguistic,

remarkably peaceful transition to statehood with the violent insurgences in other Balkan nations, readers unfamiliar with the region may be surprised that James Pettifer characterizes the questions of Macedonian identity and territory as “the most bloody, complex and intractable of all” the Balkan disputes.<sup>11</sup>

Throughout the first half of the twentieth century, Macedonia’s history continued to cloud its claims to autonomy as foreign occupation in the region remained the norm.<sup>12</sup> By the end of World

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and ethnic grounds.” *Id.* In 1878, the Russo-Turkish war ended, liberating the lower Balkan region from Constantinople. Under the Treaty of San Stefano, Russia, who advocated a “Greater Bulgaria” to offset the Austro-Hungarian Empire, allowed Bulgaria to claim a substantial portion of Macedonia. “This gave Bulgaria enormously inflated frontiers which have haunted Bulgarian nationalist dreams ever since—even, perhaps, the dreams of Bulgarian Communists. It awarded her nearly all Slav Macedonia, including Vranje, Skopje, Tetovo, Gostivar, the Black Drin, Debar, and Lake Ochrid . . .” Barker, *supra*, at 9. Within four months, however, the Treaty of Berlin displaced the Treaty of San Stefano and extinguished “Greater Bulgaria” by ceding the Macedonian region back to Turkey. By the early 1890s, an Internal Macedonian Revolutionary Organization (or “VRMO,” which is the Macedonian abbreviation and is interchangeable with IMRO) was formed in Bulgaria in an effort to free Macedonia from Turkish oppression. Today, VRMO-DPMNE, the Internal Macedonian Revolutionary Organization Democratic Party of National Unity, is the main contemporary of the organization started in 1893. Soon after its original formation, the VRMO movement fractured, with some advocating independence from Turkey and annexation into Bulgaria and others supporting an independent Macedonian state. *See id.* at 10. Macedonia’s neighbors still had “burning grudge[s] and undamped [irredentist] ambitions,” Barker, *supra*, at 9, and did not recognize the existence of a Macedonian State, but they did support the VRMO’s “guerrilla movements in an effort to gain control of Macedonia.” WILLIAMS, *supra* note 4, at 19.

11. James Pettifer, *The New Macedonian Question, in THE NEW MACEDONIAN QUESTION 15* (James Pettifer ed., 1999).

12. In 1912, Bulgaria, Greece, Serbia, and Montenegro joined forces and succeeded in freeing Albania and Macedonia from Turkish rule. In 1913, however, a second Balkan War ensued over the fate of “reclaimed” territories that pitted Bulgaria against Greece, Serbia, Montenegro, and Romania. As a result of the Treaty of Bucharest, the Macedonian region was divided as spoils of war: Greece received about 51% (Aegean Macedonia), Serbia 39% (Vardar Macedonia), Bulgaria 9% (Pirin Macedonia), and Albania received a 1% slice. WILLIAMS, *supra* note 4, at 19–20. By this time, Macedonia had “changed hands” so many times that

none of the three Balkan States apparently ever thought that Macedonia, once liberated from the Turks, should be independent or autonomous. That may have been because after forty years of their three-sided cultural, ecclesiastical, and armed struggle for power in Macedonia, none of the three could imagine the existence of a genuinely independent Macedonia free from outside intervention.

Barker, *supra* note 10, at 12.

During World War I, Bulgaria allied with the Central powers and was able to occupy most of Vardar Macedonia, but after the Central powers were defeated the territory was incorporated into the Kingdom of Serbs, Croats, and Slovenes (what would become “Yugoslavia”). The Serbian Kingdom subjected both Slav and Albanian Macedonians to “repressive policies of Serbianisation and assimilation,” commonly referring to Macedonia as “South Serbia.” WILLIAMS, *supra* note 4, at 20. During World War II, the Vardar region once

War II, however, the sentiment and political climate in the region facilitated Josip Tito's rise to power and the creation of a *quasi*-independent Macedonia in the Yugoslav Federation where Macedonia enjoyed "equal status to that of the other five federal entities: Serbia, Croatia, Slovenia, Montenegro, and Bosnia-Herzegovina."<sup>13</sup> From the outset, Tito recognized that Macedonia's troubled history weakened Macedonia's claims as a republic, so he devised a systematic plan to strengthen the Macedonian identity, including the formation of an independent Macedonian Church, the development of new Macedonian history textbooks, and the development of a new alphabet and language.<sup>14</sup> From World War II until the collapse of the Iron Curtain, Tito's Yugoslavia held together remarkably well,<sup>15</sup> but "[t]he extent to which Tito succeeded in developing a separate Macedonian national identity would be tested during the dissolution of Yugoslavia."<sup>16</sup>

By 1991, Tito's Yugoslav Federation was dissolving rapidly. Following the lead of Slovenia, Croatia, and Bosnia, Macedonia held a referendum for independence. Virtually all who voted supported the creation of an independent Macedonian state,<sup>17</sup> and Macedonia's

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again was occupied by Bulgaria for the Axis powers. While welcomed at first, many Macedonians soon viewed the Bulgarian occupation as "insensitive and corrupt." *Id.*

13. WILLIAMS, *supra* note 4, at 20.

14. *Id.* at 21.

Tito's recognition of the Macedonian nationality and creation of a separate Macedonian republic within the Yugoslav federation, served to set apart the Slavs living there from Bulgarians and Serbs, a fundamental [tenet] of his Yugoslav nation building program. Tito thus undermined Bulgarian territorial claims by reinforcing that Macedonians were a separate nationality and blocked Serbia from claiming that Macedonians were part of the "Greater Serbian" nation that had dominated interwar Yugoslavia politically and demographically and that had sought to Serbianize Macedonia in the interwar period.

*Id.* (quoting Duncan M. Perry, *Crisis in the Making? Macedonia and Its Neighbors*, 43 SÜDOSTEUROPA 34-35 (1994)).

15. Ackermann attributes Yugoslavia's remarkable post-war cohesion to "Tito's charisma[,] authoritarian leadership style, . . . an intricate political system of federalism, social and economic equality, and group and national rights, including 'shared sovereignty among its many nations.'" ACKERMANN, *supra* note 4, at 55 (quoting SUSAN L. WOODWARD, *BALKAN TRAGEDY: CHAOS AND DISSOLUTION AFTER THE COLD WAR* 22 (1995)).

16. WILLIAMS, *supra* note 4, at 21.

17. Seventy-two percent of the eligible voters actually voted and ninety-nine percent favored Macedonian independence. *Id.* at 23. By February 1992, Macedonian President Gligorov successfully negotiated with Yugoslav President Milosevic for the withdrawal of the Yugoslav National Army ("JNA") from Macedonia, and by April 1993 the UN admitted Macedonia as its 181st member. *See* G.A. Res. 225, *supra* note 1.

parliament subsequently adopted a new constitution guaranteeing “the rule of law, a democratic political system, and individual rights.”<sup>18</sup> At long last, Macedonia achieved independence and nationhood. But while the new constitution marked the beginning of a new era in Macedonian history, it fueled old questions of identity and territory. Externally, Macedonia feared the possible irredentist designs of its neighbors—the historically so-called “four wolves.”<sup>19</sup> Internally, the government saw increases in ethnic Albanian nationalism as inapposite to a strong, united Macedonian identity and feared implosion by factionalism.<sup>20</sup> To fortify its claims to sovereignty and independence, the Macedonian government made rational choices about how to address each threat. First, the country had virtually no military force and was completely vulnerable to invasion.<sup>21</sup> President Kiro Gligorov responded by requesting international assistance to fortify Macedonia’s borders. Second, the new government viewed ethnic Albanian issues as internal concerns which if legitimized would undermine the new republic’s stability and territorial claims. Hoping not to legitimize possibly nationalistic claims, the government responded by minimizing ethnic grievances in favor of a united Macedonian identity. Therefore, as the international community became involved in Macedonia, it addressed the potential external and internal sources of conflict with various degrees of success. The international community was highly successful in managing external aggression, yet it struggled to deal effectively with internal sources of conflict.

### *B. 1991–1999: Managing External Threats to Macedonian Statehood*

#### *1. Preventive deployment in Macedonia*

In December 1992 at Macedonia’s request, the UN approved the first and, to date, only deployment of a purely preventive force.<sup>22</sup>

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18. WILLIAMS, *supra* note 4, at 23.

19. The four wolves are Albania, Bulgaria, Greece, and Serbia. See Pettifer, *supra* note 11, at 17.

20. Feeling left out and overlooked in the nationalization process, the ethnic Albanian population boycotted the 1991 referendum and did not support the adoption of the new Macedonian constitution.

21. See *supra* note 17.

22. The end of the Cold War and the rise of ethnic violence, especially in the Balkan region, forced the UN to “reconceptualiz[e] the measures available to the United Nations in

One month earlier, Macedonian President Kiro Gligorov asked the UN to position a military force in Macedonia in order to protect the country from possible spillover of other Balkan conflicts and from any irredentist designs of Macedonia's neighbors—the four wolves.<sup>23</sup> The Security Council dispatched an exploratory group of observers

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maintaining international peace and security.” Ostrowski, *supra* note 4, at 794. Zartman notes that post Cold War conflicts generally “have not been the kind of classic interstate conflicts over causes such as boundaries, territory, hostile regimes, or resources. . . . [C]onflicts do tend to become regionalized, not by unbridled aggression but by ‘contamination’ . . . .” I. William Zartman, *Toward The Resolution of International Conflicts*, in PEACEMAKING IN INTERNATIONAL CONFLICT: METHODS & TECHNIQUES 5 (I. William Zartman & J. Lewis Rasmussen eds., 1997).

In 1992, Secretary-General Boutros-Ghali issued *An Agenda for Peace*, which provided the UN a progressive and adaptive framework of analysis for dealing with modern conflict. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping, Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992*, U.N. GAOR, 47<sup>th</sup> Sess., Agenda Item 10, U.N. Doc. A/277-S/24111 (1992) [hereinafter *Agenda for Peace*]. This approach uses a set of integrally related, ad hoc measures in order to “resolv[e] the issues that have led to conflict.” *Id.* ¶ 15. These measures include preventive diplomacy, peacemaking, peace-keeping, and peace-building.

The United Nations has developed a range of instruments for controlling and resolving conflicts between and within States. The most important of them are preventive diplomacy and peacemaking; peace-keeping; peace-building; disarmament; sanctions; and peace enforcement. The first three can be employed only with the consent of the parties to the conflict. Sanctions and enforcement, on the other hand, are coercive measures and thus, by definition, do not require the consent of the party concerned. Disarmament can take place on an agreed basis or in the context of coercive action under Chapter VII.

*Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, Report of the Secretary-General*, U.N. GAOR, 50th Sess., ¶ 23, U.N. Doc. A/60-S/1995/1 (1995) [hereinafter *Supplement to an Agenda for Peace*].

To establish clear definitions for this paper, preventive action and peacemaking are aimed at “prevent[ing] conflicts through early warning, quiet diplomacy and, in some cases, preventive deployment.” *Id.* ¶ 26. Peace-keeping involves the deployment of military or police forces to control conflict between hostile parties. *See Agenda for Peace, supra*, ¶ 20. Peace-building or state-building involves “institutional reform, improved police and judicial systems, the monitoring of human rights, electoral reform and social and economic development.” *Supplement to an Agenda for Peace, supra*, ¶ 48. Peace-building “requires integrated action and delicate dealings between the United Nations and the parties to the conflict in respect of which peace-building activities are to be undertaken.” *Id.* ¶ 47.

Under these guiding principles, the UN sanctioned the use of preventive deployment as a means of conflict prevention. *See* Boutros Boutros-Ghali, *A Grotian Moment*, 18 FORDHAM INT’L L.J. 1609, 1615 (1995). “Preventive deployment was not foreseen by the international community, but it is grounded in international law. It was devised by the application of elements of the law heretofore not brought together.” *Id.*

23. *Letter Dated 23 November 1992 from the Secretary-General to the President of the Security Council*, U.N. Doc. S/24851 (1992).

to Macedonia<sup>24</sup> and based on the findings of the mission, the Secretary-General recommended that part of the United Nations Protective Force (“UNPROFOR”) be stationed “on the inside of the Republic’s borders with Albania and Yugoslavia (Serbia and Montenegro) with an essentially preventive mandate of monitoring any developments which could undermine stability.”<sup>25</sup> Based on this report, the Security Council passed resolution 795, which authorized the deployment of international troops in Macedonia and, in reality, acted as more of a symbolic barrier to spillover of Balkan aggression rather than an actual military blockade.<sup>26</sup> The preventive mission would be small—one infantry battalion and thirty-five UN observers<sup>27</sup>—because the Macedonian government “did not expect the United Nations to defend its borders. It was the presence of United Nations forces that was most important.”<sup>28</sup> In May 1993, the

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24. *Letter Dated 25 November 1992 from the President of the Security Council to the Secretary-General*, U.N. Doc. S/24852 (1992).

25. 1992 U.N.Y.B. 386, U.N. Sales No. E.93.I.1; *see also Report of the Secretary-General on the Former Yugoslav Republic of Macedonia*, U.N. Doc. S/24923 (1992) [hereinafter *Report of the Secretary General on the FYROM*]. UNPROFOR was setup in Croatia in February of 1992. Until 1995, the missions to Bosnia, Croatia, and Macedonia were all under UNPROFOR central command. S.C. Res. 743, U.N. SCOR, 47th Sess., 3055th mtg., ¶ 2, U.N. Doc. S/RES/743 (1992).

The Secretary-General also recommended that UN civilian police (“UNCIVPOL”) be sent to keep an eye on the Macedonian border police because of increased ethnic tensions caused by the killing of several ethnic Albanians who had attempted to cross the border illegally. 1992 U.N.Y.B. 386, U.N. Sales No. E.93.I.1; *see also Report of the Secretary-General on the FYROM, supra*, ¶ 4. “However, unlike the military deployment, that proposal had not yet been accepted by the authorities of the former Republic.” 1992 U.N.Y.B., *supra*, at 386. The Security Council therefore instructed Secretary-General Boutros-Ghali to seek the permission of the government and “deploy the police monitors immediately upon receiving the consent of the Government.” S.C. Res. 795, *supra* note 3, ¶ 3. The Macedonian government contested the need for the UNCIVPOL, arguing that “the internal situation was stable [and e]thnic concerns were being dealt with through dialogue and negotiation.” *Report of the Secretary-General on the FYROM, supra*, Annex 1, ¶ 13. Macedonia’s reluctance to the presence of UNCIVPOL is indicative of the government’s consistent efforts to distance the UN and other international actors from meddling in internal affairs. Although the government eventually conceded to the presence of UNCIVPOL as “the price it had to pay for UN troops on its borders,” the lack of enthusiasm the government had for solving internal problems consistently hampered the international community’s efforts to conduct peacemaking operations in Macedonia. WILLIAMS, *supra* note 4, at 49.

26. S.C. Res. 795, *supra* note 3.

27. *Report of the Secretary-General on the FYROM, supra* note 25, Annex 1, ¶ 30.

28. *Id.* ¶ 21. After a series of both informal and formal requests, Finland, Norway, and Sweden agreed to provide military personnel to form a joint Nordic battalion (“NORDBAT”) that would contribute to the preventive force. *See WILLIAMS, supra* note 4, at 46–47.

United States joined the international effort and committed troops to the region as “a chance to limit the conflict.”<sup>29</sup> The Secretary-General viewed United States involvement in Macedonia as a key development, stating that the “tangible support offered [by] United States deployment will further strengthen confidence and stability in [Macedonia] and underscore the message that the international community will not accept any further widening of the tragic conflict in the region.”<sup>30</sup>

With the one exception of adding a good offices mandate,<sup>31</sup> the goals of the UN mission remained constant throughout the duration of the mission: (1) to monitor Macedonia’s northern and western borders; (2) to fortify the country’s security and stability by acting as a deterrent to potential aggressors; and (3) to report any threats to the country.<sup>32</sup> In 1995, however, an important change occurred in the structure of the preventive mission—the Macedonian mission was separated from the Bosnian and Croatian missions.<sup>33</sup> Macedonia desired an independent mission from the outset, but the political circumstances were not conducive to such a request until Croatia threatened to withdraw support for UNPROFOR in 1995.<sup>34</sup> Seizing an opportunity, Macedonia requested that the UN establish separate peacekeeping missions since

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29. Elaine Sciolino, *U.S. Says It Will Send 300 Troops to Balkan Republic to Limit Strife*, N.Y. TIMES, June 11, 1993, at A1.

30. *Report of the Secretary-General Pursuant to Security Council Resolution 795*, ¶ 24, U.N. Doc. S/26099 (1993). Secretary of State Warren Christopher remarked that “these troops underscore the seriousness of our warning to Belgrade and the Bosnian Serbs. This offer of U.S. troops to the UN has both symbolic and tangible significance [in the region].” Warren Christopher, U.S. Leadership After the Cold War: NATO and Transatlantic Security, Address Before the North Atlantic Council Ministerial Meeting, (June 10, 1993), <http://dosfan.lib.uic.edu/ERC/briefing/dossec/1993/9306/930610dossec.html>.

The value of the peacekeepers lay not in their strength or their arms but in their presence. They symbolized the interest of the United Nations in Macedonia and signaled that it was off-limits to potential aggressors. Equally important, they were a trip wire and could not be attacked with impunity. Their message was simple: “Hands off Macedonia.”

WILLIAMS, *supra* note 4, at 42.

31. *See infra* Part II.C.

32. *See Report of the Secretary-General on the FYROM*, *supra* note 25, ¶¶ 3–4; *id.* Annex I, ¶ 12.

33. *See* S.C. Res. 983, U.N. SCOR, 50th Sess., 3512th mtg., U.N. Doc. S/RES/983 (1995).

34. *See Report of the Secretary-General Pursuant to Paragraph 4 of Security Council Resolution 947*, ¶¶ 4–5, U.N. Doc. S/38 (1995).

Macedonia had not been involved in the war in the former Yugoslavia and therefore [it] was not sustainable politically that the UN's mission in the country should be a part of UNPROFOR. [Furthermore,] UNPROFOR's preventive mandate in Macedonia was different from its mandates in Bosnia and Herzegovina and Croatia, and the success of the UN's first preventive deployment mission warranted greater recognition.<sup>35</sup>

In a March report to the Security Council, Secretary-General Boutros-Ghali recommended that UNPROFOR be separated into three separate operations and the Security Council subsequently approved the changes.<sup>36</sup> Macedonia believed that the creation of a UN Preventive Deployment (“UNPREDEP”)<sup>37</sup> mission would accomplish at least three important objectives: (1) an increased emphasis on “Macedonia’s status as an independent and sovereign state”; (2) greater direct attention from UN headquarters; and (3) an increase in the “amount of local procurement in Macedonia, [which would boost] the weak local economy.”<sup>38</sup> These objectives highlight Macedonia’s rational behavior in forwarding the country’s goal of unchallenged independence and sovereignty. First, based on the history of the region and the post–Iron Curtain climate, Macedonia legitimately feared the intentions of its Balkan neighbors. Second, Macedonia’s dilapidated military force could not withstand a spillover of violence into the country. Third, Macedonia recognized that increased international attention and recognition of Macedonia’s statehood and territory would disarm and deter many of the external threats to the country’s independence. Therefore, Macedonia’s solution—a request for UNPREDEP—responded to Macedonia’s rational, self-interested realization that it could not manage the external threats without international help. In large part, UNPREDEP successfully managed external threats because of this realization and the Macedonian government’s willingness to cooperate.

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35. WILLIAMS, *supra* note 4, at 76.

36. *Report of the Secretary-General Pursuant to Security Council Resolution 947 (1994)*, ¶¶ 84–85, U.N. Doc. 34, S/222 (1995); S.C. Res. 983, *supra* note 33.

37. For simplicity, this paper will hereinafter use the term UNPREDEP to refer to the UN’s entire preventive mission in Macedonia, including the periods when the mission was technically under the UNPROFOR mandate.

38. WILLIAMS, *supra* note 4, at 76.

2. *UNPREDEP's success in holding the four wolves at bay and containing violent ethnic spillover*

An unfortunate reality in international conflict resolution is that “failure by international institutions seems to command greater attention than success.”<sup>39</sup> While this paper seems to follow suit by focusing on the international community’s apparent challenges in addressing Macedonia’s internal threats, this paper fully recognizes the significant successes that UNPREDEP achieved. While it is difficult to draw “but-for” conclusions in any situation, one may likely conclude that during its seven-year existence UNPREDEP served at least two important purposes: (1) it stifled any irredentist designs of Macedonia’s neighbors,<sup>40</sup> and (2) it prevented the physical spillover of violence from greater Balkan conflicts. The mission sent a clear message that the international community recognizes and supports the development of a strong, independent Macedonian nation. In addition, this paper’s subsequent analysis of UN good offices diplomacy in Macedonia benefits from the recognition that UNPREDEP strengthened Macedonia’s territorial security through the UN’s and Macedonia’s cooperative orientation.<sup>41</sup> Both parties’ objectives were aligned, which facilitated cooperation instead of competition. In contrast, the UN’s attempts to assist Macedonia with internal problems were met with grudging acknowledgement.<sup>42</sup> While this paper focuses on the failures of the UN good offices mandate, it does so to emphasize the continuing need to develop models of peacemaking that nurture host-country cooperation.

39. *Id.* at 1.

40. Although a detailed examination of the history of Macedonia is beyond the scope of this paper’s thesis, the “Macedonian fear of the ‘Four Wolves’ which surround the country” was legitimate. Pettifer, *supra* note 11, at 17. Although Albania, Bulgaria, Greece, and Serbia express “that they have no claim on Macedonian territory, there are substantial political parties . . . who do have claims over Macedonian territory or who want a revision of the position of their compatriot minorities.” *Id.*; see also ACKERMAN, *supra* note 4, at 52–59, 71–75; WILLIAMS, *supra* note 4, at 25–30.

41. See RICHARD E. WALTON & ROBERT B. MCKERSIE, A BEHAVIORAL THEORY OF LABOR NEGOTIATIONS 184 (1965). In particular, the concept of attitudinal structuring, discussed *infra* Part IV.B. provides important guidelines for developing effective good offices strategies. See generally *id.* at 184–90. A cooperative attitude between two parties is characterized by “complete acceptance of the legitimacy of the other,” “full respect for the other,” and “mutual trust and a friendly attitude between the parties generally.” *Id.* at 188.

42. See *id.* at 186. When there is a competitive orientation, however, “[r]ecognition of the legitimacy of the other party could be characterized as ‘grudging acceptance.’” *Id.*

Otherwise, good offices diplomacy will be frustrated and inept. In Macedonia's case, the internal threats to stability, which were widely recognized as likely more dangerous than external threats,<sup>43</sup> were never effectively solved and consequently failed to prevent rebel fighting in 2001. The challenge—and seeming paradox—is determining how to stay out of Macedonia's internal affairs enough to respect the country's sovereignty while still exerting enough influence to help the country create lasting democratic institutions.

*C. 1991–1999: Managing Internal Threats to Macedonian Statehood*

The major source of internal conflict in Macedonia originates from the deep-rooted tensions between Slavic Macedonians and ethnic Albanians. Under Tito's leadership, the Yugoslavian federal system granted Macedonia "republic" status and encouraged it to construct a national identity as a counterbalance to Bulgarian and Serbian claims over Macedonian identity.<sup>44</sup> Ultimately though, creating this Macedonian identity "clash[ed] with the need of Macedonia's ethnic minorities, especially the ethnic Albanians, to maintain their cultural identity. The more Slavic Macedonians assert[ed] their cultural identity, the more ethnic Albanians fe[lt] the need to assert theirs, leading to a vicious circle."<sup>45</sup>

*1. The UN Secretary-General's good offices*

By 1994 Secretary-General Boutros-Ghali realized that "the internal [ethnic] situation in [Macedonia] . . . could prove to be more detrimental to the stability of the country than external aggression."<sup>46</sup> This judicious assessment of the Macedonian situation marked a shift in UNPREDEP's emphasis. Rather than playing a merely passive and monitoring role, Secretary-General Boutros-Ghali recommended that the Security Council authorize a good offices

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43. See, e.g., *Report of the Secretary-General Pursuant to Resolution 871 (1993)*, ¶ 37, U.N. Doc. S/300 (1994); *Report of the Secretary-General on the United Nations Preventive Deployment Force Pursuant to Security Council Resolution 1058 (1996)*, ¶ 22, U.N. Doc. S/961 (1996); Jonathan Eyal, *From Bad to Worse to Bosnia*, THE SPECTATOR, June 17, 1995, at 10.

44. See ACKERMANN, *supra* note 4, at 65–66.

45. *Id.* at 66.

46. *Report of the Secretary-General Pursuant to Resolution 871 (1993)*, *supra* note 43, ¶ 37.

mandate to Macedonia.<sup>47</sup> From this point forward, the UN joined the OSCE and several other prominent international actors in “devot[ing] considerable attention to strengthening dialogue between the political forces and [assisting] in monitoring human rights and inter-ethnic relations.”<sup>48</sup>

Under advisement from the Secretary-General, the Security Council adopted Resolution 908 in March of 1994.<sup>49</sup> The language of the mandate “encourage[d] the Special Representative of the Secretary-General for [Macedonia] . . . to use his good offices as appropriate to contribute to the maintenance of peace and stability in that Republic.”<sup>50</sup> An important legal limitation of the good offices role was, however, that “[l]egally and politically [Macedonia’s] request for, or at least acquiescence in, United Nations action [was] a sine qua non.”<sup>51</sup> Macedonia fell into a catch-22:

The government was not enthusiastic about the good offices mandate. It viewed “good offices” as a menacing formula for the UN to interfere in the country’s internal affairs. The government also believed that the implementation of international standards on the treatment of ethnic minorities, which was advocated by regional and international organizations, would contribute to the disintegration rather than the consolidation of the Macedonian state. *Nonetheless, the Macedonian government resigned itself to the good offices mandate as the price it had to pay for the political legitimization and security provided by UNPREDEP.*<sup>52</sup>

Therefore, although the Special Representative’s good offices mandate had been “approved” by Macedonia, the government viewed the mandate with reservation, apprehension, and resentment.<sup>53</sup> Since the UN had to exercise good offices diplomacy

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47. *See id.*

48. *Report of the Secretary-General on the United Nations Preventive Deployment Force Pursuant to Security Council Resolution 1058 (1996)*, *supra* note 43, ¶ 22.

49. S.C. Res. 908, U.N. SCOR, 49th Sess., 3356th mtg., U.N. Doc. A/908 (1994).

50. *Id.* ¶ 12. As has been noted in other literature, “use of the term ‘as appropriate’ . . . left a large degree of discretion to local force commanders as to how to execute most beneficially the preventive mandate.” Ostrowski, *supra* note 4, at 820; *see also* Thomas M. Franck & Georg Nolte, *The Good Offices Function of the UN Secretary-General*, in UNITED NATIONS, DIVIDED WORLD: THE UN’S ROLES IN INTERNATIONAL RELATIONS 143, 174 (Adam Roberts & Benedict Kingsbury eds., 2d ed. 1993).

51. *Supplement to an Agenda for Peace*, *supra* note 22, ¶ 28.

52. WILLIAMS, *supra* note 4, at 109–10 (emphasis added).

53. *See id.* at 112, 135, 141.

with the cooperation of the authorities of the host country, Macedonia often complied by going through the motions of the good offices function without obligating itself to meaningful reform and negotiation.<sup>54</sup> This lack of meaningful peacemaking caused some groups to criticize the UN's efforts: "In the name of stability . . . both the U.N. and the OSCE tend to defend the status quo in Macedonia and downplay human rights violations within the country. Only gentle criticism is directed against a friendly government that is seen as a stabilizing force."<sup>55</sup> These criticisms describe the practical limitations on a good offices mandate—that one commissioned to use good offices diplomacy must maintain respect for the host country's sovereignty and independence while trying to influence a reluctant government into developing stable democratic institutions.

Viewed differently, this limitation may be the actual strength of good offices mediation. Since the UN good offices diplomacy is unfettered by any particular methodology, UN mediators have the flexibility to structure their efforts to each particularized situation. Consequently, good offices activities can be *ad hoc*, adapting to needs as they arise.<sup>56</sup> Additionally, international law assures the host country that a UN good offices mandate will not become overbearing. Since good offices activities require, at the very least, acquiescence by the host country,<sup>57</sup> the host country occupies the driver's seat. In this position, UN good offices mediations serve as a navigator and advisor in guiding the host country on the road to democratization. Developing this sort of cooperative and information-sharing relationship with the UN, a host country can make better institution-building decisions because it has access to valuable expertise that the country can adapt to fit its particular social and ethno-historic challenges. UN good offices in Macedonia failed, however, to develop this type of cooperative attitude in addressing internal strife. In part, the UN is responsible because its exuberance

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54. See S.C. Res. 908, *supra* note 49, ¶ 12.

55. Human Rights Watch, *A Threat to "Stability": Human Rights Violations in Macedonia*, <http://www.hrw.org/reports/1996/Macedoni.htm> (last visited Mar. 12, 2003).

56. "Good offices are informal, loosely structured, and, to a large extent, depend on the flexibility, sensitivity, and imaginativeness of the good officer. The successful good officer thus usually demands the authority to operate within a wide margin of discretion." Franck & Nolte, *supra* note 50, at 174.

57. *Supplement to an Agenda for Peace*, *supra* note 22, ¶ 28.

and paternalism often signaled in the minds of the Macedonian government that the UN did not trust Macedonia's decision-making abilities.

## 2. *Macedonian-Albanian tensions*

In Secretary-General Boutros-Ghali's view, the authorization of a good offices mandate in Macedonia represented a measured and preventive response to the rise of ethnic nationalism in the region, especially in view of the bloody ethnic wars in other republics of the Yugoslav Federation. The UN hoped to avert the escalation of ethnic tension into a Bosnian-like conflict. By 1994, ethnic relations were already on edge in Macedonia due to ethnic Albanian political and social criticisms of the country. Several issues plagued Slav-Albanian relations in Macedonia, which are discussed in the following text.

*a. Group recognition and territorial independence.* Early divisions began when the ethnic Albanians boycotted the Macedonian referendum for independence in 1991 "because of concern that they would not be counted accurately."<sup>58</sup> At the time, Slav Macedonians defended certain poll practices by asserting that not all ethnic Albanians in Macedonia have citizenship rights because of heavy immigration from Kosovo and other regions of former Yugoslavia.<sup>59</sup> In response, the Albanians "accused the government of passing deliberately restrictive citizenship laws that have discriminated against ethnic Albanian [immigrants]."<sup>60</sup> By January 1992, this increasing ethnic Albanian nationalism and self-awareness stimulated an Albanian referendum on territorial autonomy. While the

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58. WILLIAMS, *supra* note 4, at 23. Ethnic Albanians disputed the results of 1991 census, which put the ethnic Albanian population at approximately 22% and the ethnic Macedonian population at approximately 66%. Many ethnic Albanians believe that they account for between 30% and 40% of the population. ACKERMANN, *supra* note 4, at 61.

According to the 1994 census, Macedonia has 1.94 million citizens: 66.5% are ethnic Macedonians, 22.9% are ethnic Albanians, 4% are ethnic Turks, 2.3% are Roma, 2% are ethnic Serbs, 0.4% are Vlachs, and 1.8% of the population belongs to other ethnic groups. *See* WILLIAMS, *supra* note 4, at 32. Ethnic Albanian leaders dispute the results of the 1994 census "alleg[ing] that the census was plagued with technical and legal irregularities and that the results were suspect as no ethnic Albanian was employed in the Government Statistical Office." *Id.* at 33. Their complaints, however, further discredited their motives in the eyes of Slav Macedonians because the census was "financed, monitored, and partly organized by the European Union and the Council of Europe." *Id.* at 32.

59. *See* ACKERMANN, *supra* note 4, at 61.

60. *Id.*

Macedonian government condemned the referendum and pronounced it illegal, “it signaled to many Macedonians that ethnic Albanians were not willing to coexist in a common state.”<sup>61</sup> In short, the referendum raised fears of a “Greater Albania” movement that would attempt to unite Albania with parts of Macedonia and Kosovo. After the UN deployed UNPREDEP in Macedonia, this threat subsided considerably and “[b]y 1996, more vocal ethnic Albanian politicians . . . [had] reframed the quest for territorial autonomy into ‘internal self-determination,’ with structures more representative of ethnic Albanians.”<sup>62</sup>

*b. Discrimination.* Ethnic Albanian grievances concerning status and self-determination related closely to concerns over discrimination. Thus, throughout the 1990s, ethnic Albanian leaders emphasized the need for constitutional and governmental reform. They resented the language of the Macedonian constitution that described Macedonia as the “national state of the Macedonian people.”<sup>63</sup> Even though the government claimed that the constitution’s language of “guaranteeing . . . human rights, citizens’ freedoms and ethnic equality”<sup>64</sup> demonstrated the constitution’s focus on the citizens and not the nation, “ethnic Albanians . . . maintain[ed] that this implic[ed] a second-class status for non-Slavic citizens.”<sup>65</sup> Another sticking point centered on the underrepresentation of ethnic Albanians “particularly in the armed forces, in the police, in the legal professions, and in political office.”<sup>66</sup> Although the government has made efforts to balance ethnic minority compositions, “ethnic Albanians [have] continue[d] to demand wider representation in all areas of Macedonian society.”<sup>67</sup>

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61. *Id.*

62. *Id.* at 61–62.

63. MACED. CONST. (Constitution of the Republic of Macedonia, 1991) pmb1.

64. *Id.*

65. WILLIAMS, *supra* note 4, at 23–24.

66. ACKERMANN, *supra* note 4, at 63.

67. *Id.*

Since 1990, the government has appointed from four to five ethnic Albanians to any given cabinet and has allowed ethnic Albanians to form their own political parties and to operate their own television, radio, and newspapers. Nevertheless, many ethnic Albanians claim that they continue to be underrepresented . . . For example, only 3 percent of police officers, and only 7 percent of military personnel are ethnic Albanian. However, the government continues to take positive steps toward integration, appointing two ethnic Albanian justices to the Constitutional Court (out of nine) and increasing the number of ethnic Albanians on the Supreme

*c. Language and education.* Controversies over language and education rights also correlated with ethnic Albanians' "demands for greater political participation and representation."<sup>68</sup> A major complaint was that the constitution established "[t]he Macedonian language, written using its Cyrillic alphabet, [as] the official language in the Republic of Macedonia."<sup>69</sup> The government answered many of the language issues during the 1990s,<sup>70</sup> but ethnic Albanians "have continued to press the Macedonian government to address . . . recognition of the Albanian-language University of Tetovo [and] recognition of Albanian as a second official language."<sup>71</sup> In 1994, a group of academics proposed to establish an Albanian-language University of Tetovo that would "provide adequate training to a sufficient number of teachers responsible for teaching in Albanian primary and secondary schools."<sup>72</sup> The ethnic Albanian population believed that such a university was vital due to the low acceptance rate of ethnic Albanian students at Macedonian language schools. However, the Macedonian government opposed the university project fearing that it would lead to increased ideological division within the country. After a series of protests and demonstrations over the issue, the government adopted compromise legislation, including a quota system for ethnic Albanian admissions to Macedonian language schools and an increased ethnic Albanian curriculum at such schools.<sup>73</sup> To ethnic Albanians, the compromises have been less than satisfying, and they wonder "[h]ow can a state succeed when one part of its population is educated, while the other is semi-literate?"<sup>74</sup>

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Court from one to four (out of sixteen). In addition, one ethnic Albanian was promoted to general in the army and three ethnic Albanians were appointed ambassadors. The proportion of ethnic Albanian cadets at the military academy also increased from 2 to 12 percent, and the proportion of ethnic Albanian officers rose from an overall low of 0.1 percent in 1992 to 3 percent in 1995.

*Id.* (citations omitted).

68. *Id.* at 91.

69. MACED. CONST. art. VII, § 1.

70. See ACKERMANN, *supra* note 4, at 91.

71. WILLIAMS, *supra* note 4, at 33.

72. *Id.* at 118.

73. See ACKERMANN, *supra* note 4, at 91-92.

74. WILLIAMS, *supra* note 4, at 119 (quoting FLAKA E VËLLAZËRIMIT, Nov. 17, 1994 (the FLAKA E VËLLAZËRIMIT is an Albanian newspaper)).

### 3. *The solving power of the good offices mandate*

In a 1995 report, the Secretary-General described the good offices mandate as having “made a modest but important contribution to helping . . . to maintain peace and stability and build a workable future.”<sup>75</sup> In retrospect, the modesty of the contribution seems even more apparent. The Macedonian government did not want a good offices mandate but went along with it as “the price it had to pay for a continuation of the deployment of UN troops along its borders.”<sup>76</sup> The government’s go-through-the-motions attitude<sup>77</sup> did not facilitate meaningful UN mentoring because under the tenets of international law, good offices activities had to be conducted “in cooperation with the authorities of the former Yugoslav Republic of Macedonia.”<sup>78</sup> Because of Macedonia’s tolerating, rather than cooperating, mind-set, many of the UN good offices accomplishments related more to Track-Two type conflict resolution instead of Track-One diplomacy.<sup>79</sup> While these Track-Two efforts were valuable, they failed to penetrate official governmental levels in a way that stimulated the direct resolution of ethnic tensions. In Macedonia’s case, ethnic Albanian grievances centered on problems with constitutional, political, governmental, and social institutions—issues that ultimately have to be resolved by official dialogue.<sup>80</sup>

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75. *Report of the Secretary-General Pursuant to Security Council Resolution 947, supra* note 36, ¶ 80.

76. WILLIAMS, *supra* note 4, at 112.

77. Walton and McKersie might describe Macedonia’s attitude as accommodative. *See* WALTON & MCKERSIE, *supra* note 41, at 187.

78. S.C. Res. 908, *supra* note 49, ¶ 12.

79. “Track One consists of the mediation, negotiations, and other official exchanges between governmental representatives.” Louis Kriesberg, *The Development of The Conflict Resolution Field*, in PEACEMAKING IN INTERNATIONAL CONFLICT: METHODS & TECHNIQUES 51, 60 (I. William Zartman & J. Lewis Rasmussen eds., 1997). Track-Two diplomacy “denotes unofficial, informal interaction directed toward conflict resolution among members of adversarial groups or nations.” Ronald J. Fisher, *Interactive Conflict Resolution*, in PEACEMAKING IN INTERNATIONAL CONFLICT: METHODS & TECHNIQUES 239, 261 (I. William Zartman & J. Lewis Rasmussen eds., 1997); *see also* Joseph V. Montville, *Transnationalism and the Role of Track-Two Diplomacy*, in APPROACHES TO PEACE: AN INTELLECTUAL MAP 255 (W. Scott Thompson et al. eds., 1991).

80. This paper focuses on the UN’s struggle to initiate a meaningful Track-One negotiation between the Macedonian government and ethnic Albanians. It is beyond the scope of this paper to discuss the many efforts at diplomacy that were conducted by the OSCE, the International Conference on the Former Yugoslavia, The Working Group, U.S. Agency for International Development (“USAID”), U.S. Institute of Peace, and others. *See, e.g.*,

The most notable good offices contributions included monitoring the 1994 elections, helping contain the University of Tetovo crisis, and promoting unofficial dialogue.<sup>81</sup> But despite the UN's attempts at persuasion, the Macedonian government still proved unwilling to directly negotiate over many of the ethnic Albanian substantive demands. It feared that conceding on some issues would fuel nationalism, further divide the country, and legitimize ethnic Albanian claims to territorial autonomy. In certain instances, such as the 1994 election, "[t]he government's willingness to invite the UN to [participate in easing ethnic tension] on the basis of the good offices mandate, which it resented, was the result of practical political considerations of self-interest."<sup>82</sup> "The government understood clearly the significance of credible elections for internal stability and its own international standing. . . . [And it] saw a useful role for the good offices function that it had not expected when it was authorized by the Security Council."<sup>83</sup>

Additionally, the UN did serve a role in trying to promote dialogue in the University of Tetovo crisis, but when the situation became increasingly political, UNPREDEP "was unable to get the Macedonian government and the ethnic Albanians to find a permanent solution to the dispute."<sup>84</sup> The UN had to walk a fine line—making sure not to support the ethnic Albanian's grievances but also disassociating itself from the government's policies. Any appearance of choosing sides would have disastrous effects on the balance of the country. The situation limited the UN's effectiveness in promoting a long-lasting solution to the problem.<sup>85</sup> During

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ACKERMANN, *supra* note 4, at 104–11; ORG. FOR SEC. AND CO-OPERATION IN EUR., ARTICLES OF UNDERSTANDING CONCERNING CSCE SPILLOVER MONITOR MISSION TO SKOPJE, <http://www.osce.org/skopje/mandate/files/agreement.pdf> (Nov. 7, 1992); U.S. AGENCY FOR INT'L DEV., FIELD REPORT: MACEDONIA NOVEMBER 2001, [http://www.usaid.gov/hum\\_response/oti/country/macedon/rpt1101.html](http://www.usaid.gov/hum_response/oti/country/macedon/rpt1101.html) (Nov. 2001). The peace-building activities of these organizations have all contributed to the development of the Macedonian democratic system but ultimately fell short of redressing the institutional roots of ethnic conflict.

81. See WILLIAMS, *supra* note 4, at 112–44.

82. *Id.* at 116.

83. *Id.*

84. *Id.* at 130.

85. Williams notes:

The government was becoming increasingly sensitive to the role of international organizations in trying to improve the country's troubled interethnic relations. There was a growing belief in its ranks that external mediators should not be

UNPREDEP's mission, the UN also organized a series of informal monthly meetings aimed at "promot[ing] dialogue among the various political forces."<sup>86</sup> These meetings did begin some important dialogue between political parties, but participants generally avoided controversial issues and focused on issues "which all political leaders could support irrespective of ideology or ethnic affiliation."<sup>87</sup> Ultimately the process failed to solve important ethnic issues.<sup>88</sup>

There is no question that the UN's presence in Macedonia was vital. Although the good offices mandate was generally unsuccessful in brokering negotiations on ethnic issues, the international community's presence in the country certainly had a deterring and mediating effect against a violent escalation of the situation. In the *Supplement to an Agenda for Peace*, Secretary-General Boutros-Ghali articulated:

Collectively Member States encourage the Secretary-General to play an active role in [preventive diplomacy]; individually they are

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involved in resolving internal problems. Moreover, the government had been criticized by the extraparliamentary nationalist parties, VRMO-DPMNE and the Democratic Party, for what they viewed as its over readiness to comply with the dictates of international institutions.

*Id.* at 129.

86. *Id.* at 130.

87. *Id.* at 131.

88. In early February 1999, a letter written by the Minister of Foreign Affairs of the Republic of Macedonia was forwarded to the Security Council. In the letter, the Minister of Foreign Affairs presented Macedonia's arguments for a further extension of UNPREDEP in light of the neighboring military conflicts in Kosovo. See *Letter Dated 29 January from the Minister of Foreign Affairs of the Former Yugoslav Republic of Macedonia Addressed to the Secretary General*, U.N. Doc. S/108/Annex (1999). A resolution to extend the mission for six months was drafted, but China blocked the extension, and on February 28, 1999, UNPREDEP's mandate expired. The withdrawal of forces also extinguished any further good offices activities in the country. "China said that it had voted against the draft resolution because it had always maintained that UN peacekeeping operations, including preventive deployment missions, should not be open-ended." 1999 U.N.Y.B. 371, U.N. Sales No. E.01.I.4. While this argument has some merit, most members of the Security Council considered China's veto inappropriately timed in light of the Kosovo situation and China's reasoning pretextual in light of Macedonia's newly established diplomatic relations with Taiwan. See WILLIAMS, *supra* note 4, at 173-74. Whatever China's reason, the withdrawal of UNPREDEP appeared premature since no formal demarcation of the Macedonia-Yugoslav border had been reached and the hostilities in Kosovo were escalating. See 1999 U.N.Y.B. 370, U.N. Sales No. E.01.I.4. In the following months, several hundred thousand Kosovar refugees fled over the Macedonian border (about ninety percent of Kosovo's population is ethnic Albanian). NATO subsequently intervened and likely prevented a physical spillover of violence into Macedonia, but Macedonia did not avoid the influence of the Kosovo Liberation Army ("KLA") and the spillover of ethnic nationalism.

often reluctant that he should do so when they are a party to the conflict. It is difficult to know how to overcome this reluctance. Clearly the United Nations cannot impose its preventive and peacemaking services on Member States who do not want them. . . . The solution . . . may lie in creating a climate of opinion, or ethos, within the international community in which the norm would be for Member States to accept an offer of United Nations good offices.<sup>89</sup>

The dilemma as described by Secretary-General Boutros-Ghali depicts the situation in Macedonia accurately. Even though Macedonia had technically allowed the good offices mandate, the government's resentment of the mandate hindered internal peacemaking. The government was reluctant to cooperate with the good offices mandate because, in their view, doing so undermined the new nation's independence and sovereignty. The more the UN pushed Macedonia to address ethnic issues, the more the government viewed the UN's good offices as inapposite to self-government. As noted, only when the Macedonian government viewed the good offices mandate as compatible with its "political considerations of self-interest" did the country cooperate with the UN internal stabilization efforts.<sup>90</sup> The good offices mission may have been more successful by refocusing its efforts to first understand the government's self-interested considerations. With a better grasp of the Macedonian viewpoint, the UN would have been in a better position to correct misinformation and cultivate attitudes of cooperation, legitimacy, trust, and friendliness<sup>91</sup>—attitudes that are preconditions for effective mediation. Instead, the UN jumped to the last step and attempted to address "problems" the Macedonian government felt were under control. Even though the UN was correct in its assessment of the internal ethnic situation in Macedonia,<sup>92</sup> the good offices mission neglected to consider the legal limitation on their activities—host country cooperation. As a result the good offices mandate ended up fortifying Macedonia's

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89. *Supplement to an Agenda for Peace*, *supra* note 22, ¶ 28.

90. WILLIAMS, *supra* note 4, at 116.

91. See WALTON & MCKERSIE, *supra* note 41, at 185–190.

92. "[T]he internal [ethnic] situation in [Macedonia] . . . could prove to be more detrimental to the stability of the country than external aggression." *Report of the Secretary-General Pursuant to Resolution 871 (1993)*, *supra* note 43, ¶ 37.

initial fears that the UN would act like a colonial governor.<sup>93</sup> When ethnic Albanian militants began an armed uprising in 2001, however, Macedonia soon became obliged to cooperate with the international community and address ethnic grievances. In this case, Macedonia's incentives changed because of key developments in the armed conflict.

### III. 2001: THE OUTBREAK AND RESOLUTION OF HOSTILITIES

#### *A. Brokering Peace*

By the end of February 2001, rebel uprisings had begun along the Macedonia-Kosovo border in an effort to secure greater rights for ethnic Albanians in Macedonia. Over the next few weeks, the conflict spread through the northern border cities and included clashes in Tetovo, Macedonia's second largest city. The Macedonian government viewed the violence as terrorism and "determined to crush ethnic Albanian guerrillas" whom it viewed as separatists using demands for greater rights as a ploy to advance a "greater Albania."<sup>94</sup> During the first month of conflict, the government was successful in pushing back the rebels and restoring limited peace to the country but at a cost of some civilian casualties. With a temporary abatement of the hostilities, the international community stepped up its distanced admonitions for peace to active participation in the process.

Initially, the United States took a back seat to the European Union ("EU") in trying to resolve the fighting between the government and ethnic Albanian forces. The EU called upon the ethnic Albanians to begin a meaningful dialogue with the government<sup>95</sup> and "two senior foreign policy officials, Javier Solana

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93. See WILLIAMS, *supra* note 4, at 112.

94. *Macedonia Ready to "Crush" Rebels*, BBC NEWS: WORLD EDITION, Mar. 15, 2001, at <http://news.bbc.co.uk/2/hi/europe/1223601.stm>. The international community consistently condemned using extremist violence "as a means of achieving goals in the Balkans." *Armed Attacks on the Former Yugoslav Republic of Macedonia Strongly Condemned*, NATO UPDATE, Mar. 26, 2001, at <http://www.nato.int/docu/update/2001/0319/e0319a.htm>. Ironically, however, even though the UN and NATO clearly supported the established Macedonian government, they used the rebel fighting as a catalyst for bringing Macedonia to the negotiating table to discuss persistent Albanian grievances.

95. See *EU Calls For Dialogue in Macedonia*, BBC NEWS: WORLD EDITION, Mar. 27, 2001, at <http://news.bbc.co.uk/2/hi/europe/1244661.stm>.

and Chris Patten, [took] a hand in all party talks . . . designed to meet the grievances of the Albanian minority.”<sup>96</sup> The EU emphasized that the officials would “not be leading the talks, only trying to act as facilitators”;<sup>97</sup> however, Solana and Patten’s positions were clear: they “condemn[ed] the violence of the Albanian guerrillas and support[ed] the territorial integrity of Macedonia. Both also call[ed] for further reforms in building a multi-ethnic society and extending minority rights, in order to isolate the extremists.”<sup>98</sup>

By early April, NATO Secretary General Lord Robertson had coordinated NATO’s efforts in the region with the EU peace envoy. He openly condemned the rebel uprisings and stressed the need for political dialogue to prevent further hostilities.<sup>99</sup> Some progress was made in April, but the main ethnic Albanian opposition party boycotted the peace talks and “threatened to pull out of the government unless its demands [were] met within a month.”<sup>100</sup> Significantly, the Macedonian government had begun to realize that “the grievances of the Albanian minority [had] to be addressed”<sup>101</sup> and substantial progress was made toward that end. However, on April 28, a rebel attack killed eight Macedonian security officials, and several other subsequent attacks ultimately dismantled the peace talks.<sup>102</sup> In early May, the Macedonian army launched a new offensive to counter the ethnic Albanian attacks, and hostilities escalated during the next several weeks.<sup>103</sup> Unable to come to an agreement on peace, the hostilities continued throughout May and

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96. *Analysis: The EU’s Role in Macedonia*, BBC NEWS: WORLD EDITION, Apr. 2, 2001, at <http://news.bbc.co.uk/2/hi/europe/1256788.stm>.

97. *Id.*

98. *Id.*

99. *See Lord Robertson Calls for Intensified Political Dialogue in the Former Yugoslav Republic of Macedonia*, NATO UPDATE, Mar. 26, 2001, at <http://www.nato.int/docu/update/2001/0326/e0326a.htm>; *Nato Promotes Macedonia Peace Talks*, BBC NEWS: WORLD EDITION, Apr. 4, 2001, at <http://news.bbc.co.uk/2/hi/europe/1259500.stm>.

100. *Nato Promotes Macedonia Peace Talks*, *supra* note 99.

101. *Id.*

102. *See Attack Shakes Macedonia Talks*, BBC NEWS: WORLD EDITION, Apr. 30, 2001, at <http://news.bbc.co.uk/2/hi/europe/1305125.stm>.

103. *See Macedonia Army Begins Offensive*, BBC NEWS: WORLD EDITION, May 3, 2001, at <http://news.bbc.co.uk/2/hi/europe/1310372.stm>.

triggered increased concern over the probability of civilian casualties.<sup>104</sup>

By June, two main factors helped push through a peace agreement: (1) the government realized its “military’s response to the crisis was largely inept. Inheriting an extremely weak military structure . . . , Macedonia’s military took a long time to organize its counteroffensive, which emboldened the Albanian fighters”;<sup>105</sup> and (2) the international community “feared that the botched military campaign would plunge Macedonia into civil war.”<sup>106</sup> In short, the Macedonian conflict became ripe<sup>107</sup> for resolution and compromise. Macedonia did not want civil war because that would ignite discussion over the territorial independence of the ethnic Albanian community. Furthermore, the weak Macedonian army could not assure a quick victory. Macedonia’s incentives to cooperate with the international community changed quickly. Now the EU, NATO, and UN diplomats held vital bargaining chips that could pressure Macedonia to address some of the ethnic Albanian grievances.

On June 14, 2001, President Boris Trajkovski requested NATO’s help in “implementing a peace plan aimed at restoring peace and stability in his country.”<sup>108</sup> NATO agreed to conduct a demilitarization of the ethnic Albanian rebels but only after several preconditions were met. One condition required that a “political agreement be signed by the main Parliamentary leaders.”<sup>109</sup> To reach

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104. See *Concern Grows for Macedonia Civilians*, BBC NEWS: WORLD EDITION, May 27, 2001, at <http://news.bbc.co.uk/2/hi/europe/1353968.stm>.

105. BRENDA PEARSON, PUTTING PEACE INTO PRACTICE: CAN MACEDONIA’S NEW GOVERNMENT MEET THE CHALLENGE? 2 (2002), <http://www.usip.org/pubs/specialreports/sr96.pdf> (last visited May 9, 2003).

106. *Id.*

107. Luca Renda explains:

Scholars often use the term “ripeness” to describe the right moment for initiating external intervention in a civil war. A conflict is deemed to be ripe for resolution when one or more of the combatants begin to fear the consequences of continuing the war. This situation can also occur when the conflict is in a phase of a “mutually hurting stalemate,” that is, when none of the parties is capable of prevailing through force and all sides fear a catastrophic escalation.

Luca Renda, *Ending Civil Wars: the Case of Liberia*, FLETCHER F. WORLD AFF., Fall 1999, at 59, 60.

108. NATO Secretary General Lord Robertson, Statement Following the North Atlantic Council Decision to Launch Operation Essential Harvest, (Aug. 22, 2001), <http://www.nato.int/docu/speech/2001/s010822a.htm> [hereinafter Decision to Launch Essential Harvest].

109. *Id.*

this end, the EU and the United States sent special envoys Francois Leotard and James Pardew to help mediate discussions. By July 7, 2001, a comprehensive framework was drafted “by a group of foreign and Macedonian experts.”<sup>110</sup> Mr. Leotard commented that at that point the document needed “reactions, comments, [and] amendments . . . [but] it [was] the basis for future negotiations.”<sup>111</sup> The strong negotiating style of the envoys soon caused contention as Macedonian Prime Minister Georgievski accused the mediators of “caving in to Albanian demands, and trying to break up the State’s institutions . . . . [T]he country was being threatened and blackmailed.”<sup>112</sup> Finally, the Ohrid Framework Agreement was hammered out in August 2001 “after weeks of difficult negotiations in the [Macedonian] president’s villa” at the Ohrid lakeside on Macedonia’s western border.<sup>113</sup> The Ohrid Framework set in motion a number of specific political reforms in return for an end to ethnic Albanian hostilities. Apparently, neither the government, nor the ethnic Albanian leaders were completely “happy with the compromise,” but the concessions were still publicized as “historic”—“a huge step.”<sup>114</sup>

### *B. The Solving Power of the Ohrid Agreement*

In contrast to the UN good offices mission, the Ohrid Agreement directly responded to the major complaints of the ethnic Albanians.<sup>115</sup> The obvious difference between the two mediation

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110. *Macedonia’s Leaders Given Key Draft*, BBC NEWS: WORLD EDITION, July 7, 2001, at <http://news.bbc.co.uk/2/hi/europe/1427792.stm>.

111. *Id.*

112. *Row Over Macedonia Peace Plan*, BBC NEWS: WORLD EDITION, July 19, 2001, at <http://news.bbc.co.uk/2/hi/europe/1446149.stm>.

113. *Macedonia’s Year of Peace*, BBC NEWS: WORLD EDITION, Aug. 13, 2002, at <http://news.bbc.co.uk/2/hi/world/europe/2191418.stm>.

114. *Id.* The Ohrid agreement “comprise[s] an agreed framework for securing the future of Macedonia’s democracy and permitting the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community.” Ohrid Framework Agreement, Aug. 13, 2001, <http://president.gov.mk/eng/info/dogovor.htm> [hereinafter Ohrid]. The terms of the agreement provide both general statements of policy and specific reform goals and respond roughly to many of the demands that ethnic Albanian have voiced since 1991. *See supra* Part II.C.2.

115. *See supra* Part II.C.2. The following sections describe Ohrid’s provisions and demonstrate their correlation with the ethnic Albanian demands.

*Peace provisions.* Ohrid’s peace terms reflect a commitment to NATO’s four preconditions for its participation in the peace plan. First, an enduring cease-fire. Second, an

efforts was that in the Ohrid negotiations the presence of a hurting stalemate changed Macedonia's incentives to cooperate with ethnic Albanians. Interestingly, ethnic Albanian hostilities did not impose the hurting stalemate *per se*. Rather, the government realized that it would likely be "unable to defeat the rebels by military means"

agreement on a solution to the political and social problems of the country. Third, an "agreed plan for weapons collection, including an explicit agreement by the ethnic Albanian armed groups to disarm." Decision to Launch Essential Harvest, *supra* note 108. Fourth, a status of forces agreement ("SOFA") with Macedonia and assent to the "conditions and limitations under which the NATO forces [would] operate." Ohrid, *supra* note 114, § 2.1.

*Basic principles.* The agreement sets forth broad statements of policy that are intended to guide political and social dialogues between citizens of Macedonia. The statements offer starting points and general guidelines for strengthening democracy in Macedonia. Section 1.1 rejects the "use of violence in pursuit of political aims." *Id.* § 1.1. Section 1.2 states firmly that Macedonia's "sovereignty and territorial integrity" are not on the negotiating table—"[t]here are no territorial solutions to ethnic issues." *Id.* § 1.2. Importantly, however, the agreement recognizes the importance of "preserv[ing]" a "multi-ethnic" Macedonia by continually making sure that "its Constitution fully meets the needs of all its citizens and comports with the highest international standards." *Id.* §§ 1.3–1.4. The agreement further appreciates that "[t]he development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities." *Id.* § 1.5.

*Nondiscrimination.* The Framework acknowledges the principle of nondiscrimination with respect to employment in the public sector. It specifically mandates that authorities "take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities." *Id.* §§ 4.1–4.2. As part of this commitment, the Agreement commits to "ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia." Ohrid Annex C, § 5.2. To begin this process, "500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002." *Id.*

*Decentralized government.* In response to consistent ethnic Albanian complaints, the Agreement commits to adopting a new federalism regime by revising laws on local self-government. The Agreement proposes to enlarge the responsibilities and competencies of local elected officials in the areas of "public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care." Ohrid § 3.1. By the terms of the agreement, the Macedonian Assembly was required to adopt the new law on local self-government within forty-five days of the signing. *Id.* § 8.1.

*Language and education.* The Framework agreement recognizes Macedonian as the official language throughout Macedonia but also provides that "any other language spoken by at least 20 percent of the population is also an official language." *Id.* §§ 6.4–6.5. Additionally, there are provisions for the use of other official languages in local municipalities, for the right to translation of judicial proceedings, and for the issuance of official documents in official languages other than Macedonian. *Id.* §§ 6.7–6.8. Instruction in primary and secondary schools will "be provided in the students' native languages" and "[s]tate funding will be provided for university level education in languages spoken by at least 20 percent of the population of Macedonia." *Id.* §§ 6.1–6.2.

because of the country's limited military capabilities after the withdrawal of the Yugoslav National Army in 1992 and the militants' access to arms from Kosovo.<sup>116</sup> The situation forced Macedonia to listen, albeit reluctantly, to the same type of advice that the UN tried to give repeatedly via its good offices mission: international recognition of Macedonia as a stable democracy requires a responsible resolution of ethnic difficulties. As shown, good offices persuasion to this end fell on deaf ears. The UN's physical presence in Macedonia may have forestalled violence, but UN preventive measures aimed at Macedonia's internal situation did little to redress the roots of the conflict.

The situation created by the ethnic uprisings changed the Macedonian government's paradigm, albeit in a coercive fashion. Likewise, developing and implementing comprehensive good offices strategies can influence actors' perceptions<sup>117</sup> and ultimately create incentives to negotiate with one another. Effective good offices strategies are thus informed by any applicable theory or scholarly literature. For example, in the following section, this paper evaluates the UN's struggle to resolve Macedonia's ethnic tensions under a game theoretic approach. While a retrospective look at the conflict does not provide a specific methodology for conducting future good offices missions or other intrastate mediations, such an analysis is a step toward correcting past mistakes. In the future, game theory, situational modeling, social-psychological theory, and similar theoretical and analytical tools must be used imaginatively to develop effective good offices strategies that will prospectively resolve intrastate conflicts.

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116. Tony Karon, *Progress and Pessimism as Macedonia Peace Plan Moves Forward*, TIME.COM: WORLD, Sept. 6, 2001, at <http://www.time.com/time/world/printout/0,8816,173943,00.html> (telephone interview with TIME Central Europe bureau chief Andrew Purvis).

117. In game theory terms, perceptions may be called information. Information may be perfect or imperfect and, depending on the situation, "players can gain if they can convince their opponent that they have certain attitudes or capabilities, whether they really have them or not." MORTON D. DAVIS, *GAME THEORY: A NONTECHNICAL INTRODUCTION* 99 (rev. ed. 1983). In Macedonia's situation, and in the general context of UN good offices mediation, the parties gain when they are better informed, when there is perfect information. *See id.* at 98. In other words, "players really have [the] capabilities or attitudes" they project. *Id.* at 99.

## IV. ANALYSIS: PREVENTIVE PEACEMAKING IN MACEDONIA

In Macedonia's case, as with a large number of post-Cold War conflicts,<sup>118</sup> the inability of the international community to effectively "look in" hampered preventive peacemaking efforts. Former Secretary-General Boutros-Ghali described the paradox thus: "The United Nations . . . now operates in a world where the major forces are global and internal. . . . [T]he institutions created for peaceful and cooperative relations among States are now needed to sustain the States themselves from new global and internal pressures."<sup>119</sup> No conflict is attributable to a single cause. In Macedonia, several factors led to the ignition of violence. Among those factors was the international community's difficulty in "sustaining" the state against "internal pressures" out of respect for the "political independence and sovereignty" of the new Macedonian nation.<sup>120</sup>

After almost a decade's presence in Macedonia, the UN and other international actors were less successful in securing Macedonian peace than previously believed. Early peacemaking measures fell short of bringing about strong social institutions that could deal with and resolve internal ethnic difficulties. The question then arises: How can the international community effectively respect a state's sovereignty *and* influence democratic institution building in order to solve ethnic and internal tension before violence breaks out? In solving contemporary conflicts, William Zartman suggests that there may be a greater need not to respect sovereignty in the interest of peace:

Since contemporary conflicts tend to be internal, the legitimacy of intervention is questionable. In a democratic age, people are sovereign and they get the government they deserve. . . . The weak international law that does exist protects the sovereignty of states and their internal affairs from foreign interference, and for good reason: Relaxing the inhibitions on internal interference leaves power unrestrained and invites the strong to overrule the weak.

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118. *See supra* note 8 and accompanying text.

119. Boutros-Ghali, *supra* note 22, at 1609. Secretary-General Boutros-Ghali further explained that even though international conflicts have changed, "the principles of the United Nations laid out in Article 2 of the Charter—respect for the territorial integrity of Member States, preservation of the political independence and sovereignty of Member States, and the inadmissibility of the acquisition of territory by force—remain valid and must be upheld." *Id.* at 1610.

120. *See id.* at 1609–10.

The prohibition also protects would-be intervenors from involvement in cultures and arenas that are not their own. *Ultimately, all these arguments are half-sound, reasoned justifications for inaction that are trumped by the need for action and responsibility.*<sup>121</sup>

Zartman's approach to conflict management—that responsibly dealing with conflict may mean trampling on sovereignty to some degree—has strong theoretical foundations in cases where violent conflict has already erupted, such as the ethnic cleansing in Bosnia or Rwanda.<sup>122</sup> Harder questions arise when deciding if “the need for action and responsibility” may also trump sovereignty considerations if violence has not broken out, as was the case in Macedonia.<sup>123</sup> Heeding the warning signs of “protracted social conflict” facilitates early action and international responsibility in preventing identity-based violence;<sup>124</sup> however, such action must be tempered by respect for the political independence and sovereignty of the state. In theory, this respect for political independence was the foundation for the good offices mandate,<sup>125</sup> but in practice an overly paternalistic UN signaled, at least in the mind of “adolescent” Macedonia, a degree of “disrespect” for the nation's sovereignty and its ability to solve its own problems. Stephen Ostrowski explained that “formal consent [to a good offices mandate] may be inadequate if the parties to the dispute are still unwilling to address the underlying causes of conflict and resolve matters peacefully and constructively.”<sup>126</sup> In this case, the UN's first mistake was authorizing a good offices mandate before consulting with Macedonia. The government viewed this ostensibly harmless act as meddling paternalism. The UN never overcame Macedonia's impressions of the good offices mandate. In fact, many of the UN's subsequent actions may actually have fortified the

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121. Zartman, *supra* note 22, at 7 (emphasis added).

122. For example, both international norms and the UN Charter justify military action for cases of genocide and human rights violations. *See* U.N. CHARTER art. 42.

123. *See* Zartman, *supra* note 22, at 7.

124. *See* Rasmussen, *supra* note 8, at 32. “[P]rotracted social conflict . . . is characterized as bitter, hostile, interaction among groups, where hatred, political and economic oppression, and other forms of victimization (perceived or actual) run along ethnic or other identity-based lines and periodically flare up in acts of extreme violence.” *Id.*

125. “Legally and politically [a country's] request for, or at least acquiescence in, United Nations action is a sine qua non.” *Supplement to an Agenda For Peace*, *supra* note 22, ¶ 28.

126. Ostrowski, *supra*, note 4, at 857–58.

government's initial unwillingness to let the international community help with internal affairs.

#### *A. The Good Offices Game*

Game theory is an expansive discipline. In fact, “[t]here really [is not] a ‘theory’ of games; there are in fact many theories. The nature of the ‘game,’ just like the nature of ordinary parlor games, is determined by the ‘rules.’”<sup>127</sup> The primary rules of the good offices game have been expressed repeatedly: “[R]espect for the territorial integrity of Member States, preservation of the political independence and sovereignty of Member States, and the inadmissibility of the acquisition of territory by force . . . must be upheld.”<sup>128</sup> UN good offices activities rely upon the authorization or acquiescence of the host country.<sup>129</sup> Therefore, when the international community acts overly paternalistic it signals, at least in the mind of the “adolescent” nation, its “disrespect” for the nation’s sovereignty. Such action has negative effects on the country’s willingness to cooperate with the good offices mandate, no matter how sound the advice.

After declaring independence from Yugoslavia, Macedonia had two major goals for strengthening its independent and sovereign democracy: (1) to protect its borders from real irredentist threats, and (2) to not recognize ethnic Albanian nationalism in a way that would legitimize claims for territorial autonomy or a “Greater Albania.” The UN also wanted to strengthen Macedonia’s independent and sovereign democracy. The UN agreed with Macedonia with regard to handling external threats and assisted by deploying UNPREDEP. With regard to internal threats to stability, the UN obviously believed that ignoring ethnic Albanian grievances undermined the principles of democracy. Obviously, the ultimate goals of both the Macedonian government and the UN were harmonious—the establishment of a peaceful, sovereign, and democratic state. However, views about how to accomplish this goal fundamentally conflicted. If we model the tension between the UN and Macedonia’s peacemaking strategies in game theoretic terms, we get the following matrix:

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127. DAVIS, *supra* note 117, at xiv–xv.

128. Boutros-Ghali, *supra* note 22, at 1610.

129. *See Supplement to an Agenda For Peace*, *supra* note 22, ¶ 28.

*Figure A*

		Macedonian Government	
		Respond to ethnic grievances	Keep the Status Quo
UN	Good Offices	(3, 1)	(2, 3)
	No Good Offices	(4, 2)	(1, 4)

Using the assumptions and beliefs of both parties on how to strengthen Macedonia's sovereignty and independence, the Macedonian government's preferences from least favorable to most favorable were: (1) respond to the ethnic Albanian complaints with the help of UN good offices; (2) respond to the ethnic Albanian complaints in their own way; (3) keep the status quo but tolerate the good offices function in order to get border protection; or (4) keep the status quo without any good offices meddling.

The UN's preferences from least favorable to most favorable were: (1) no good offices mandate and a continuing Macedonian commitment to the status quo; (2) a continuing Macedonian commitment to the status quo coupled with the authorization of a good offices mandate that could potentially influence the government; (3) a Macedonian response to the ethnic Albanian complaints with the help of UN good offices; or (4) a self-initiated Macedonian response to ethnic Albanian grievances.<sup>130</sup>

As demonstrated, the Nash equilibrium<sup>131</sup> of the game accurately predicted the real life situation in Macedonia—the UN authorized a

130. Some may argue that the UN's preferences (3) and (4) should be reversed. This argument reflects the common perception of the UN as a meddling parent that always wants to give "adolescent" states guidance and advice. While the UN certainly will proffer such advice when asked, the UN would prefer to let states solve their internal problems, at least within the confines of international law and norms. Therefore, the ordered preferences are correct because if Macedonia chose to respond to ethnic grievances, it would be superfluous for the UN to have a good offices mandate and against their best interest.

131. The Nash equilibrium of the game is the upper right solution in bold in Figure A. A Nash equilibrium is the solution where no one player can move unilaterally and improve his position.

good offices mandate and Macedonia resisted responding to ethnic Albanian grievances. In addition, the good offices game is not a simultaneous game. Each actor regularly interacted and communicated. Consequently, both the UN and Macedonia signaled to each other information about the other's goals and preferences. For example, the UN recognized that "the internal situation in [Macedonia] . . . could prove to be more detrimental to the stability of the country than external aggression."<sup>132</sup> Rather than first discussing the situation with the government in an informal manner, the UN authorized a good offices mandate and then asked permission to conduct it. If the UN would have realized that the government believed that recognizing the ethnic Albanian grievances would undermine a strong Macedonian state, then the UN first could have addressed the conflicting presumptions about democracy building and concluded that good offices diplomacy directed at ethnic tensions would be unfruitful without incentives to cooperate. Instead, the UN pressed forward with the good offices mandate. This action may have actually fortified Macedonian preferences to keep the status quo.

When a parent tells an adolescent something in the wrong way, it does not matter how wise the advice, the adolescent will resist taking the advice. Such tactless paternalism signals, at least in the adolescent's mind, a lack of confidence in the independence and decision-making ability of the child. Macedonia likely resented the good offices mandate for this same reason. The government viewed such handholding as contrary to its main goal of strengthening independence and sovereignty—that is, its *self*-government. The UN good offices mission would have benefited by first understanding the conflicting parties' incentives, goals, and motivations. By spending time trying to understand the policies behind state action, the UN will develop more effective strategies for encouraging democratic institution building.

The logic of this analysis obviously only applies to situations similar to this case study. As mentioned, "[I]legally and politically [a country's] request for, or at least acquiescence in, United Nations [preventive] action is a sine qua non."<sup>133</sup> Therefore, member states that request UN good offices already have at least some incentive to

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132. *Report of the Secretary-General Pursuant to Resolution 871 (1993)*, *supra* note 43, ¶ 37.

133. *Supplement to an Agenda For Peace*, *supra* note 22, ¶ 28.

cooperate with the UN in solving internal problems.<sup>134</sup> In other situations where UN involvement has been authorized without a good offices mandate, such as peace-keeping, peacemaking, or preventive deployment, the UN should not authorize good offices hastily. There is a temptation to prematurely engage in good offices activities because the UN identifies a problem, has a tool to “fix it” in its toolbox, and wants to get to work. The host nation may legitimately believe that there is no problem, that the problem must be handled with a distinctively national tool, or that the situation requires any number of alternative responses. For this reason, peacemaking must center first on understanding the actors’ situational motivations and incentives. In a simplified way, understanding Macedonia’s incentives to cooperate after several months of fighting ethnic Albanian rebels allowed the international community to pressure the Macedonian government into negotiations.

After the escalation of the 2001 hostilities in Macedonia, the government was forced into a type of hurting stalemate. The government realized that it would likely be “unable to defeat the rebels by military means”<sup>135</sup> and that it had to rely on NATO to help disarm the ethnic Albanian rebels. Interestingly, Macedonia’s dilemma did not bring it to the negotiating table. Rather, NATO recognized Macedonia’s vulnerable position and therefore commanded a strong bargaining position. As one condition of NATO’s participation, NATO forced the government to come to a political solution over ethnic Albanian grievances. In game theory terms, NATO gave Macedonia an ultimatum that effectively limited the country’s strategic options.<sup>136</sup> The diagram below represents the situation Macedonia faced.

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134. UN paternalism in this situation can prompt, however, a later reluctance to fully cooperate with good offices activities.

135. Karon, *supra* note 116.

136. An ultimatum or threat is designed “to change someone’s behavior: to make that person do something he or she would not do otherwise.” DAVIS, *supra* note 117, at 101. If the threat is credible and “carried out, it will presumably be to the detriment of the party that is threatened.” *Id.*

**Figure B**

		Macedonian Government	
		Respond to ethnic grievances	Keep the status quo and keep fighting
NATO	Help implement peace plan, avoid civil war	(2, 2)	
	Do not help implement peace plan, possible civil war		(1, 1)

NATO's preconditions, as reflected in Ohrid, "reinforced" Macedonian commitment to respond to ethnic Albanian grievances by making the other alternatives unattractive. Civil war would clearly undermine Macedonia's goal of creating a stable, sovereign nation. The dilemma Macedonia faced clearly brought the government to the negotiating table. Regrettably, it did so after a seven-month conflict, "resulting in about 200 casualties and more than 180,000 internally displaced people."<sup>137</sup> It is clear that the hurting stalemate instigated more institutional change in response to ethnic Albanian grievances than any of the good offices activities. That, of course, is only a start because although Macedonian leaders "grudgingly" accepted and committed to Ohrid, they "ha[d] no real desire to reward the Albanians for bringing their country to the brink of war."<sup>138</sup> Because the hurting stalemate essentially forced constitutional and other reforms upon the government, many officials feared that "appetites for more political and economic advantages [would] never be satisfied . . . [and] that the real goal of

137. PEARSON, *supra* note 105, at 2.

138. *Id.*

the Albanians [was] federalization of the country”<sup>139</sup> (recall, that this was the government’s premise behind not dealing with ethnic Albanian grievances in the first place). So an ultimatum forces results, but does not change the paradigm under which a conflict is viewed. In contrast, effective good offices diplomacy may help a government to reassess its policies and premises, thereby effectuating a paradigm shift that allows an actor to see the conflict in different terms. Once the mediator understands the conflicting parties’ incentives, goals, and motivations, he or she should formulate good offices strategies that account for these factors—including perception correction and attitudinal structuring tactics.

### *B. Attitudinal Structuring*

“[A]ttitudinal structuring is a socioemotional interpersonal process designed to change attitudes and relationships.”<sup>140</sup> While Walton and McKersie focus on labor negotiation strategy, they recognize the applications of their theory to “areas other than labor negotiations, specifically, in international relations.”<sup>141</sup> In the mediation of intrastate conflicts, attitudinal structuring has two facets. First, the mediator or good officer must cultivate a positive relationship between the host country and him- or herself. Second, the mediator can structure the conflicting parties’ attitudes to improve relationships and facilitate effective negotiation. Both types of attitudinal structure require the consideration of several “attitudinal components [that] are assumed to be crucial to the parties’ joint dealings.”<sup>142</sup> These include the parties’ motivational orientations, beliefs about legitimacy, “feelings of trust toward the other,” and “feelings of friendliness-hostility toward the other.”<sup>143</sup> This paper does not consider further the second type of attitudinal structuring, which generally occurs during the actual negotiating process. Instead, the paper continues to focus on the relationship between the would-be mediator and the host country.

A cooperative motivational orientation is necessary for effective good offices diplomacy. This attitude between mediator and host

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139. *Id.*

140. WALTON & MCKERSIE, *supra* note 41, at 5.

141. *Id.* at 380.

142. *Id.* at 185.

143. *Id.* (emphasis omitted).

country is characterized by “complete acceptance of the legitimacy of the other,” “full respect for the other,” and “mutual trust and a friendly attitude between the parties generally.”<sup>144</sup> Creating this cooperative orientation requires the use of attitudinal structuring tactics.<sup>145</sup> Walton and McKersie discuss two types of tactics: balance theory and reinforcement theory.<sup>146</sup> Since international conflicts differ, no specific theory will apply in every case and mediators should remain open minded in their approaches; however, the Macedonian example suggests that balance theory may be more useful in the context of UN good offices missions. Balance theory “aim[s] at changing [the host country’s] attitudes directly and his behavior indirectly. Once a key attitude is changed, then a wide spectrum of behavioral change can be expected to occur.”<sup>147</sup>

Applying and adapting the concepts of balance theory, the first attitudinal change the UN must convey is that asking for or accepting assistance from the international community does not undermine a nation’s independence or sovereignty. In situations similar to the Macedonian example, the UN could better serve the international community by presenting itself as a think tank or knowledge base for resolving conflict rather than an exuberant parent steering a wayward child.<sup>148</sup> Changing perceptions about the UN “paternalism” may be part of “creating a climate of opinion, or ethos, within the international community in which the norm would be for Member States to accept an offer of United Nations good offices.”<sup>149</sup> In such a climate, states would have incentives to benefit from the low-cost expertise of the UN in solving internal conflict.

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144. *Id.* at 188.

145. *See generally id.* at 222–80. At this point, a mediator can engage in attitudinal structuring tactics because he or she has already attempted to understand the conflicting parties’ incentives, goals, and motivations. Walton and McKersie reiterate this point: “Before attitudes of trust, friendliness, and respect can be changed, one is advised to learn of their origin, content, and utility with respect to the given [party]. Hence, one of the important assignments the negotiator accepts for himself is that of analyzing the situation in terms of prevailing attitudes.” *Id.* at 223.

146. *See id.* at 223–80. “In reinforcement theory, attention is focused on [the host country’s] behavior.” *Id.* at 223.

147. *Id.* For a detailed explanation of balance theory, see *id.* at 224–49.

148. As explained in note 130, the UN’s top preference would be to not meddle in internal affairs and have the government initiate resolutions to internal problems. The UN must make better attempts at disseminating this perception.

149. *Supplement to an Agenda For Peace, supra* note 22, ¶ 28.

The second attitudinal change the UN should advance is that independent, sovereign democracies need to recognize minority rights. If a state wants stability, if it wants recognition in the international community as a democratic society, and if it wants its sovereignty respected, it needs to protect minority rights. The Macedonian–ethnic Albanian conflict demonstrates how Macedonian sovereignty can be strengthened in the long-term by responsibly addressing minority grievances. After the Ohrid Agreement, the extremist Albanians’ claims to autonomy were not legitimized as the Macedonian government feared; rather, such claims actually were further delegitimized:

[The Macedonians] have nothing to lose by accepting this agreement. If the war was indeed launched simply to improve the lot of the average Albanian in Macedonia, they’re on track to get everything they wanted. But it will be interesting to see whether the National Liberation Army, or armed Albanian groups, disappear as the process goes forward. Because if they stick around and keep causing trouble, it will be clear that their agenda was related more to a “Greater Albania” project than to constitutional reform.<sup>150</sup>

As Macedonia continues to fully implement the Ohrid Agreement, one of two things will happen: either (1) ethnic Albanian grievances will begin to disappear, or (2) the grievances will continue and reveal the rebels’ true motives—a “Greater Albania.” If the first alternative occurs, then Macedonia will have proven its commitment to democracy. If the second occurs, Macedonian claims to territorial sovereignty will be even stronger because the international community will not recognize the legitimacy of a separate Albanian Macedonian state. The UN long ago realized that “if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation.”<sup>151</sup> Unfortunately, the Macedonian government’s fear of ethnic Albanian secession abated, and is still abating, too slowly. Using attitudinal structuring and open dialogue, the UN good offices mission could have assured the government that the international community supported Macedonia’s sovereignty and independence.

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150. Karon, *supra* note 116.

151. *Agenda for Peace*, *supra* note 22, ¶ 17.

Engaging in active attitudinal structuring tactics allows the UN to create the “climate of opinion, or ethos,”<sup>152</sup> that will facilitate cooperation and meaningful intrastate conflict resolution. Because each state’s attitudes and motivations are based upon available information, be it perfect or imperfect, correcting misperceptions and structuring attitudes will indirectly affect the behavior of the host country. The UN must attempt to eradicate its paternalistic image by developing confidence-building strategies that acknowledge the government’s independence and present the UN as a source of expertise and intellectual capital. If successful, such a paradigm shift may provide incentives to use UN good offices as a low-cost resource for democratic institution building. States will begin to cooperate when they recognize the advantages of doing so—low-cost institution-building expertise, increased international respect for their political sovereignty, and recognition as a committed and stable democracy. In turn, the developing democracies will also recognize how cooperation facilitates economic assistance, trade concessions, and membership in international communities like the EU, NATO, and the World Trade Organization. Thus, prior to actual mediation between conflicting parties, a good offices mission may expend significant resources in building trust, legitimacy, and attitudes of cooperation and friendliness. After a host state and the UN begin to see eye-to-eye, cooperation becomes full and unrestrained and solutions to internal difficulties may become reality.

#### V. CONCLUSION

The UN’s good offices mission to Macedonia highlights the practical difficulties in mediating intrastate conflict when the host country maintains a tolerating or reluctant attitude toward UN diplomatic efforts. Because international law requires that the host country agree to, or at least acquiesce in, a good offices mission, in many instances preventive diplomacy will not be welcomed. In the Macedonian instance, the government reluctantly agreed to the good offices mandate for political reasons, but Macedonia did not really cooperate with the mission’s goals of ameliorating ethnic strife. In the future, the UN and other international mediators need not be

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152. *Supplement to an Agenda for Peace*, *supra* note 22, ¶ 28.

powerless to effectuate change, but the mediators must not become frustrated when their good offices are used first to prepare the way for mediation, rather than to actively mediate the dispute. As a start to developing better preventive peacemaking strategies, UN good offices missions should center first on understanding the conflicting parties' incentives, goals, and motivations; second, on formulating diplomacy strategies that account for these factors—including perception correction and attitudinal structuring tactics; and third, on actually mediating the conflict.

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