

Explaining Strategic Violence after Civil Wars

August 22, 2007
Draft 4.05

Michael J. Boyle
University of St. Andrews
Mjb31@st-andrews.ac.uk

#

Abstract

This paper aims to explain why strategic violence against targeted groups emerges after some civil wars but not others. The characteristic features of states emerging from civil wars – including social polarization, weak state structures, and plentiful information on wartime behaviour – make them opportune locations for strategic violence against targeted groups. Yet the actual incidence of strategic violence against targeted groups – defined as violent acts aimed at transforming the balance of power and resources in a contested area – varies significantly across cases, and even within cases. Within the rationalist approach to explaining violence, such post-settlement violence is described in terms of a security dilemma or of the “spoiling” of a peace agreement. Neither approach can account for the complex variations in the type, location and targeting of strategic violence across cases. As a refinement of this approach, this paper proposes a model which focuses attention on how two variables, (1) state capture; and (2) the vulnerability of the targeted group, affect the organizational cohesion of the rebel group. When one side has captured the coercive apparatus of the state, and the potentially hostile losing side is less vulnerable to predation, the leaders of the victorious group can reward their domestic allies and conduct in-group policing to prevent opportunistic violence. But when an armed group fails to achieve state capture and the losing side remains in a vulnerable position relative to its former enemies, neither side can credibly guarantee their domestic allies a share of the resources of the state or conduct effective in-group policing of potential extremists. Under these conditions, armed groups will splinter into factions, some of which will pursue freelance attacks against targeted groups as a hedging strategy (in case the settlement does not hold) and some of which will do so for domestic bargaining purposes. Thus strategic violence against targeted groups in the aftermath of a civil war can best be explained as an interaction between political incentives that armed groups face and their organizational cohesion after a settlement is put into place. Through a focused, paired comparison of Kosovo and East Timor during the period 1999-2006, this paper demonstrates how a failure to achieve state capture and different rates of vulnerability shaped the post-war trajectory of the victorious rebel movements and produced differences in the type and magnitude of strategic violence. It concludes with a discussion of the policy implications of this research.

Introduction

In the aftermath of civil wars, a wide range of threats to public order can emerge, ranging from ordinary street crime to assassinations and riots.¹ Of particular interest to those interested in the settlement of civil wars are strategic attacks against civilians from distinct ethnic, political or sectarian groups.² Often obscured amidst the refugee flows, revenge violence and the widespread criminality that marks the political landscape of post-conflict states, strategic attacks against targeted groups can transform the balance of power between these groups and unravel the fragile peace that often follows civil war.³ Disgruntled actors can use attacks against civilians to expel enemy populations from contested territory or to strengthen a claim for valuable economic resources. In some cases, strategic attacks between groups resemble a form of violent bargaining between parties to the armed conflict or new factions that have emerged after the war. But this brutal re-negotiation does not appear after every civil war. After some civil wars, the violence is a one way street, as the victorious party has its vengeance against its enemy or other vulnerable groups; in others, the end of the civil war produces an uneasy calm with few, if any, attacks against targeted groups. Some of the most vicious civil wars of the last decade, including those with high death tolls and extensive battle damage, exhibit few strategic attacks against targeted groups, while apparently similar cases are rife with such attacks.

As an illustrative example, consider the cases of Bosnia and Rwanda. The Bosnian civil war (1990-1995) killed at least 200,000 people through campaigns of ethnic cleansing and

The author thanks Alison Careless, Kelly Greenhill, Anthony Lang, Marc Lanteigne, Peter Lehr, Alex Schmid, Todd Sechser, Michael E. Smith for their helpful comments on this paper.

¹ This paper uses the term civil wars broadly, to encompass wars fought on political and ethnic grounds.

² The focus of this paper is on attacks on civilian, not military, targets within targeted groups. Violence against civilians from targeted groups is limited here to direct methods of killing and does not include deaths from secondary effects (such as starvation or exposure). Moreover, the emphasis here is on individuals attacked based on their membership in particular ethnic, sectarian or political groups, not because they are “civilians” per se.

³ The concept of “targeted group” – that is, a group singled out for victimization based on some definable characteristic – is drawn from Donald Horowitz’s work on ethnic riots. See Donald Horowitz, *The Deadly Ethnic Riot* (Berkeley, CA: University of California Press, 2001), pp. 151-193. This paper does not define what kind of characteristic turns a group into a “target group” and it assumes that the concept can be applied across political, ethnic or sectarian conflicts.

expulsion.⁴ When the parties agreed to the Dayton Accords, which divided Bosnia in a federal state, many believed that some degree of bloodshed would nevertheless continue.⁵ Yet with NATO's peacekeeping support the settlement held and no large-scale fighting between the Serb, Bosnian Muslim and Croat armies or irregular forces emerged. At best, the peace in Bosnia is tense and dysfunctional; occasional attacks against returnees to formerly ethnically mixed regions remain a serious problem.⁶ But mass ethnic cleansing never re-occurred, and the inter-ethnic clashes surrounding refugee returns never reached a sufficient level to endanger the Dayton Accords. By contrast, the end of the Rwandan genocide in 1994, which involved to the death of one million Tutsis, did not spell the end of the violence in that country. After the Rwandan Patriotic Front (RPF) forces expelled the Hutu regime responsible for the genocide, thousands of Hutus immediately fled Rwanda for fear of reprisals.⁷ An unknown number of Hutus were killed and soon over two million had arrived in refugee camps in Zaire and Burundi, which in turn provided a safe haven for irredentist Hutu militias.⁸ The refugee crisis in post-genocide Rwanda had spill over effects across the region and deepened the crisis in the Great Lakes.⁹ While both Bosnia and Rwanda rank among the most brutal wars of the 1990s, their post-civil war environments were markedly different, particularly in the nature and magnitude of strategic violence against targeted groups.

Explaining this variation is more than just an intellectual puzzle. The central question of this paper – why does strategic violence against targeted groups emerge after some civil wars

⁴ The casualty totals for Bosnia are contested. The total 200,000 is drawn from a U.S. State Department estimate. See "Bosnia and Herzegovina" Background Note (September 2006).

⁵ For these fears, see Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington DC: Brookings Institution Press, 2000), pp. 150-153. For an account of the violence which followed Dayton, see Richard Holbrooke, *To End A War* (New York: Modern Library, 1999), pp. 335-339.

⁶ See Human Rights Watch, "Legacy of War: Minority Returns in the Balkans" World Report 2004.

⁷ Reports of these reprisals, and the possible involvement of the RPF, surfaced shortly after the genocide. See for instance Robert M. Press, "Calm in Rwanda Masks Violence – Now It Is By Both Tutsis and Hutus" *Christian Science Monitor* (22 November 1994).

⁸ For an account of Hutu killings, see Amnesty International, "Reports of the Killings and Abductions by the Rwandese Patriotic Front, April-August 1994" (London: October 1994). See also Filip Reyntjens, "Rwanda, Ten Years On: From Genocide to Dictatorship," *African Affairs* 103 (2004), pp. 177-210.

⁹ For the spillover effect, see Idean Salehyan and Kristian Skrede Gleditsch, "Refugees and the Spread of Civil War," *International Organization* 60 (Spring 2006), pp. 335-366.

but not others – has a direct impact on policymaking in three ways. First, high levels of attacks on targeted groups can imperil the tense peace that often follows armed conflict. When such violence activates the security dilemma, strategic attacks can serve as a key pathway to the resumption of civil war.¹⁰ Second, understanding the causes of attacks against targeted groups provides crucial information to policymakers charged with assessing the security needs of states that recently emerged from armed conflict. Whether a post-conflict state requires a powerful peacekeeping force or a lightly-equipped small force depends in part on how severe strategic violence against targeted groups is likely to be. Finally, the political response to the violence should change if the violence is a strategic gambit to change the balance of power and resources in a fragile state, rather than just revenge or criminal violence.

Within rationalist approach to explaining strategic violence after civil wars, two schools of thought predominate. The first approach holds that except in cases of genocide and successful ethnic cleansing, combatants will find themselves in an intense security dilemma, in which a credible guarantee of their security is a paramount concern. Without any guarantee of their security, groups will be distrustful of one another, especially in the period following a civil war, and may re-arm or pre-emptively attack one another if they fear the war will resume. In the absence of a military victory which eliminates uncertainty about who is in charge and who has the capacity to inflict harm on those who would challenge the regime, the logic goes, only a credible commitment to enforce the peace by an external actor can abate these fears, resolve the security dilemma and reduce the incidence of strategic violence. The second approach holds that strategic violence against targeted groups arises as a form of bargaining, as those dissatisfied with the terms of the end of the war “spoil” the settlement by various means, sometimes including attacks against vulnerable groups. The first approach sees strategic

¹⁰ The literature on the security dilemma is vast. The seminal work is Robert Jervis, “Cooperation Under the Security Dilemma,” *World Politics* 2 (January 1978), pp. 167-213.

violence emerging, almost tragically, as a function of an insecure environment; the second sees it as an intentional effort to “spoil” the settlement in the hopes of getting a better deal.

This paper argues that neither approach cannot account for the complex variation in the type, location and targeting of strategic violence against targeted groups across cases. Strategic violence against targeted groups is common in cases where external actors have made a credible commitment to keeping the peace, and in which no deliberate attempt to “spoil” the agreement of the war is underway. While both models approaches have considerable explanatory power, each overlooks a dimension of strategic violence after wars. The security dilemma model tends to underplay the temporal effects of an external commitment to resolving this insecurity; in many cases, such a pledge induces a “race against the clock” effect where combatants increase the tempo and scale of their attacks on targeted groups to produce facts on the ground before the external actor arrives. The spoiling model tends to focus narrowly on violence directed against the peace settlement and assumes that the ongoing cohesion of the rebel group, and the continuity of its goals, after the war. This leads scholars to overlook the other types of strategic violence aimed at transforming the effective (but not formal) terms of a settlement, and to underplay the extent to which internal bargaining between factions within factions within a rebel group drives strategic violence.

To refine these approaches, this paper proposes to explain violence after civil wars as a function of political incentives and their corresponding impact on the organizational cohesion of rebel groups. Like the credible commitment and spoiling models, it starts from the assumption that former combatants face powerful incentives to attack targeted groups if they have failed to achieve decisive state capture during the war and if clearly-identifiable target groups remain intermingled, and vulnerable, in the population.¹¹ Whether they will do so depends on the extent

¹¹ This paper presumes that the opposing groups must be identifiable in some way, but it does not assume that it is easier to identify certain types of groups (for example, ethnic groups). This is in contrast to approaches within the symbolist approach which assumes that the nature of the identity (ethnic or religious) has a decisive impact on the rates of violence. For this approach see especially Stuart J. Kaufman, “Symbolic Choices or Rational Choice? Testing Theories of Extreme Ethnic Violence,” *International Security* 30:4 (Spring 2006), pp. 45-86.

to which they are able to reward domestic followers and conduct in-group policing.¹² If they cannot reward powerful domestic allies or rein in their extremist wings, rebel groups will fragment into several smaller groups, some of which will freelance in violence as a hedging strategy (in case the settlement does not hold) or as part of an internal bargaining (i.e., outbidding) process. If the original leadership can reward domestic allies and conduct in-group policing, rebel groups will maintain their organizational coherence and splinter groups will not form. In such cases, the rates of strategic violence against targeted groups will be much lower.

Using unpublished crime data and interviews drawn from fieldwork, this paper tests these propositions using a focused, paired comparison between Kosovo and East Timor.¹³ These constitute tough tests of the theory because both had credible commitments by external actors and were less susceptible to the security dilemma than cases where a significant number of the losing side remained armed and dissatisfied with the terms of the settlement (like Bosnia and Rwanda.) Both Kosovo and East Timor were products of negotiated settlements after a forced regime change by external actors who made a credible commitment to protect the security of vulnerable groups. Both had nearly non-existent state capacity and were convulsed by mass population movements and refugee returns in the aftermath of the war. Both experienced a chaotic period in the immediate aftermath of the war, which was later transformed into an enforced peace by the arrival of a powerful external peacekeeping force. In both cases, the abandonment of the conflict by an external actor (Yugoslavia and Indonesia, respectively) left a small and vulnerable population of loyalists inside the territory of the state. Neither group of remaining loyalists was of sufficient size to pose a security threat to the “winning side;” thus

¹² On credible commitments in peace processes, see Barbara F. Walter, “The Critical Barrier to Civil War Settlement,” *International Organization* 51:3 (Summer 1997), pp. 335-364; Barbara F. Walter, “Designing Transitions From Civil War: Demobilization, Democratization and Commitments to Peace,” *International Security* 24:1 (Summer 1999), pp. 127-155 and James Fearon, “Commitment Problems and the Spread of Ethnic Conflict,” in *The International Spread of Ethnic Conflict: Fear, Diffusion and Escalation*, ed: David A. Lake and Donald Rothchild, (Princeton: Princeton University Press, 1998), pp. 107-126. On in-group policing, see David D. Laitin, “Marginality” *Rationality and Society* 7:1 (1995), pp. 49-53, Rogers Brubaker and David D. Laitin, “Ethnic and Nationalist Violence,” *Annual Review of Sociology* 24 (1998), p. 433, and Daniel Byman, “The Logic of Ethnic Terrorism,” *Studies in Conflict and Terrorism* 21 (1998), p. 162-166.

¹³ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005), pp. 67-73.

reducing the effects of the security dilemma. There were also no concerted attempt to “spoil” the peace agreement by the losers of the conflict; in both cases, they were too weak to organize a resistance. Yet both cases experienced variable but substantial rates of strategic violence against targeted groups after the war. To explain this outcome, this paper will show how state capture and vulnerability affected the organizational structure of the rebel groups, immediately producing a series of splinter groups in Kosovo while leaving Falintil nearly intact for four years in East Timor. In Kosovo, it will show how both mechanisms – of hedging and of domestic competition – led to variations in the rates of attack against Serbs and Roma across the period of time. In East Timor, it will show how the eventual dissolution of Falintil in late 2004, and a growing inability to reward domestic stakeholders and to conduct in-group policing, led to an increase in strategic attacks against targeted groups as a form of internal bargaining.

This paper proceeds as follows. The first section defines strategic violence. The second section critically examines the contending approaches for explaining its incidence after civil wars and argues that they provide an excessively narrow portrayal of strategic violence. The third section lays out the logic of an organizational theory for explaining strategic violence against targeted groups, focusing in particular on how a failure to achieve state capture and high rates of vulnerability produces the splintering of rebel groups. The four section describes how the organizational dynamics of rebel groups - described in terms of four mechanisms (a) domestic commitments, (b) in-group policing, (c) hedging, and (d) internal bargaining - increase or decrease the rates of strategic violence after civil wars. The fifth section tests this theory through a comparative analysis of Kosovo and East Timor during the period 1999-2006. The concluding section draws policy prescriptions for reducing the incidence of violence against targeted groups.

Defining Strategic Violence

Strategic violence is defined as a violent act aimed at transforming the balance of power and resources in a contested area. Strategic violence is by definition political. Common types

of strategic violence include (1) targeted killings and assassinations, usually of prominent individuals or state officials; (2) riots and pogroms, in which local elites and angry mobs conspire to kill or expel parts of a perceived hostile population; (3) symbolic attacks, such as the destruction or desecration of religious sites or political symbols; and (4) reprisals, defined here as the targeting of innocent civilians ostensibly in response to a previous act of violence. Each case of strategic victimization of targeted groups will feature a unique variation of these four types of strategic attacks, subject to the characteristics of the state. Dense urban areas, for example, are traditionally more prone to riots and pogroms; targeted killings and assassinations tend to follow occupations, in which the occupying forces created networks of collaborators among local officials and prominent elites.¹⁴ While strategic attacks can appear random, they are usually highly selective in victim selection and serve a distinct goal.¹⁵ The purposes of strategic violence can range from forcing groups to surrender territory or resources to degrading the opponent's offensive capacity or signaling a willingness to fight.

There are three observable indicators of attacks against targeted groups which have strategic intent. First, strategic attacks against these groups tend to be concentrated in high-value, resource-rich or contested territories, where multiple parties have conflicting stakes on territory and resources. Second, strategic attacks often include an element of communication, either explicitly, with warnings by the perpetrators, or through symbolic attacks like the desecration of religious sites.¹⁶ Much of this communication is polyvalent, as the violent acts convey different messages to different groups.¹⁷ Aside from terrorizing the target group, this message is also directed towards the perpetrator's self-ascribed constituency or "identification

¹⁴ For riots in urban areas, see Horowitz (2001), p. 381-384. For denunciations, see Stathis N. Kalyvas, *The Logic of Violence in Civil Wars* (Cambridge: Cambridge University Press, 2006).

¹⁵ Stathis Kalyvas, "Wanton and Senseless: The Logic of Massacres in Algeria," *Rationality and Society* 11:3 (1998), pp. 243-285.

¹⁶ For violence as a way of signalling political claims, see Charles Tilly, *The Politics of Collective Violence* (Cambridge: Cambridge University Press, 2003), pp. 26-54. On the symbolic dimension of violence, see Stuart J. Kaufman, *Modern Hatreds: The Symbolic Politics of Ethnic War* (Ithaca: Cornell University Press, 2001).

¹⁷ This is similar to "polyvalent performance" in Tilly's terminology. See Tilly (2003), p. 176.

group.”¹⁸ Such violence can be used to “stimulate popular activism, bolster a group’s base of support, jump-start the mobilization process, and help achieve a self-sustaining rate of organizational growth.”¹⁹ Carefully scripted strategic violence indicates that the armed group has the capability of inflicting pain on the enemy and of protecting its chosen constituency. This can improve its relative position in domestic bargaining against its more non-violent rivals. Finally, strategic violence is often marked by more sophisticated tactics and weaponry than ordinary civilians typically use. Highly coordinated attacks involving grenades and other military-issue equipment are likely (but not conclusive) indicators of strategic intent in attacks against targeted groups.

It is important not to overstate the number of ‘strategic attacks’ in post-civil war states especially those in which political issues have a high salience. Not every attack directed across the former battle lines qualifies as a strategic attack. Some of the violence that follows the collapse of political authority in a state is intra-communal, as members of each side try to enforce discipline on their members and prevent defections.²⁰ Not all attacks that cross-communal lines are necessarily strategic attacks. Street crime, for example, can be directed at a member of a hostile group but may be unrelated to the armed conflict. States emerging from civil wars are awash in residual violence, ranging from revenge attacks to score-settling and even senseless gang killings. Particularly after an armed conflict, those on the losing side of a conflict are attractive targets for opportunistic violence, as they are vulnerable and may not be fully protected by the police and judiciary. The category of “strategic violence” applies only to

¹⁸ Bruce Hoffman, “Terrorism, Signaling and Suicide Attack,” *Studies in Conflict and Terrorism* 27 (2004), p. 246.

¹⁹ Hoffman, p. 246.

²⁰ See Manus I. Midlarsky, “Nihilism in Political Chaos: Himmler, Bin Laden and Altruistic Punishment,” *Studies in Conflict and Terrorism* 27 (2004): 187-296 and Kalyvas, “Wanton.” For how collective violence is used to control defection, see Roger V. Gould, “Collective Violence and Group Solidarity: Evidence from a Feuding Society,” *American Sociological Review* 64:3 (1999), pp. 356-380.

a limited set of events: attacks on individuals or group that demonstrate the clear intent of transforming the balance of power and resources in a contested area.²¹

Rationalist Explanations for Strategic Violence after Civil Wars

According to most rationalist accounts, the anarchic environment of states emerging from civil war resembles Barry Posen's portrayal of the "emerging anarchy" that occurs when multiethnic states crumble and ethnic groups resort to self-help.²² The combination of a traumatized and polarized population living in close proximity with members of the opposing side, a permissive security environment, and the ready availability of information (sometimes correct, sometimes incorrect) on collaborators multiplies opportunities for strategic violence against targeted groups.²³ The former warring sides face an intense security dilemma, which tend to make them reluctant to disarm for fear that their opponent will seize the advantage and try to destroy or at least decisively weaken them. Some scholars have concluded it is this security dilemma which makes military victories more stable and lasting than negotiated agreements.²⁴ Outright military victories put one side at the mercy of another, therefore reducing the mutual security fears that drive the security dilemma.

As Barbara F. Walter has pointed out, in the absence of a decisive military victory, a credible commitment to back a peace settlement can dampen the effects of a security dilemma and lock the parties into a tense, but stable, balance of power. Walter rightly points out that not all credible commitments are made equal.²⁵ Credible commitments involve the use of a well-equipped large peacekeeping force, either under UN flag or under the single authority of a powerful state are more effective at resolving the security dilemma; other, less effective commitments by external actors are more symbolic and involve only a nominal contribution of

²¹ Obviously there will be debate within each case about which acts cross the threshold of aiming to transform the balance of power and resources in a state. Interpreting violence for this purpose is based on contextual details of the violent act itself so no *a priori* categorization will be useful.

²² Barry R. Posen, "The Security Dilemma and Ethnic Conflict," *Survival* 35:1 (Spring 1993), pp. 27-47.

²³ On information and denunciations, see Stathis Kalyvas, *The Logic of Violence in Civil Wars* (Cambridge: Cambridge University Press, 2006).

²⁴ Toft, others

²⁵ Walter (1997), pp. 349-350.

troops. More than leadership, however, what matters for reducing strategic attacks is their relative capacity of the external actor for deterring or responding to calculated violence. This is largely shaped by two factors: (1) the relative force density (defined as the number of troops per 1,000 members of the population) and (2) their rules of engagement (ROE). Missions with low force density (for example, NATO's peacekeeping in Afghanistan after the fall of the Taliban) pose a correspondingly low deterrent on the strategic use of violence against targeted groups. Missions with highly-restricted rules of engagement – for example, UNPROFOR in Bosnia after 1995 – also tend to struggle in responding to strategic violence against targeted groups. Based on these two factors, the relative capacity of the external actor to provide basic public order is one of the key determinants for whether the security dilemma emerges in response to victimization of targeted groups.

Yet arguments which assume that a credible commitment is sufficient to put an end to strategic violence tend to overlook the temporal dimension to the rates of strategic violence against targeted groups after civil wars. The initial anarchy, which closely resembles near-total state collapse, is ripe for revenge attacks and mass-scale strategic violence against targeted groups. In cases where an external actor provides a credible commitment to guarantee the security of the combatant groups, this produces a kind of “diminishing anarchy” in which armed groups have powerful incentives to race against the clock to expel or murder targeted groups before an enforced peace is established. Conditions of anarchy, just like war, bring opportunistic actors (ranging from extremist political groups to organized crime) to the surface, leading to a sharp increase in revenge killings, pervasive criminality and score-settling. As the custodians of peace arrive, or as the internal balance of power becomes entrenched through a process of expulsions, the constraints against attacking targeted groups grow more formidable. Facing progressively higher costs for attacking against targeted groups, armed groups may either desist or settle into a strategy of low intensity or covert strikes against targeted groups to achieve goals not reached on the battlefield. Thus the initial anarchy opens the floodgates for

opportunistic and strategic violence against targeted groups, and conditions of “diminishing anarchy” brought about by a credible commitment may accelerate and increase the magnitude of strategic attacks over the short term. A credible commitment to enforce a peace may be on balance a good way to mitigate the security dilemma and reduce the number killed after the war, but the calculation of its utility has to estimate its long-term dampening effect on the rates of strategic violence against the short-term “race against the clock” effect that it produces.

The second approach tends to equate the use of strategic violence against civilians with spoiling a peace agreement.²⁶ This is too narrow: much strategic violence which changes the effective terms of a peace settlement (for example, by altering the ethnic character of a contested region) has little or nothing to do with the formal terms of the settlement. Many of those who conduct quiet campaigns of ethnic cleansing are content to let the formal settlement stand, if “facts on the ground” are altered to their liking. Moreover, while spoilers can use strategic violence against targeted groups as a tactic to scuttle peace agreements, not all spoiling is done through violence. Not only those who wish to change or spoil the settlement use strategic violence. As in the case of Rwanda, the victorious party may be the one to use strategic violence against targeted groups, either to consolidate control in areas where their power has traditionally been weak or to settle scores. After the fall of the Taliban in Afghanistan in 2001, the victorious Northern Alliance forces (predominantly Uzbek, Tajik and Hazara) conducted reprisals raids on Pashtuns to extend their control over their territories and to punish them for supporting their ethnic kin in the Taliban.²⁷ This was clearly strategic violence against targeted groups, but it was not tied to “spoiling” the peace agreement in the way that the literature

²⁶ Stephen John Stedman, “Spoiler Problems in Peace Processes,” *International Security* 22:2 (Autumn 1997), p. 5-53 and Kelly M. Greenhill and Solomon Major, “The Perils of Profiling: Civil War Spoilers and the Collapse of Intra-state Peace Accords” *International Security* 31:3 (Winter 2007).

²⁷ Human Rights Watch, *Paying for the Taliban’s Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan* 14:2 (April 2002)

typically suggests.²⁸ Finally, not all strategic violence is directed against the state; violence can be strategic and shift the balance of power from one group to another – i.e., tit-for-tat attacks between tribes in Papua New Guinea - while having little or nothing to do with the state. A broader conception of strategic violence – which does not require that it be directed against the terms of the civil war settlement or against a state actor – is needed to understand the complex patterns of attack against targeted groups after civil wars.

Moreover, it is misleading to assume that the combatants who fought before a war are the same as those that use strategic violence afterwards. Scholars who have examined the phenomenon of spoiling tend to assume that violence is part of an organized strategy by an existing combatant to achieve a stable goal, which is at least consistent with the goals fought for before the war. But the reality is messier: in many cases, the combatant group unfolds into several smaller splinter groups, some of which have new goals (sometimes political, sometimes criminal). As Greenhill and Major point out, the spoiler model underplays the potential for the emergence of new “latent spoilers.”²⁹ The violence that happens after the civil war is sometimes “spoiling” and sometimes a function an internal bargaining process between splinter factions, who are wrestling for control over the former combatant group or starting out on their own. Assuming that the rebel group retains some organizational continuity and consistent goals across time and space, and that violence emanating from the former combatants is related to that organization and goal, leads scholars to a over-interpret all strategic violence as a form of “spoiling” by the original combatant group.

The Causes of Strategic Violence against Targeted Groups

The starting point of the rationalist model for explaining violence after wars is an analysis of the type of the settlement (military victory or negotiated settlements) and the relative proximity of warring groups. The underlying assumption of this approach is that civil war

²⁸ For an argument for decoupling violence from “spoiling,” see Marie Joelle Zahar, “Political Violence in Peace Processes: Voice, Exit, and Loyalty in the Post-Accord Period,” in John Darby (ed), *Violence and Reconstruction* (Notre Dame: University of Notre Dame Press, 2006), pp. 33-53.

²⁹ Greenhill and Major, p. 10.

settlements which end in less than a complete military victory will leave the former combatants in a security dilemma if they remain in reasonably close proximity to one another.

This paper offers an amendment of this model in two distinct ways. First, it argues that especially from the vantage point of the rebel organization the type of the civil war settlement (negotiated settlement or military victory) is less important than the actual fact of state capture. State capture is defined as occurring when a single group or constellation of groups achieved power and has no imminent threat to its hold on power.³⁰ State capture drastically reduces the incentives to attack targeted groups after wars. If decisive state capture is achieved in the war, the leadership of the winning side can reasonably expect to divide territory and resources among their allies at a later point. This allows the leading members of the winning group to pledge the delivery of power and resources to their rival power centres within the winning group, thus consolidating their control. In effect, decisive state capture allows them to overcome the delivery dilemmas that so often bedevil peace agreements.³¹ This is particularly important after ethnic or civil wars, in which the fighting forces are comprised of multiple power centres – for example, powerful warlords – who will demand a share of power and resources after the war has finished. When one group, or a stable coalition of groups, achieves state capture, these domestic power centres can reliably assume that they will be duly rewarded, and accordingly will have diminished incentives to use violence to strengthen their hand in local political contests.

Second, a dominant position, with the attributes of the coercive power of the state at their hand, allows the winning side to be less concerned about potential enemy populations in the territory. If a seditious or hostile group exists in the territory, control over the coercive

³⁰ This is different from Walter's conception of a "decisive victory." Walter codes a "decisive victory" as one in which "one side could convince its opponent(s) to cease fighting without demanding any concessions in return." See Walter (1997), p. 344. In practice, such a situation rarely prevails; a nominal concession is almost always required, even when military victory is apparent. This notion of state capture is closer to R.H. Wagner's notion of a settlement in which the capacity of the loser to organize its resources for rebellion is diminished, See R.H. Wagner, "The Causes of Peace," in Roy Licklider, *Stopping the Killing: How Civil Wars End* (New York: New York University Press, 1993), p. 235-268. Like Monica Duffy Toft's conception of decisive victory, it emphasizes how capturing the instruments of repression shape the incentive structures of the victors. See her "Peace Through Security: Making Negotiated Settlements Stick," Unpublished paper, 2006.

³¹ Suzanne Werner, "The Precarious Nature of Peace: Resolving the Issues, Enforcing the Settlement, and Renegotiating the Terms," *American Journal of Political Science* 43:3 (January 1999).

instruments of the state - the armed forces and the police - makes repression (and more extreme measures like expulsion and genocide) easier to accomplish. For this reason, decisive state capture perversely creates a political space for generosity and mercy that might not otherwise exist. Finally, if the victorious group perceives that continuing attacks on targeted groups will endanger the international support (from the UN or organizations like the IMF or World Bank) that they currently receive, they will have powerful incentives to discourage attacks against targeted groups. In post-conflict states, particularly those monitored by the UN or powerful states, violence against civilians will only be a winning strategy if it does not endanger the benefits that the victor perceives to be its just reward. There is an essential paradox here: the more armed groups are able to exploit targeted groups in a post-conflict state due to its control over the coercive apparatus of the state, the less incentive they have to do so.

When no single group or constellation of groups has achieved decisive control over the state's capacity for violence, they can have no confidence that the peace will last and that the spoils of war will be theirs to divide. For this reason, even the more powerful side has powerful incentives to employ attacks on civilians from targeted groups to weaken the hand of their opponents if the war resumes. Eliminating or expelling potentially dangerous groups is a sensible (if horrific) strategy if one cannot be certain whether the peace will last. Moreover, a tenuous peace often undermines whatever commitments that the winning side or coalition makes to its domestic allies. With no guarantee that the peace will last, factions within the armed group may find it safer to create new facts on the ground by expelling or victimizing civilians from hostile groups in case the war resumes. This fragmentation of the armed group into a series of smaller groups, including some criminal or mafia groups, may make it harder to rein in those who would freelance in violence against targeted groups.³² Because the peace remains fragile, commitment by the government or external actors will rarely be able to overcome their incentives to do so. Particularly after a bitter internal war, where the collapse of the other side

³² See especially Byman (1998).

was sudden but not permanent, the victors may perceive a short-term window to punish enemy populations, even to the point of expelling them, in order to consolidate their control. They may then settle into a pattern of persistent low-intensity attacks in order to shore up their support and weaken their opponents.

It is important to stress that state capture must be decisive to prevent this from occurring. What matters is not the type of agreement but how decisively one side has captured the instruments of repression and can reward their followers. For the most part, military victories deliver decisive state capture, but not always. Some military victories are not decisive if the opposing side remains armed and capable of threatening the victor's control, either within that territory or within a neighbouring territory. After the genocide in Rwanda, for example, exiled Rwandan Interwahme in Zaire launched raids on Tutsis in Rwanda, leading the RPF-dominated Rwandan government to intervene directly in Zaire and seek the overthrow of Mobutu Sese Seko. It was the fear that state capture was not secure or decisive that led to this counter-intervention and escalation of violence. Moreover, some apparent military victories are not consolidated and thus provide no lasting disincentive for violence. In Kosovo, for example, the KLA's apparent victory after the NATO-led air war was not consolidated because of the UN's insistence on having democratic elections, which delivered power to its rival, the KDP. State capture can also be achieved through negotiated settlement, especially after an armed group has been abandoned by its external sponsor (for example, South Africa's support of RENAMO in Mozambique) or if its opponent collapses for ideological or domestic reasons (i.e., the ANC in South Africa).³³

Second, scholars have long noted that proximity of former opponents shapes the opportunities for conducting attacks against civilians from targeted groups. If the targeted group is not reachable for attack, either because they are geographically concentrated or separated by

³³ On external support of RENAMO, see Dennis C. Jett, *Why Peacekeeping Fails* (New York: Palgrave, 2001), pp. 126-132. On the ANC takeover of South Africa, see Elizabeth Jean Wood, *Forging Democracy From Below: Insurgent Transitions in South Africa and El Salvador* (Cambridge: Cambridge University Press, 2000), pp. 111-143.

natural geographic barriers – for example, mountains or waterways – this will obviously reduce the opportunities for attacking civilians. As Barry Posen points out, trapped islands of ethnic or sectarian groups are particularly vulnerable for depredations in civil and ethnic wars.³⁴ If targeted groups are geographically concentrated in a region with defensible borders they will be less likely to experience strategic violence. In the words of Chaim Kaufmann, “the more mixed the opposing groups, the stronger the offense in relation to the defense; the more separated they are, the stronger the defense in relation to offense.”³⁵ Moreover, these groups must be clearly identifiable in the population. This identification can be based on outward appearance, language or culture or by revealed preferences based on wartime behaviour.³⁶

Yet proximity is not the only variable which helps to measure the opportunity for strategic violence. Thinking of the vulnerability of targeted groups is perhaps a more accurate measure of the opportunities for victimization.³⁷ Vulnerability of targeted groups is a composite indicator comprising three separate factors: (1) proximity, which can shift over time; (2) the prospects for rescue by a foreign power or ethnic or religious kin in a neighbouring state; and (3) the ability of the targeted group to have a self-sustaining livelihood without the relying on their former enemies. Groups which find themselves in proximity to their former enemies, but who have few prospects for external rescue and little chance of an independent livelihood are highly vulnerable; those that are in limited proximity, can threaten external rescue and can live without reinforcing their dependence on their former enemies are the least vulnerable. When targeted groups are vulnerable, they present a tempting target for opportunists within rebel organizations; attacking the vulnerable is a way to boost a local group’s reputation for toughness, advertise its nationalist, ethnic or sectarian credentials, and signal its willingness to fight in local power contests.

³⁴ Posen, p. 32.

³⁵ Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” *International Security* 20:4 (Spring 1996), p. 148.

³⁶ Kaufmann, p. 145.

³⁷ The author is grateful to Stephen Biddle for his suggestions and helpful advice on this point.

The following table sketches the arguments his argument about the scale of strategic violence against targeted groups in post-conflict states in more detail. It classifies the magnitude of expected attacks against targeted groups as either: (1) mass, indicating a regular, ongoing pattern of attacks at varying magnitudes; (2) scattered, indicating regular but low intensity attacks; (3) occasional, indicating attacks only in response to precipitant events; or (4) residual, indicating mainly opportunistic criminal attacks and revenge violence.

Table 1-1: Strategic Violence against Targeted Groups in Post-Conflict States

		State Capture	
		<i>Yes</i>	<i>No</i>
Vulnerability of Opposed Groups	<i>High</i>	Occasional Attacks Against Targeted Groups	Mass Attacks Against Targeted Groups
	<i>Low</i>	Residual Attacks Against Targeted Groups	Scattered Attacks Against Targeted Groups

As this table shows, where state capture remains an unachieved goal and targeted groups remain deeply vulnerable, dissatisfied groups have powerful incentives to use strategic attacks on targeted groups to achieve goals not part of the peace settlement. Vulnerability shapes the opportunities for attacking those most at risk.

The validity of these amendments to the rationalist approach must be subject to additional tests. Testing theories of strategic violence as a large-n is difficult to do because of the absence of reliable cross-national data on strategic violence across cases. But as an illustration of the plausibility of these amendments, Table 1-2 lists the civil wars which ended since 1990 based on their expected rates of strategic violence.

Insert Table 1-2 Here

This is not an exhaustive test, but it suggests that these refinements to the rational approach to explaining strategic violence are plausible. Those cases which ended with a whimper rather than a bang (Croatia, East Timor, El Salvador, Guatemala, Mozambique, Namibia, Nicaragua) were predominantly those in which state capture had been achieved (sometimes through military victory, sometimes through a negotiated settlement ratified or delivered state capture). Those cases where strategic violence remained most severe over longest time were those in which no state capture had been achieved and targeted groups remained highly vulnerable, either because of their dispersion and lack of capacity for self defense (Congo) or because of the abandonment of an external actor (Kosovo). In a select set of cases (Rwanda, Liberia, Sierra Leone), the “race against the clock” effect was evident, as the promise of external support for a settlement accelerated rebel efforts to murder and expel potential enemies in the population. Ironically, these cases had less strategic violence later because the expulsions pushed targeted groups into neighbouring countries, thus reducing their vulnerability. In a few cases with no clear state capture (Bosnia, Cambodia) the expulsions were severe enough to reduce the vulnerability of targeted groups and produce a dampening effect on the violence over the long run.

Mechanisms

The creation of political incentives through state capture and vulnerability is only part of the story. Rebel organizations, and to a lesser extent governments, tend to splinter as a function of the incentives created by state capture and vulnerability. If state capture had been achieved, and the opportunities for strategic violence are slight, splinter groups are less likely to form and two mechanisms should be evident.

1. Domestic Rewards: The leadership of the victorious rebel group will reward powerful members within their coalition with key posts in a cabinet or with significant concessions of political power (such as permitting them to retain a small private army) or economic concessions (such as allowing them exclusive access to important natural resources).

2. In-Group Policing: The leadership of the group which achieves state capture will take control over the coercive apparatus of the state and attempt to rein in those who would freelance in violence. This can involve the punishment or arrest of challengers to the regime's power, military action against alternative bases of power within the winning coalition, or exclusion from key sources of political or economic power.

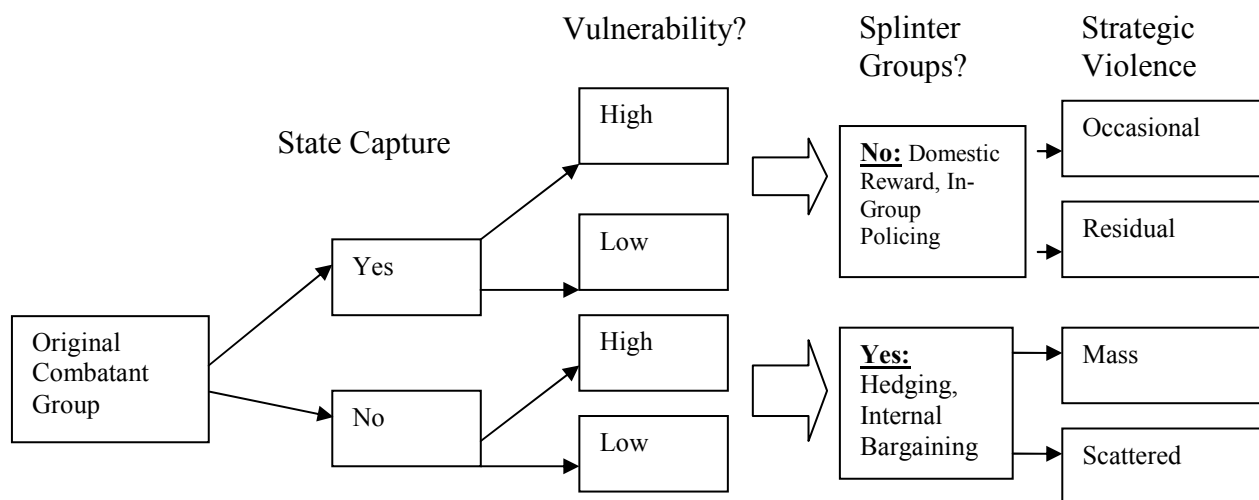
If state capture has not been achieved, and if the opportunities for attacking targeted groups are manifold, rebel groups will splinter, and the following two mechanisms should be in play.

1. Hedging: Splinter groups within the former combatant groups will appear and begin to freelance in violence against vulnerable groups, as a way of hedging their bets in case the settlement does not hold. There should be evidence of highly strategic attacks with little or no claim of responsibility, and desultory efforts by the leadership of the parent rebel group to rein in the splinters.

2. Internal Bargaining: Once the splinter groups form, they will begin to compete for power and resources with each other. Strategic violence against targeted groups may be used to signal capacity to fight to their rivals, and attacks within the ethnic, religious or political group will increase, intermixed with attacks across the former battle lines.

The following graph maps out the logic of the argument, identifying how political incentives interact with the organizational coherence of rebel groups, and in doing so produce identifiable mechanisms.

Table 1-3: An Organizational Theory for Explaining Strategic Violence



Cases: Kosovo and East Timor

The two cases considered here – Kosovo and East Timor – were in part selected to demonstrate how the incidence of strategic violence can shift over time, based on changes in the relative rates of vulnerability of the targeted groups. In both cases, the targeted groups, small in number, geographically dispersed and abandoned by their external sponsor – were highly vulnerable in the immediate aftermath of the war. The relative rates of vulnerability decreased over time as the population shifted into more defensible, smaller enclaves or fled to regions where they would be surrounded by their ethnic kin or political brethren.

The following focused, paired comparison of Kosovo and East Timor will address three questions in each case: (a) do differences in state capture and vulnerability produce the predicted formation of splinter groups; (b) does the record show evidence of the predicted mechanisms in each case; and (c) did the evidence of strategic violence vary over time, as predicted by the “race against the clock” effect and by changes in state capture and the relative vulnerability of targeted groups?

Kosovo (1999-2005)

The NATO air war in Kosovo occurred between March 20, 1999 and June 12, 1999.³⁸ The principal purpose of this air war was to stop the Serb-dominated Yugoslav army (VJ) units and Ministry of Interior (MUP) who expelling large parts of the Kosovo Albanian population. On the ground, the secessionist ethnic Albanian Kosovo Liberation Army (KLA) – that had sought to break Kosovo away from Yugoslav rule since the early 1990s – launched guerrilla attacks against the VJ and MUP forces.³⁹ A summary of the statistics from the UNHCR offers a picture of the extent of the suffering caused by 78 days of war. From March-June 1999, 863,000 civilians were forced out of Kosovo and 590,000 were internally displaced. By the end of June,

³⁸ See Noel Malcolm, *Kosovo: A Short History* (New York: Harper Perennial, 1999) and Ivo H. Daalder and Michael O’Hanlon, *Winning Ugly: NATO’s War to Save Kosovo* (Washington, DC: Brookings Institute Press, 2000).

³⁹ See Independent International Commission on Kosovo, *Kosovo Report* (2000), p. 42-84.

90% of the population of Kosovo had been driven from their homes.⁴⁰ Between the beginning of the Serb military offensive on March 20 and the end of the war on June 12, approximately 10,500 Albanians were killed.⁴¹ Estimates of the Serb casualties remain unconfirmed, with estimates ranging from 1,000-5,000 military casualties and 500 or more civilian casualties. Under increasing domestic pressure due to the damage done to his country by the NATO sorties, Yugoslav President Slobodan Milosevic agreed to withdraw Yugoslav forces from Kosovo on June 1, 1999.⁴² Under the terms of UNSCR 1244, VJ and MUP forces was to withdraw and the UN would assume interim control over the province, but the final status of Kosovo – in particular its independence – would be decided at a later date.

According to this theory, the absence of a clear state capture after the Kosovo campaign, coupled with substantial vulnerability should produce a splintering of the KLA. This will lead to scattered attacks against targeted groups, with evidence of extremists racing against the clock to murder and expel groups before the NATO peacekeepers arrived and later as KLA splinter groups hedged that the war might resume. As predicted, when VJ and MUP units began to withdraw from Kosovo, whatever remained of the state apparatus in Kosovo collapsed and as the period of “diminishing anarchy” prevailed a “race against the clock effect” kicked into effect. The province was struck by “a rising tide of violence and crime,” ranging from revenge attacks by returning refugees, to denunciations and score-settling among rival Albanian groups, and reprisals and targeted assassinations against Serbs.⁴³ As thousands of refugees flooded back in what was described as “biggest refugee return in modern history and also the quickest role reversal,”⁴⁴ small-scale massacres of Serb, Roma and other minorities became widespread,

⁴⁰ *Kosovo Report*, p. 90.

⁴¹ This estimate was produced by the American Association for the Advancement of Science, which conducted a study for the International Criminal Tribunal for Yugoslavia (ICTY) which counted exhumations and interviewed over 3,000 Albanians and Serbs for its calculations. See AAAS, *Political Killings in Kosova/Kosovo, March-June 1999*, CEELI/AAAS, 2000.

⁴² For a discussion of why Milosevic capitulated, see Andrew L. Stigler, “A Clear Victory for Air Power: NATO’s Empty Threat to Invade Kosovo,” *International Security* 27:3 (Winter 2002/2003), pp. 124-157.

⁴³ The International Crisis Group, *Violence in Kosovo: Who’s Killing Whom?* ICG Balkans Report N78 (2 November 1999), p. 3

⁴⁴ See Timothy Judah, *Kosovo: War and Revenge* (New Haven: Yale University Press, 2000), pp. 286-312.

especially in the small cities and the rural areas hard-hit by the VJ and MUP during the war.⁴⁵ Within four months, the OSCE had reported 348 murders, 116 kidnappings, 1070 lootings, and 1106 cases of arson, as ex-KLA forces and aggrieved refugees attacked mixed ethnicity villages and expelled Serbs.⁴⁶ Within five months, the NATO-led peacekeeping force, KFOR, had recorded over 400 murders, of which 33.8% had Serb victims.⁴⁷ The pervasive insecurity of the Serbs and other minorities and a lack of job opportunities in an Albanian-dominated Kosovo encouraged thousands more to flee for Serbia and Montenegro. By early November, approximately 100,000 Serbs had left the province, reducing the pre-war population of Serbs by approximately 50%.⁴⁸ It was in the first six months of the post-war period, before UN civilian police (CIVPOL) arrived in force, where the most brutality against Serbs and Roma took place.

At the same time, an unauthorized KLA-backed provisional government assumed effective control over much of the territory. The KLA interim government had established administrations for 27 of 29 of Kosovo's provinces before the war began and therefore "had a ready mechanism to take power once the war had ended."⁴⁹ The KLA also enjoyed wide support among the Albanian population, especially the returning refugees, who lauded it as the liberator of Kosovo.⁵⁰ These developments alarmed NATO allies who felt that they were losing control of Kosovo shortly after winning the war. In its eyes, the KLA had won state capture,

⁴⁵ The areas with the most severe battle damage were Pec, Prizren and to a lesser extent Pristina. Battle damage estimates are calculated based on the severity of damage to residential properties. Source: European Commission. European Commission, Emergency Assessment of Damaged House and Local/Village Infrastructure, July 1999, Kosovo Damage Assessment, p. 21. The selection of the Roma and other minorities as victims is an instance of what Horowitz calls "target displacement" where weak or vulnerable groups are victimized, irrespective of their ability to pose a strategic threat. See Horowitz (2001), pp. 135-146.

⁴⁶ Quoted in Stephanie Schwander-Sanders, "The enactment of 'tradition,': Albanian constructions of identity, violence and power in times of crisis," in Bettina E. Schmidt and Ingo W. Schroeder (eds), *Anthropology of Violence and Conflict*, (London: Routledge, 2001), p. 114.

⁴⁷ ICG, *Violence in Kosovo: Who's Killing Whom?* ICG Balkans Report N78, (2 November 1999), p. 3. KFOR reports that the breakdown of murder victims is as follows: 145 ethnic Albanian, 135 Serb, and 99 others. Amnesty International reported a KFOR-recorded murder total of 414 by December 10, 1999, with 150 ethnic Albanian victims, 140 Serbs, and 124 people of unknown ethnicity. See Amnesty International, *Prisoners in Our Own Homes: Amnesty International's concerns for the human rights of minorities in Kosovo/Kosova*. (April 2003), p. 3.

⁴⁸ ICG Report, *Violence in Kosovo: Who's Killing Whom?*, p. 3. It is unclear how many left under threat of violence and how many left on their own initiative.

⁴⁹ International Crisis Group, *Waiting for UNMIK: Local Administration in Kosovo*, 18 October 1999.

⁵⁰ David Rohde, "Kosovo Seething" *Foreign Affairs* (May/June 2000).

and now NATO faced a dilemma in convincing the KLA to surrender their prize without the guarantee that Kosovo would achieve independence.

By late June, after intense lobbying, KFOR commanders won agreement on the demobilization of the KLA, and the pledge of the KLA leadership that they would participate in democratic elections as the newly formed Party for Democratic Progress of Kosovo (PDK).⁵¹ This revoking of state capture fractured the KLA and led to the formation of splinter groups. While part of the KLA's ranks were transformed into the newly formed Kosovo Police Service and the civil defence force (KPC), remnants of the original KLA structure broke off on their own, with powerful local commanders unofficially overseeing their home provinces with a cadre of local militias and organized crime elements to back them up.⁵² Resembling an "association of clans," the KLA's splinter groups were based more on individual loyalty and some of the splinters had limited allegiance to KLA leader Hashim Thaci or any members of the KLA high command.⁵³ Moreover, some of the key institutions of the KLA, such as the military police organization *Policia Ushtarake* (PU) and intelligence wing, *Sherbimi Informativ I Kosoves* (Kosovo Information Service, or SHIK), appeared to operate well into the post-war period, though exactly for whom remained an issue of considerable debate. While the KLA was formally disbanded, many of its structures remained in place, but the lines of control between the political leadership and its regional power bases had become diffuse.

With NATO having rolled back the KLA's state capture in Kosovo, the ex-KLA splinter groups divided into two camps about what to do with the targeted groups – the Serbs and Roma – who remained. The first camp, dominated by PDK leader Hashim Thaci, was invested in the political process and believed that that NATO and the UN had no option over the long term but to transform Kosovo into an-Albanian dominated independent state. While no more sympathetic to the Serbs than their more extreme counterparts, the moderate wing of the KLA reasoned that

⁵¹ Full text of this agreement is available at: <http://www.nato.int/kfor/kfor/documents/uck.html>

⁵² The Kosovo Protection Corps (KPC, also known by its Albanian abbreviation, TMK) was designed to be a civil defense corps and a source of employment for ex-KLA.

⁵³ ICG, *What Happened to the KLA?*, p. 20.

because they constituted less than 10% of the population neither Serbs nor Roma posed a long term threat to Albanian control over Kosovo. The second camp, dominated by more extremist splinter groups and criminal organizations like the newly formed Ministry for Public Order (MRP), held that the ethnic islands of Serbs scattered across Kosovo provided Belgrade with a rationale for holding on to Kosovo; consequently the presence of Kosovo Serbs would endanger the prospects of independence.⁵⁴ In the absence of a firm guarantee of Kosovo's future, there could be no guarantee about who – the KLA or Belgrade – would capture the state. This left extremist splinters of the KLA with a powerful incentive to murder and expel targeted groups as a hedging strategy, to undermine the rationale for keeping the province under Belgrade's control.

The sudden reversal of fortune between Albanians and Serbs, coupled with the slow arrival of NATO troops, produced incentives for extremists elements of the KLA to race against the clock in victimizing Serbs and other targeted groups. Widespread revenge killings and criminality created a ripe environment for the extremist elements of the KLA to conduct a *surge* strategy to expel Serbs and Roma from areas where they were vulnerable.⁵⁵ The per capita rates of victimization left little doubt that Serbs and other minorities were singled out for attack during late 1999. In 1999, Serbs experienced 34% of the murders and 23% of the kidnappings. Other minorities – including the Roma, Gora, Bosniaks and Turkomen – experienced 26% of the murders and 17.9% of the kidnappings. In 1999, the targeted groups which comprised 9.6% of the population experienced 60% of the murders and 43% of the kidnappings. In percentage terms, a Serb was 14.4 times more likely to be the victim of a violent attack than an Albanian between June and December 1999. A member of the “other” was 16.5 times more likely to be a victim of violent crime than an Albanian.

⁵⁴ ICG, *What Happened to the KLA?*

⁵⁵ Human Rights Watch reported that “There is also clear evidence that some KLA units were responsible for violence against minorities beginning in the summer of 1999, and continuing throughout 2000 and early 2001. Human Rights Watch has no evidence, however, of a coordinated policy to this end of the political and military leadership of the former KLA, which has made public statements condemning attacks against minorities.” See *Under Orders: War Crimes in Kosovo. Abuses After June 12, 1999*, p. 2.

But it was the sophistication of the attacks, and the clear evidence of strategic targeting, which provided the clearest evidence of strategic intent. The scale of coordinated arsons in ethnically mixed towns in Gnjilane and Prizren implied that parts of the allegedly disbanded KLA intelligence networks must have been at least complicit. For example, after tit-for-tat violence between Albanians and Serbs identified Oblic municipality as a contested region, coordinated arsons and expulsions began to occur in force. Between July 5-10, 1999, KFOR reported an upsurge in grenade attacks on Serb homes, 81 arson attacks, 36 lootings of homes, one kidnapping and four missing persons cases, most of which occurred in the mixed villages in that region.⁵⁶

The stylistic details of some attacks, including the use of coordinated grenade attacks, were also strongly indicative of strategic violence. In Oblic municipality, grenade attacks on Serb-owned cafes in the city center occurred for two consecutive weeks in August 1999.⁵⁷ Grenade attacks were also used on homes to signal capacity to KFOR. On August 25, 1999, there was a grenade attack on a Serb home in Gnjilane city just moments after a KFOR foot patrol had passed by.⁵⁸ On December 27, 1999, another grenade attack occurred in Vitina, during a KFOR facilitated visit to bring Kosovo Serbs to see their homes.⁵⁹ But perhaps the most striking examples of the strategic targeting were the symbolic attacks on Orthodox churches. In the immediate aftermath of the war, there were numerous church burnings and detonations, especially in regions with high refugee returns like Pec and Pristina. By August, 1999, more than thirty churches had been damaged in some way.⁶⁰

Vulnerability shaped the initial wave of revenge attacks and KLA-led strategic assaults on civilians. The first regions to be affected were Pec and Prizren, both of which directly in the path of the refugee returns. Both also comprised small and vulnerable populations of Serbs in

⁵⁶ OSCE, *Preliminary Assessment of the Situation of Ethnic Minorities in Kosovo* (July 1999), p. 3.

⁵⁷ OSCE, *Second Assessment*, p. 7.

⁵⁸ OSCE, *Second Assessment*, p. 7.

⁵⁹ OSCE, *Assessment of the Situation of Ethnic Minorities in Kosovo* (covering November 1999-January 2000), para. 80.

⁶⁰ Cited in Nic Robertson, "Church Bomb Shakes Fragile Kosovo Peace," *CNN.com* (1 August 1999).

“ethnic islands” surrounded by Albanians. By early 2000, there was a dramatic reduction of the Serb populations in Pec from 5.72% to 0.346% and in Prizren from 2.26% to 0.39%.⁶¹ The murder and expulsion of the Serbs led to internal displacement within Kosovo, as Albanians and Serbs alike fled to regions near their ethnic kin. In the Pristina region, the Serb population plummeted from 37.64% to 9.69% while the relocation of rural Albanians to the city nearly doubled the city’s pre war population. By 2000, the Albanian population was 87.8% of the entire region and nearly 100% of the city itself. In the northernmost region of the country, Mitrovica, the reverse happened. By mid-2000, the Serb population of Mitrovica jumped nearly 18% from 36.43% to 53.68%. In Mitrovica, the Serbs lived apart from the Kosovo Albanians, either north of the Ibar river or in the heavily guarded Srbica and Vucitrn municipalities. They also formed their own militias and irregular forces which guarded against Albanian incursion into Serb territory. With fewer opportunities for interethnic contact, and lower rates of vulnerability for Serbs and Roma, the overall violent crime rate declined. By 2000, the rates of victimization had decreased, with Serbs facing 22.3% of the murders and 10.5% of the kidnappings and other minorities experiencing 17.9% of the murders and 22% of the kidnappings.⁶²

After the ethnic partition of the province was enforced, the remnants of the KLA consolidated control over Pec, Prizren, and Pristina and engaged in score-settling as part of an internal bargaining process for who would claim more of the power and resources of the state. Score-settling was particularly common among Albanian criminal organizations, as a host of local mafias and components of the former KLA vied for control, influence and a greater share of the lucrative drug and smuggling trade. This internal bargaining process again put targeted groups between the crosshairs. One of the organizations that emerged from the KLA, the so-called Ministry of Public Order (MRP), used the permissive security environment in 1999-2000

⁶¹ Pec kept a steady rate of “other minorities,” approximately 4.8% for both years. Prizren’s population of “other minorities” decreased in relative terms from 13.14% to 9.87%.

⁶² UN Mission in Kosovo CIVPOL. “Offence Statistics by Motive.” Unpublished UNMIK records. 2001-2002.

to consolidate control over its key businesses and to destroy its counterparts on the Serbian side.⁶³ By mid-2000, much of the violence in Kosovo was between Albanian groups locked in an intense battle for control over contested regions. Another way that this internal battle was fought was with denunciations. Many Roma (and some Albanians) were accused of being collaborators with the Yugoslav Army during the 1999 campaign. In late 1999, NATO discovered evidence of an unofficial KLA-run prison where a significant number of Roma and Albanian prisoners were kept and tortured for information about the extent of their collaboration with the Serbs.

By mid 2000, the effective ethnic partition of the province and the increased presence of KFOR and the UN Civilian Police (CIVPOL) transformed the strategy of the splinter groups formerly associated with the KLA. Rather than risk the ire of KFOR and CIVPOL with the kind of mass scale reprisals conducted just after the war ended, the splinters switched to a hedging strategy, conducting low-intensity covert attacks on vulnerable Serb minorities in remaining Albanian-majority regions, Pristina and Gnjilane. If the settlement fell apart, the remaining mixed ethnicity towns would have fewer Serbs in the population, thus damaging the rationale for returning Albanian-majority regions to Belgrade's control. If the settlement held but the attacks remained covert and low-cost, the PDK's prospects for capturing the state would not be endangered, while local KLA leaders would strengthened their hand to demand concessions from the PDK once state capture had been achieved.

The reduced vulnerability of the Serbs depressed the overall crime rate, but the disproportionate victimization of targeted groups persisted. In 2000 Serbs were more than 3.9 times more likely to be a victim of violent crime than Albanians. Similarly, other minorities were more than 6.26 times more likely to be the victim of violent crime.⁶⁴ The rates of

⁶³ Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York: W.W. Norton, 2004), p. 315-317.

⁶⁴ To calculate the relative probabilities of being a victim of violent crime, the probability a Serb would be a victim of violent crime (0.075%) was divided by the probability that an Albanian would be a victim of violent crime (0.0125%). The ethnic groups included in 'others' are the Roma, Ashkali, Egyptians, Bosniaks, Gorani, and Turks.

victimization were particularly high in the two Albanian-majority regions (Pristina, Gnjilane) with a significant Serb minority. In Pristina, kidnapping, arson and assaults against Serbs increased in some regions, and overall rates of arson (160), eviction (301) and intimidation (828) remained high.⁶⁵ Pristina had the highest crime rate (3,532 violent crimes recorded) and Gnjilane, the Albanian-majority region with the largest population of Serbs outside Mitrovica, had the second highest number of violent crimes (1873).⁶⁶ On a per capita basis, these crime rates are not extraordinary. But the type of crimes which featured in those regions were consistent with claims of ethnic intimidation. In Gnjilane, for example, the rates of arson (156) were nearly double the other Albanian-majority regions and kidnapping increased from 117 in 1999 to 156 in 2000.

The types of attacks also betrayed evidence of strategic planning. Sophisticated tactics, including sniper attacks and the timed bombing of buses and KFOR convoys, pointed to extremist elements as being behind the violence.⁶⁷ In February, 2001, a remote-controlled bomb attack on a convoy of Serbs travelling from Nis (in Serbia) killed seven and wounded more than forty, in an attack which NATO called “premeditated murder.”⁶⁸ Church burnings and detonations also continued in force in Pristina and Gnjilane, and against isolated communities elsewhere.⁶⁹ Many of these churches had KFOR protection, either in the form of static guard or regular patrols.

It was not until mid 2001 that the rates of victimization of target groups became on par with the rest of the province. This was largely due to reduced vulnerability and a measure of in-group policing from the moderate KLA leadership, whose political future was growing endangered by continuing attacks. Yet despite numerous attempts, both public and private, by

⁶⁵ Unpublished UN CIVPOL crime statistics (2000).

⁶⁶ In 2000, Pristina had a population of 800844 and Gnjilane had a population of 402388 (according to OSCE data). This translates into a 0.0044 per capita crime rate for Pristina and 0.0046 for Gnjilane. There were 10,022 violent crimes for the entire province, 0.0047. No exact figure of the number of Serb victims for each category of crime is available.

⁶⁷ OSCE, *Third Assessment*, p. 5.

⁶⁸ “Serbs Killed in Kosovo Pilgrimage” *BBC News* (16 February 2001).

⁶⁹ OSCE, *Assessment*, para. 78.

Thaci and the PDK leadership to discourage attacks on Serbs and Roma, splinter groups continues to launch scattered attacks on Serbs as they hedged their bets that independence would be awarded. The capacity for in-group policing was becoming declining over time as the PDK leadership could not guarantee those freelancing in violence a share of the state's resources, since final status negotiations provided no guarantee of state capture. Post-war Kosovo saw a proliferation of mafia and splinter groups who exercised control over the black market in different regions across the country.⁷⁰ Despite the fact that members of the KLA's internal police were directly linked to MRP and other splinter groups, it was never clear to what extent the PDK leadership had control over them. Despite public attempts by Thaci to halt the attacks, the diffusion of control between the political leadership and its intelligence and police wings weakened the PDK's ability to conduct in-group policing and reign in its extremists.⁷¹

In 2004, however, with frustration mounting due to a lack of progress on the negotiations over final status and the claims of the PDK that Kosovo would be an independent state become more doubtful, the situation began to unravel. Extremist elements within the KLA reverted to a *surge* strategy, increasing the tempo of attacks on Serbs to place pressure on UNMIK and to signal that they would not accept a return to Belgrade's control. On March 16, 2004, KLA veteran's associations organized groups in every major city to protest the arrest of former KLA leaders on war crimes charges.⁷² After the accidental drowning death of two young Albanian boys was blamed on Serbs, extremist elements of the KLA used this precipitant event to set off a new wave of interethnic violent attacks. Riots and demonstrations swept the province, leaving 19 dead and nearly 900 injured. From March 17 to 19, UNMIK police recorded 33 major riots,

⁷⁰ Priest, p. 311-312.

⁷¹ Thaci's role in condemning killings has shifted over time. Initially, he was silent on the killings of Serbs, and concentrated on consolidating his power base by highlighting the grievances of Kosovo Albanians. As he became more entrenched in the PDK and the government, however, he shifted his position and began to issue public calls to end attacks on Serbs.

⁷² The arrest of former KPC Commander Selim Krasniqi, a popular war hero in Prizren, in February 2004 set the KLA veteran's associations into action. A KLA veterans association leader from Mitrovica accused UNMIK of conducting a "discriminatory policy" towards the KLA. See Human Rights Watch, *Failure*, p. 18.

involving an estimated 51,000 participants.⁷³ Over 700 homes were damaged or destroyed, along with 10 public buildings, 30 Serbian Orthodox churches, and two monasteries.⁷⁴

Approximately 4,500 people - mostly Serbs, Roma and other targeted groups - were displaced from their homes. Among the injured were 61 KFOR soldiers, 65 UNMIK CIVPOL officers, and 58 Kosovo Police Service (KPS) officers. More than one hundred UNMIK vehicles were burned or damaged.⁷⁵

The apparent planning and coordination of the March 2004 riots revealed the extent to which targeting Serbs and Roma was part of a strategy by elements of the former KLA to force the hand of UNMIK into granting independence. Special Representative of the UN Secretary General Harri Holkeri condemned the violence as part of a premeditated strategy, calling it “one huge plan for Kosovo” by extremists.⁷⁶ NATO Secretary General Jaap de Hoop Scheffer concluded that the violence was “orchestrated and organized by extremist factions in the Albanian community” while Admiral Gregory Johnson, commander of NATO forces in southern Europe, concluded that at the least there was a “modicum of organization” behind the violence and that it amounted to “ethnic cleansing.”⁷⁷

Across the entire post-war period, the conjunction of aborted state capture and proximity produced scattered attacks against Serbs and other minorities in Kosovo. Without a clear decision on which group would control the state in Kosovo, the KLA leadership could not make credible commitments to reward its local power centres, and could not police the extremists who sought to murder and expel targeted groups remaining in the territory. Only the presence of NATO peacekeepers and UN police, and the diminished vulnerability of Serbs and Roma,

⁷³ This initial estimate was reported by UNMIK spokesperson Derek Chappell in *Reuters*, “Scores Arrested in Wake of Kosovo Violence,” (22 March 2004). See also International Crisis Group, *Collapse in Kosovo*, ICG Europe Report No. 155 (22 April 2004) and Human Rights Watch, *Failure to Protect: Anti-Minority Violence in Kosovo, March 2004* 16:6 (July 2004).

⁷⁴ ICG, *Collapse*, p. i.

⁷⁵ Human Rights Watch, *Failure*, p. 26.

⁷⁶ ICG *Collapse*, p. 15. Holkeri later noted that it was “utterly disappointing” that ethnic Albanian political leaders had failed to condemn the attacks. See *BBC News*, “NATO Condemns Kosovo Extremists,” 22 March 2004.

⁷⁷ “NATO Chief says Kosovo violence was ‘orchestrated’ *Agence France Presse*, 22 March 2004; and “Kosovo Violence Could Have Been Organized – Top NATO official,” *Agence France Presse*, 18 March 2004

lowered the rates of strategic violence and prevented a full scale security dilemma from emerging.

East Timor (1999-2005)

Like Kosovo, the roots of intra-communal violence in East Timor run deep, stretching back to its invasion and annexation by neighbouring Indonesia.⁷⁸ On December 7, 1975, in response to growing unrest between political factions within the former Portuguese colony, Indonesia invaded East Timor, and within a year had intergrated East Timor as its 27th province. The pro-independence group, Fretelin, resisted Indonesian control over the territory through its armed wing Falintil. Located in mountain hideouts in the dense jungle, Falintil fought a bitter and protracted guerrilla war campaign against Indonesian occupation for nearly 25 years. The occupation cost the lives of an estimated 200,000 people.⁷⁹ TNI forces and their militias, largely drawn from the East Timorese population, repressed any pro-independence activity and established a network of local administrators across East Timor's thirteen provinces who would remain loyal to Indonesia. Passive resistance – the classic “weapons of the weak” – enabled much of the population to stymie Indonesian control over the territory and raise the costs of occupation. In 1991, the plight of East Timor attracted international attention when Indonesian security forces opened fire on a pro-independence demonstration of mourners near the Santa Cruz cemetery in Dili, killing an estimated 50 to 200 people.⁸⁰ With the Falintil forces low in numbers and morale, the pro-independence movement took its case to the international arena, lobbying the United Nations and sympathetic states (especially nearby Australia and its former

⁷⁸ On the history of East Timor, see James Dunn, *East Timor: A Rough Passage to Independence* (3rd edition)(Double Bay NSW: Longueville Books, 2003) and James J. Fox, “Tracing the Path, Recounting the Past: Historical Perspective on Timor,” in James J. Fox and Dionisio Babo Soares (ed), *Out of Ashes: The Destruction and Reconstruction of East Timor* (Canberra: ANU E Press, 2003), pp. 1-27.

⁷⁹ Ian Martin, *Self-Determination in East Timor: The United Nations, the Ballot and International Intervention* (Boulder, CO: Lynne Reiner, 2001), p. 17.

⁸⁰ Martin, p. 17.

colonial master, Portugal) to press Indonesia to allow a vote to allow the East Timorese people to decide how they would be governed.⁸¹

Under pressure from Australia, Indonesian President B.J. Habibie reluctantly agreed to hold a referendum on self-determination on August 30, 1999.⁸² On September 4, 1999, the UN announced the results of the vote: 21.5% of the population accepted Indonesia's offer to remain as an autonomous province and 78.5% rejected it in favour of independence. Before the results of the vote were even announced, TNI forces and pro-Indonesia militias went on a rampage in Dili, killing pro-independence supporters and burning homes.⁸³ In the violence that followed the announcement of the result, over 271,545 people were expelled over the border into West Timor, 70-80% of the business district in Dili was destroyed and nearly 50% of homes in the capital were burnt.⁸⁴ Approximately 1,500 people were killed, largely by rampaging mobs of TNI-backed militias.⁸⁵

The goal of the TNI and its militias used violence against civilians from targeted groups (pro-independence supporters) to draw out Falintil and re-open the conflict on more favorable terms. Placing their bets that the results of the referendum would hold, Falintil forces – totaling about 670-1,000 soldiers, with an extensive network of supporters throughout the island – showed remarkable restraint. Despite a few threats to leave their UN-mandated canton areas, the vast majority of Falintil never even picked up a gun.⁸⁶ Part of the rationale for accepting the limits of the UN cantonment even during the widespread destruction was that open resumption of armed conflict with the TNI would lend credibility to Indonesian claims that East Timor was sliding back into civil war. This might have led to the invalidation of the vote or to the re-entry of Indonesian forces into East Timor to 'stabilize' the country.

⁸¹ See Grayson S. Lord, "The diplomacy on East Timor: Indonesia, the United Nations and the international community," in *Out of Ashes*, pp. 74-98.

⁸² See the Department of Foreign Affairs and Trade, *East Timor in Transition 1998-2000: An Australian Policy Challenge* (Canberra, 2001), pp. 29-37. For a critical view, see Fernandes, p. 38-46.

⁸³ Harold Crouch, "The TNI and East Timor Policy," in *Out of Ashes*, p. 155.

⁸⁴ Crouch, *Out of Ashes*, p. 156.

⁸⁵ Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight For Freedom*, (Crows Nest NSW: Allan and Unwin, 2002), p. 214.

⁸⁶ Greenlees and Garran, p. 270.

The one-sided display of violence by TNI-backed militias led to outrage in Australia, Portugal, and the UN and increased pressure on the Indonesian government to permit an international armed intervention. Under threat of sanctions from Australia and the United States, Habibie agreed to permit an Australian-led intervention force, INTERFET, into the territory. The UN established an assistance mission, UNAMET, to guide the fledgling state to independence, but it would be several months before the United Nations forces, and their police (UNPOL), would arrive in force. Like Kosovo, East Timor became a lawless territory, policed by Falintil and a small contingent of Australian peacekeepers, as nearly 200,000 East Timorese who had fled to the mountains returned to their homes.⁸⁷ The basic institutions of governance, long dominated by Indonesians, had collapsed and social services, such as schools and hospitals, ceased function as their Indonesian staff fled. With the departure of the TNI over the border into West Timor, East Timor was nearly emptied of its Indonesian population overnight. Like the aftermath of the Kosovo war, a period of diminishing anarchy prevailed, with militias on both sides freely intermixing in refugee flows and an insufficient number of peacekeepers and police present to keep order. The race against the clock effect was in effect, as Falintil forces swept down from the mountains to claim political control and revenge killings and expulsions of those who had collaborated with Indonesia occurred amidst the chaos.

In many respects, this was similar to the situation which prevailed after the collapse of Yugoslavia's rule over Kosovo. Yet the rate of killing was significantly lower, even in the chaotic period before the INTERFET forces arrived. Falintil and its supporters certainly had an opportunity to use strategic violence, because those Indonesian collaborators who did not flee were a dispersed, but identifiable target group in the population. During the course of the occupation, the TNI had constructed a large network of locally-based militias to keep control over the territory, to gather information and to punish those supporting the independence

⁸⁷ *Masters of Terror*, p. 72.

movement.⁸⁸ Each of the thirteen districts of East Timor had its own militia, lead by a commander who was chosen by the TNI command. In some districts, multiple militias would work semi-independently or under the command of the local leader (*bupati*). The militia consisted largely of ethnic East Timorese who had trained with the TNI (and in particular Kopassus, the military-intelligence unit of the TNI) and were based on this training pre-disposed to be hostile to Falintil. The two largest militia groups, Halilintar (based in Bobonaro) and Aitarak (based in Dili) were commanded by Timorese who had been directly linked to the TNI or Kopassus.⁸⁹ Beyond the estimated 13,000-20,000 militia members lay an extensive network of collaborators and informers. Further, the western districts of East Timor – comprising Suai, Maliana, Ainaro and Ermera – were widely perceived to be sympathetic to Indonesia for their language, cultural and trade ties with villages across the border in West Timor. These districts were also rumored to be willing to secede and join West Timor to remain part of Indonesia.⁹⁰ While some of the worst offenders from the militia fled to West Timor with the TNI forces, a significant portion of the militia members and their collaborators and supporters, especially in the western districts of the country. This left Falintil the option of employing strategic violence to expel them or mop up potential opposition.

Identification of the target group was not a problem in this case. Despite the fact that East Timor is ethnically homogenous (though more homogenous in terms of regional and tribal identities), Falintil would not have struggled to identify those who bore responsibility for the death and destruction because the violence was highly localized. While there were isolated reports of the TNI directly participating in attacks on pro-independence supporters, its leadership appears to have concluded that the best strategy for maintaining plausible deniability during the 1999 rampage was to subcontract the violence to so-called self-defense units (WANRA) in the

⁸⁸ Hamish McDonald, Desmond Ball, James Dunn, Gerry Van Klinken, David Bouchier, Douglas Kammen, and Richard Tanter, *Masters of Terror: Indonesia's Military and Violence in East Timor in 1999* (Canberra Papers on Strategy and Defence, No. 145)(Canberra, ANU, 2002), p. 70.

⁸⁹ *Masters of Terror*, p. 70.

⁹⁰ Crouch, p. 160.

villages, which in reality were staffed by TNI-trained militia.⁹¹ According to defectors, the TNI-militia strategy was for the local militias to use local information to “liquidate all the senior pro-independence people – and their parents, sons, daughters and grandchildren. If they sought shelter in the churches...kill them all, even the priests and nuns.”⁹² The localized nature of the violence in September 1999 reflected this decision, as many pro-independence supporters were singled out for execution while their neighbors were left unharmed.⁹³ In a society with dense networks of local information it would not have been difficult for Falintil to discover who were the militia members and their supporters who had denounced individuals to the WANRA.

What provided the key disincentive for conducting strategic attacks on the pro-autonomy militias remaining in the territory was state capture. The clear fact that Fretelin – the only pro-independence party in the island – had won an internationally-backed guarantee of independence allowed the leadership to make credible commitments among them about the division of power and resources in the state. Since the imprisoned leader of Fretelin, Xanana Gusmao, commanded loyalty among the Falintil rank and file, local Falintil commanders could be certain of domestic rewards, that is, that they would be rewarded during their service under his reign. When he was elected with 82% of the vote, the Fretelin central committee “gave itself a stranglehold on the state” by assigning most of the key cabinet positions to party members.⁹⁴ Having no other serious rival for state capture, Gusmao rewarded powerful political personalities like Mari Alkatari and Rogerio Lobato with key government posts, even if relations between the principal players were strained.⁹⁵ Those that commanded loyalty within the Falintil rank and file found themselves rewarded with government posts following independence.⁹⁶

⁹¹ *Masters of Terror*, p. 246.

⁹² Allegedly the Governor of Timor, Abilio Osorio Soares issued this order at a meeting in Dili on March 26, 1999. See *Masters of Terror*, p. 250.

⁹³ Dunn, quoted in *Masters of Terror*, p. 73.

⁹⁴ International Crisis Group, “Resolving Timor-Lester’s Crisis,” Asia Report No 120 (10 October 2006), p. 4.

⁹⁵ *Ibid*, p. 4.

⁹⁶ *Ibid*, p. 4-5.

The perception that the pro-independence side of the conflict – and in particular their own leader Xanana Gusmao – had achieved their long-sought goal of state capture also induced moderation on the part of the rank and file Falintil. But Gusmao was also able to conduct in-group policing to reduce the incentives for freelancing in violence among Falintil units. During the militias’ attack, Gusmao ordered the powerful Falintil commander, Taur Matan Ruak, to remain in the cantons for fear that a counterattack would endanger an intervention by Australia or the UN.⁹⁷ After that intervention, despite growing tensions within the unity government, Gusmao was able to police potential troublemakers like Lobato, who would occasional use civil unrest for domestic bargaining purposes, and maintain a front of unity for Fretelin.

The evidence from internal police records suggests that strategic violence against this potential targeted group was extremely rare. During 1999-2004, there were isolated murders of returning militia members from West Timor and rare anecdotal accounts of severe beatings and expulsions.⁹⁸ But given the widespread destruction wrought by the TNI-backed militias, the crime rate for East Timor was surprisingly low. Only fragmentary evidence on violent crime is available before 2003, but what is available suggests a stable and largely non-violent society of nearly 1 million people. Only 13 murders and 34 arsons occurred in 2003; by 2004, there were only 36 murders and 21 arsons.⁹⁹ The most serious crime facing East Timor was physical assault, which amounted to 1095 in 2003 and 844 in 2004. The witness and police accounts suggest that only a small portion of these assaults could be considered score-settling; for the most parts, the assaults were part and parcel of violent interactions from crime, traffic accidents or brawls among the gangs of young men who would commonly fight for sport.¹⁰⁰ In the words of one observer who noticed the lack of violence in post-conflict East Timor, “the Timorese actually seem to be less angry than they have a right to be – making them very unusual

⁹⁷ Greenlees and Garran, p. 270-271.

⁹⁸ Interview with General Mike Smith, Canberra, Australia, 9 May 2005.

⁹⁹ Unpublished PNTL crime statistics

¹⁰⁰ Interview with two senior Serious Crimes Unit UNPOL officers, Dili, East Timor.

victims.”¹⁰¹ There was no evidence of Falintil involvement in the attacks; in fact, Falintil members held meetings with ex-militia leaders to ensure that the return of militia members – particularly those press-ganged into service – was conducted in an orderly and peaceable fashion.¹⁰² Falintil soliders incorporated into the local police also worked with UNHCR to facilitate the return, and reconciliation, of ex-militia members into their home communities.¹⁰³

What shattered this relative calm was a combination of external meddling which shook people’s confidence in Falintil’s control over the state. From late 1999 to early 2001, strategic attacks were launched by pro-Indonesian militias against the East Timorese refugees trapped over the border in West Timor and against civilians the western districts of East Timor.¹⁰⁴ The TNI-backed forced expulsion of the East Timorese population into camps in West Timor (specifically in Kupang and the Atumbua region, near the border with East Timor) left thousands of pro-independence East Timorese inside Indonesia when the war ended. They were effectively kept as hostages by pro-Indonesia militia members, who used a combination of intimidation, violence and misinformation to convince Timorese that they would be killed if they returned.¹⁰⁵ Though it sporadically cooperated with UNHCR, Indonesia did little to confront the predatory militia members who remained intermingled with the 70,000 refugees still trapped over the border. The pro-Indonesian militias also launched occasional incursions into western regions of East Timor, hoping to undermine Falintil’s control of the state and escalate the violence in the western districts of the country. The irredentist militias were repelled by the INTERFET, but the ongoing pressure on the western parts of the country put additional pressure on Falintil and led to cracks in its cohesion.

¹⁰¹ James Traub, “Inventing East Timor,” *Foreign Affairs* (July/August 2000), p. 81.

¹⁰² Interview with Smith. See also his *Peacekeeping in East Timor: The Path to Independence* (with Moreen Dee)(Boulder CO: Lynne Reiner, 2003), p. 86.

¹⁰³ Interview with a senior UNPOL officer, Dili, East Timor.

¹⁰⁴ Human Rights Watch, “Indonesia/East Timor: Forced Expulsions to West Timor and the Refugee Crisis” 11:7 (December 1999).

¹⁰⁵ HRW, “Forced Expulsions,” and Peter Londey, *Other People’s Wars*, p. 249,

East Timor was formally awarded its independence in May 2002, after three years of administration by the UN. During this period, East Timor experienced a period of relative calm, but its initial steps towards self-governance proved more difficult than expected. By 2004, poverty had dramatically increased and allegations of corruption mounted, particularly against the Prime Minister Mari Alkatari.¹⁰⁶ The gradual erosion of Falintil's control over the state, especially over the western regions of the country which were susceptible to militia incursion, led to the gradual formation of splinter groups, as the longtime Fretelin leaders (Gusmao, Jose Ramos Horta, and others) proved increasingly unable to reward new power centers, such as the ex-Falintil commander Francisco Guterres and his so-called Falintil veteran's associations. The fracture of the army and police in different camps also hampered their ability to conduct in-group policing.

As state control has slipped out of Falintil's hands, the violence in East Timor has been on the rise. In 2006, there were substantial fears that civil war would break out between the west and the east of the country, on the grounds that the government was systematically discriminating against *loromonu*, (westerners) because they were perceived to be more sympathetic to the Indonesians.¹⁰⁷ A crisis in March 2006 led to violence, as a score-settling campaign between the rival camps within the former Falintil in the East Timorese Army (F-FDTL) and the police (PNTL) led to fighting in the streets.¹⁰⁸ It fell to Gusmao to conduct even more in-group policing, to replace the ministers responsible for the violence and to force both the F-FDTL and the PNTL to lay down their arms. Prime Minister Mari Alkatari was forced to resign. In elections in August 2007, newly elected President Jose Ramos Horta attempted to diffuse a growing crisis between Fretelin and the CNRT, Gusmao's new party, by means of domestic reward by appointing Gusmao as prime minister. This backfired as Falintil has proven

¹⁰⁶ Jonathan Head, "E Timor's 'Wrong Kind of Leader'" *BBC News* (26 June 2006)

¹⁰⁷ Shawn Donnan, "East Timor's Ethnic Violence Puzzles Analysts," *The Financial Times* (10 June 2006).

¹⁰⁸ See "E Timor PM Accused of Unrest" *BBC News* (17 October 2006)

unable to make credible domestic rewards or conduct in-group policing on the ex-Falintil splinter groups.

Conclusion

While this theory needs to be refined and tested on additional cases, it suggests two preliminary conclusions about the incidence of strategic violence against targeted groups after civil wars. First, while credible commitments are doubtlessly important for reducing the security dilemma, they are not sufficient to put an end to strategic violence. In both Kosovo and East Timor, a substantial credible commitment to enforcing the peace was made and delivered, yet strategic violence against targeted groups occurred nonetheless. Moreover, in both cases, the pledge of a credible commitment induced a “race against the clock” effect which accelerated the pace of attacks over the short term.

Second, whether state capture has been achieved by a single group or stable constellation of groups is the prime determinant for the onset of strategic violence against targeted groups. Especially in cases where targeted groups are highly vulnerable and the opportunities for violent action multiply, state capture is essential for reducing the splintering of armed groups. Maintaining the cohesion of these groups in fact reduces the incentives for violence and creates a political space for accommodation of targeted groups. In the absence of state capture, leaders of armed groups will struggle to make domestic rewards or to conduct in-group policing which allows them to block latent spoilers or freelancers in violence from attacking civilians and inducing the security dilemma. Contrary to most studies of civil war settlement, this study suggests that the type of the settlement – that is, whether it is a military victory or a negotiated settlement – may matter less than whether a single cohesive group has decisively captured the coercive apparatus of the state. Even in cases where an external actor has arrived to guarantee the peace and allow for credible commitments between the parties, the absence of state capture

and high proximity may produce a powerful strategic logic for violence against targeted groups.¹⁰⁹

What does this mean for policymakers? First, it suggests that those states considering a credible commitment to enforce a peace should plan to fill the security vacuum which emerges once this pledge is made. Rapid Reaction forces, immediate deployments of civilian police (CIVPOL), and military rules of engagement which entitle peacekeepers to respond vigorously to strategic violence against targeted groups are of paramount importance. Only these can reduce the “race against the clock” effect and lead to a more stable transition.

Second, the Kosovo example demonstrates that prolonging state capture by insisting on democratic elections may have the perverse effect of increasing the incentives for armed groups to attack vulnerable targeted groups on their territory. As Jack Snyder and others have noted, democratic transitions essentially reignite the competition for control over the state and they can lead (as in the case of East Timor) to a gradual erosion of state control and more strategic violence. In cases with heterogeneous political geography and no clear state capture, the “custodians of peace” may face a bitter dilemma. If they insist on a democratic election, which installs a legitimate government, they may create perverse incentives for groups to race against the clock in murdering and expelling their rivals in advance of an election. If they award state capture to a single group, they risk rebellion from the excluded parties, and may install an illegitimate government. In post-conflict states marked by high proximity between different ethnic or sectarian groups, the logic of strategic violence may pose an irreducible trade off between reducing casualties among the innocent by awarding state capture to a single group or by establishing a government vested with democratic legitimacy.

That said, there may be cases where it is not possible or desirable to award state capture to one group because of the relative distribution of the population. Iraq is one such example: awarding the state to the Shi’a, who constitute 60% of the population, would probably have

¹⁰⁹ Walter (1997)

induced secession by the Kurds or open rebellion by the Sunnis. Yet without a clear decision over state capture in Iraq, Sunni and Shi'a militias found themselves trapped in an escalatory spiral as both hedged their bets about whether the country will slide into full-fledged civil war. With an insufficient U.S. force to enforce the peace, no state capture, and high vulnerability due to significant intermixing of the population, it was highly likely that each of the three sectarian groups (Sunni, Shi'a and Kurd) would resort to self-help through the employment of militias to protect themselves.

This analysis has a clear policy implication for interventions in post-conflict states. When no state capture can or will be awarded to a single group, and when the political geography of the state makes the security dilemma possible, states should be extraordinarily reluctant to intervene, for fear of unleashing waves of strategic violence that they cannot control. However, if the decision is made to intervene, the external actor must support the winning side's ability to offer domestic rewards and conduct in-group policing on their extremists. Providing side payments for potential latent spoilers, and supporting the winning side with intelligence and additional law enforcement capacity, may be necessary to help them rein in their thugs and let peace prevail. When the peace of a post-conflict state is precarious due to an ongoing contest for its capture, custodians of peace will only be successful if they realize that maintaining the organizational cohesion of the combatant parties is central to keeping the peace.

Words: 13109/15866 (without/with footnotes)

Table 1-2: Illustrative Examples of Cases Since 1990

Country	War Duration	Battle Deaths	Total Deaths	Civilian Deaths*	State Capture	Vulnerability	Expected Strategic Violence
Angola	1975-1994	345800	875000	529200	No	High	Mass
Bosnia	1991-1995	150000	231500	81500	No	Low	Scattered
Cambodia	1978-1991	46500	1532500	1486000	No	Low	Scattered
Congo	1996-2001	4000	175000	171000	No	High	Mass
Croatia	1991-1995	10000	55000	45000	Yes	Low	Residual
East Timor	1975-1999	30000	165000	135000	Yes	Low	Residual
El Salvador	1979-1992	25000	75000	50000	Yes	Low	Residual
Guatemala	1960-1996	132000	149000	17000	Yes	Low	Residual
Kosovo	1998-1999	2000	16000	14000	No	High	Mass
Liberia	1989-1997	26000	170000	144000	Yes	High	Occasional
Mozambique	1976-1992	255000	775000	520000	Yes	Low	Residual
Namibia	1966-1990	12050	45000	32950	Yes	Low	Residual
Nicaragua	1978-1990	59000	81500	22500	Yes	Low	Residual
Rwanda	1990-1994	5500	650000	644500	Yes	High	Occasional
Sierra Leone	1991-2001	3000	20000	17000	Yes	High	Occasional