

# **BURN THIS HOUSE**

The Making and Unmaking of Yugoslavia

*Jasminka Udovički & James Ridgeway, editors*



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*For D, D, D, and K. And for Jovan Divjak.*

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fantry and engaging the much weaker Serbian infantry on a number of locations simultaneously along a wide stretch. In the beginning of September the Croatian government called for the capture of Banja Luka. The fall of Banja Luka would not only have crushed the Serbian republic but would have represented a great prize for Croats in case of some future division of Bosnia.

- 83 For an overview of the Dayton Accord see Ljiljana Smajlović, "Tajna 11 aneksa," *Vreme*, 27 November 1995, pp. 5–9.
- 84 The demarcation line between the federation and the entity overlapped almost completely with the line of cease-fire. The only two exceptions were a five-mile-wide corridor, linking Sarajevo and Goražde, awarded to the Bosnian government, and a forty-kilometer square around Mrkonjić Grad and Šipovo, awarded to the Serbs.
- 85 Karadžić promised to assist in the resettlement of tens of thousands of Serbian refugees, by, for example, providing feeding stations and rest stops, and also housing in Pale. None of these things turned out to be available (see Stephen Kinzer, "Serbs on Trek: Weighed Down and Terrified," *New York Times*, 23 February 1996, pp. A1, A6). Mirko Pejanović, the president of the Serbian Civil Council in Sarajevo, dubbed Karadžić's orchestrated campaign "a crime against the Serbian people" (Anthony Borden, "Moving Dayton to Bosnia," *Nation*, 25 March 1996, p. 19).
- 86 Kinzer, 6.
- 87 On a statement by senior UN officials that NATO had failed in its mission to protect the remaining families in the suburbs, see Chris Hedges, "NATO to Move against Anarchy in Serb-Held Suburbs," *New York Times*, 11 March 1996, p. 3.
- 88 See Chris Hedges, "Bosnia's Checkerboard Partition: Instability More Likely," *New York Times*, 20 March 1996, p. A12; and Stephen Kinzer, "Serbs Are Pressed by Their Leaders to Flee Sarajevo," *New York Times*, 21 February 1996, pp. A1, A3.
- 89 Chris Hedges reported on a gang that murdered a man and his daughter who tried to argue with people to stay ("NATO to Move against Anarchy," p. 3).
- 90 Christine Spolar, "Serbs Flee from Sarajevo Suburb," *Manchester Guardian Weekly*, 3 March 1996, p. 16.
- 91 Werner Stock, a German police captain who works for the European Union, stated in late April 1996 that the entire "HDZ in Mostar is the mafia," gangsters working hand in hand with political leaders. Two of those gangsters, Mladen Naletić and Vinco Martinović, make millions of dollars and have been involved in the killings (see Chris Hedges, "A War-Bred Underworld Threatens Bosnia Peace," *New York Times*, 1 May 1996, p. A8).
- 92 On the war in the former Yugoslavia and international law see "International Humanitarian Law and Yugoslav Wars," in Biserko, pp. 141–274. In that collection see, in particular, Milan Šahović, "International Humanitarian Law in the 'Yugoslav war'" (pp. 141–59); and Vladan A. Vasiljević, "Grave Breaches of International Law of War and Humanitarian Law—International and National Criminal Law," pp. 193–227.

## International Aspects of the Wars in Former Yugoslavia

Susan L. Woodward



Few inside or outside Yugoslavia believed the dire predictions in 1990 or earlier that the country would disintegrate in bloodshed, or the forecasts in 1991 that violence would spread. The European Community mediators and foreign ministers who rushed to the scene in June 1991 assumed that their very presence would induce Yugoslav politicians to reason and to negotiate their differences. As late as December, the foreign ministers of states such as Germany, Austria, and Italy thought that recognition of Slovene and Croatian independence would end the violence and leave the rest of the country to form a rump Yugoslavia. There would thus be three states where there had been one. In July 1991, despite the overpowering atmosphere of uncertainty about their political future, most people in Yugoslavia also found it difficult to imagine that there would be war.

Even after the war erupted in Croatia in the summer of 1991, Western security still seemed to many to be protected by the NATO alliance, by the norms and conflict-resolving institutions of the Conference on Security and Cooperation in Europe (CSCE), and by agreement among the powers to act in concert. In fact, these assumptions could not have been further from the truth. The major powers had to confront the fact that they did not agree on the parameters of a permissible outcome or the means to achieve it. They could agree that maintaining a united front was more important than any particular outcome in the Balkans, but this was not the same as leadership to achieve a goal.

The failure to prevent the escalation of the war was a failure to understand its real causes. Two distinct views formed almost immediately. One view was that this was a civil war, ingrained in the history and temperament of the Balkans, particularly Bosnia, and inclining its population inevitably toward ethnic conflict and war over territory whenever imperial or dictatorial protection collapsed. The other explanation—expansionist

aggression by a revanchist Serbia—accused leaders in Serbia of having a deliberate plan to annex territory in neighboring republics where Serbs lived and create a Greater Serbia. Outsiders insisted that Yugoslavs were not like them, that violent atrocities always characterized the troublesome region. Western leaders defined the conflict as anachronistic, rather than as a part of a contemporary upheaval including their own national competition to redefine Europe and respond to the end of the Cold War. Even the morally outraged used a language of distinctions in their label of barbarism: the “otherness” of nations capable of such evil. This act of dismissal—itself profoundly nationalistic in its core—justified inaction.

Inaction was also the result of the changed role of Yugoslavia in the aftermath of the Cold War. With Gorbachev's reforms, Yugoslavia lost the strategic relevance it had for forty years. It had enjoyed a special relationship with the United States, including the implicit guarantee of open access to Western credits in exchange for Yugoslav neutrality and military capacity to deter Warsaw Pact forces from Western Europe. By 1991, Yugoslavia was being moved from a category in which it stood alone, or shared its status with southern Europe, and returned to its pre-1949 category, defined geographically, of eastern and southeastern Europe.

The ominous signs after August 1990 of armed clashes in Croatia and of open talk of independence in Slovenia brought warnings from diplomats, scholars, and intelligence agencies about the danger of “Balkanization” and Yugoslavia's violent disintegration.<sup>1</sup> For the most part, these were dismissed out of hand. No longer needed to contain the Soviet Union, not considered capable of sparking a wider war, since great-power competition in the Balkans was a thing of the past, Yugoslavia and its fate were not significant to the major powers. But more important than any specific calculations of threat and interest at the time were the general euphoria and self-confidence in the West, based on the belief that the peace dividend and economic interests would define the next period of global order. Only much later did the West's unwillingness to take the threat seriously boomerang, sapping that ebullient mood.

At the same time, both the Slovene and the Croatian governments were helping to shape Western opinion, in their efforts to gain outside support and to prepare the way for independence. The political strategy of the Slovene government elected in April 1990—to win international public opinion over to its position—was to send governmental and parliamentary delegations to Western capitals to represent the case for independence,

to test the waters for likely reaction, and to construct a climate of foreign opinion that would see Yugoslavia as an artificial state that was now irretrievably doomed. Tudjman's government in Croatia also made preliminary soundings at the time about the best strategy for independence. These included, first, inquiries in Sweden and Norway about how they had managed their separation in 1905 and then consultations in Bonn. The Vatican openly lobbied for the independence of the two predominantly Roman Catholic republics, exerting decisive influences through Episcopal conferences on the Bavarian wing of the ruling German party, the Christian Social Union (CSU), and hence on Kohl's Christian Democratic Union (CDU). Jorg Reismuller, publisher of the *Frankfurter Allgemeine Zeitung*, one of the most influential German newspapers, was particularly sympathetic to the Croatian national cause and waged a campaign against Slobodan Milošević and Serbian nationalism that had a major role in shaping German opinion about the conflict. Whereas Austria was outspoken in its support of Slovenia (a relatively low-risk position since its only common border was with Slovenia), the Hungarian government publicly supported Yugoslav integrity. But Hungary's clear sympathies with the Croatian and Slovene cause could no longer be denied when it was revealed in September 1990 that it had illegally sold between thirty-six thousand and fifty thousand Kalashnikov rifles to the Croatian government in 1990 (a revelation that unleashed a parliamentary scandal in Budapest).<sup>2</sup>

Seasoned diplomats like the U.S. Ambassador to Yugoslavia, Warren Zimmermann, recognized the danger when extreme nationalists became winners in the 1990 elections. In a later speech to the Washington Center for Strategic and International Studies,<sup>3</sup> Zimmermann referred to the elections as a “double-edged sword,” for American policy had to support democratic elections, but in all cases they brought “intolerant leaders to power” and “polarized nationalism.” The judgment of most Western observers, including members of the U.S. Congress, however, was still under the influence of Cold War anti-Communism: anyone who opposed the Communist Party and Communist leaders was, by definition, to be supported. The revolutionary transition in Eastern Europe during 1990–91 was being driven by alliances of longtime Western and relatively new Eastern anti-Communist crusaders who created an atmosphere of revenge and retribution against anyone with connections to the former regimes. On the basis of the stated objective of ridding Eastern Europe of the

last remnants of Soviet influence, they in fact displayed a cavalier attitude toward human rights and due process. In the Yugoslav case, this was manifest in a tendency to judge events as described by the new Slovene and Croatian governments, whose ex-Communist leaders skillfully portrayed their election results as a victory for democrats in reaction to Communist dictators in Belgrade (whether federal officials or officials of the Serbian republic—the distinction was lost), and to ignore or downplay the abuses of human rights and the signs of political repression by elected governments, as in Croatia (in contrast to their frequent denunciations of the Belgrade government for repression in Kosovo).

Both Western Europe and the United States were far more focused during the summer and fall of 1990 on events in Hungary, Poland, and the German Democratic Republic, and with the fate of Gorbachev's reforms and possible instability in the Soviet Union. When, in August 1990, Serb irregulars in the Dalmatian hinterland around the town of Knin disrupted traffic and blockaded the railroad along the main north-south Zagreb-Split route for commerce, the United States and its allies had their attention on the Iraqi invasion of Kuwait.

Preoccupied with Moscow and the Middle East, U.S. foreign policy also reflected the belief held in European circles that if the Yugoslavs could not resolve their own quarrels, there was little the United States could do. Moreover, the great hope being attached to the CSCE for early conflict resolution did not yet translate into institutional capacity. The CSCE Conflict Prevention Center had only been created in Paris in November 1990.<sup>4</sup> It opened its doors on March 18, 1991, and had no military capacity.

By the time of the Slovene referendum on independence in December 1990, the external environment was helping to create and reinforce the political divisions within the country between federalists and supporters of the prime minister, Ante Marković, and the confederalists in Slovenia, Croatia, and Kosovo. On the one hand, this led Slovenia and Croatia to expect political (and most likely economic) support for independence from their neighbors and Germany, and encouraged their belief that they could "join" Europe quickly. On the other hand, it gave Serbia and the YPA general staff further evidence for their suspicions that there was a revival of the World War II Axis alliance and German revanchism against them. This exacerbated fears, strengthening the very bases of Milošević's appeal to the Serbian population as the nation's protector—and encouraging those who already were inclined to reach for arms and to rely on themselves against a hostile environment.

The West's position to the federal government was increasingly inconsistent. While the West's verbal support for the country's reforms and its territorial integrity remained strong, leading pro-Yugoslav forces throughout the country to assume that the West was siding politically with Marković, financial support was, in fact, dwindling rapidly.

Meanwhile, the army's troop movements in Croatia during January brought a warning from the United States that it would not accept the use of force to hold Yugoslavia together. A little more than a week after the attack on Baghdad, on January 25, 1991, Ambassador Zimmermann made this warning public, reinforcing statements of concern made the day before in Washington by members of the U.S. Congress who had just returned from Yugoslavia.<sup>5</sup> The United States was in effect telling the Yugoslav army that it would consider illegitimate the army's definition of its constitutional obligation to defend the borders of the state from internal threats.

Slovenia and Croatia's drives for independence gained a substantial boost on March 13, 1991, when the European Parliament passed a resolution declaring "that the constituent republics and autonomous provinces of Yugoslavia must have the right freely to determine their own future in a peaceful and democratic manner and on the basis of recognizing international and internal borders."<sup>6</sup> While most European governments continued to support the federal government and to insist that the Yugoslavs stay together, the apparently uncontroversial nature of this declaration demonstrates how far Slovenia and Croatia had influenced European opinion and how little chance there was that alternatives to republican sovereignty would be heard.

It was by then well known that Germany had already joined the ranks of Austria, Hungary, and Denmark in at least covert support and encouragement of Slovene and Croatian independence. A week after the declaration, on March 20, Slovene president Milan Kučan was in Bonn having talks with German foreign minister Hans Dietrich-Genscher. Austrian support for a breakup became more assertive during the spring. Italy, by contrast, remained in an ambivalent position. The flight of almost twenty thousand Albanians to Italy in early March 1991 had the Italians, as well as other Europeans, sensitized to the prospects of more refugees. The Italian foreign minister, Gianni De Michelis, was particularly active in promoting EC involvement to manage the crisis. As Foreign Minister Lončar and Prime Minister Marković had hoped, EC president Delors and the prime minister of Luxembourg, Jacques Santer, did visit Belgrade on

May 29–30 and made a commitment to the territorial integrity and international borders of Yugoslavia.

The week before, and the very day after Croats voted for a referendum on sovereignty and independence, the EC had made the Yugoslav-EC association agreement contingent on the country remaining united. Delors also promised to request \$4.5 billion in aid from the EC (the sum needed to service the Yugoslav debt during 1991), in support of the Yugoslav commitment to political reform.<sup>7</sup> This carrot, however, was to reward the Yugoslavs only on certain conditions: if they implemented the very reforms that were at the heart of their quarrels—a market economy (and its financially centralizing reforms), democratization (at so rapid a pace that it favored nationalists), a peaceful dialogue on a constitutional solution (while cutting the budgets for defense, government programs, and welfare), a respect for minority rights (which was now largely outside federal competence), and the seating of Stipe Mesić (the representative of Croatia who declared his goal as president of Yugoslavia was to achieve Croatian independence) as presiding chair of the collective presidency. Without regard for the consequences of these demands on the internal political conflict, the offer repeated the added condition that Yugoslavia remain united.

These escalating efforts to address the impending crisis even caught the momentary attention of the U.S. secretary of state, James Baker. Stopping in Belgrade en route to Tiranë, Baker declared the United States ready to aid Yugoslavia if domestic conditions became normalized. He also declared the United States unwilling to recognize an independent Slovenia and Croatia, calling any "unilateral secession" both "illegal and illegitimate."<sup>8</sup> Although Baker extracted a promise (so he thought) from the Slovene and Croatian leaders not to act unilaterally, he also told Serbian president Milošević that if there came a choice between "democracy and unity," the United States would choose democracy. He then declared his open support for the compromise constitutional formula on confederation within a federation put forth June 6 by the republican presidents of Bosnia and Herzegovina and Macedonia, Alija Izetbegović and Kiro Gligorov, at the sixth Summit of Six (republic leaderships) meeting outside Sarajevo.

Four days after Baker's visit, and twenty-four hours before they had originally announced it, Croatia and Slovenia followed through on their intent to declare independence. The Slovene government sent military

forces and civilian officials to take over control of eight border controls and customs, replacing signposts for Yugoslavia with ones that read "Republic of Slovenia." The Austrian and Swiss consul generals and several Austrian provincial governors attended the Slovene independence celebrations on June 26. The federal government had warned that it would use all means necessary to protect the territorial integrity of the state. On June 25 the parliament and the cabinet ordered army units based in Slovenia and Croatia to assert Yugoslav sovereignty over its borders with Austria and Italy.

The unilateral action by Slovenia presented Western powers with a serious dilemma. There were, in fact, two polar positions. The Austrian position, presented by Foreign Minister Alois Mock, was that Yugoslavia was—and always had been—an artificial state, and that denial of the Slovene right to secede threatened war. But this argument patently appeared to be one of national interest, based on Austria's assessment that its border was more secure with an independent Slovenia and with the Yugoslav army at a distance (a position that many read as the continuation of Austria's century-old rivalry with Serbia and policy to keep Serbia from becoming a regional power). The fact that Germany now openly began to call for immediate recognition, however, gave the Austrian position greater weight. The other pole was represented by the United States. Secretary of State Baker and Ambassador Zimmermann argued that the breakup of Yugoslavia would be highly destabilizing and could not occur without war and horrendous carnage. This position also had strong French and British support. Although many acknowledged Slovene, Croatian, and Albanian aspirations, preoccupations with stability in the Soviet Union and the risks of its disintegration if a precedent were set in Yugoslavia dictated the hope of many that Yugoslavia would remain united.

Given the lack of international definition of the practical meaning of self-determination in the complex example of multinational Yugoslavia, the introduction of the criterion of force (prohibited by CSCE norms to change borders) and the distinction between its defensive and aggressive use appeared to give those intent on separation, as an expression of the right to self-determination, a winning strategy. If they could provoke the Yugoslav army into violent resistance of their moves toward independence and appear to be using force only in self-defense, they could trigger EC and U.S. support for their goal. Indeed, within hours of the army's move, British foreign secretary Douglas Hurd announced a

change in policy, saying that the United Kingdom was obliged to qualify an earlier statement supporting the integrity of Yugoslavia by adding that this should not include the use of force. On June 30, U.S. deputy secretary of state Lawrence Eagleburger said that the United States supported "sovereign republics" and the idea of a Yugoslav confederation.<sup>9</sup>

Slovene minister of defense Janez Janša had made extensive preparations for the possible confrontation, including the illegal purchase abroad of sophisticated weapons and the formation of a network of pro-Slovene military officers and conscripts within the YPA. The Slovene government continued to express its appreciation of the importance of a combined political and military strategy, striving to shape international opinion in favor of Slovenia and the "naturalness" of its actions.

In the aftermath of the ten-day Slovenian war, the Brioni Agreement of July 7 (named for the island where the EC troika met with representatives of the Yugoslav federal government and the republics to sign a cease-fire and a return to barracks by the YPA) in effect recognized the Slovene victory. The European Community thus accepted that republics were states and their borders were sacrosanct. The source of their sovereignty was the right of a nation to self-determination. This also made Slovenia and Croatia the subject, *de facto*, of international law and cleared the way for the eventual recognition of their statehood.<sup>10</sup> Although foreign journalists at the Brioni meeting challenged Dutch foreign minister Hans van den Broek (head of the troika as of July 1) to explain how the EC could treat Slovenia in isolation from the rest of the country, the EC troika assumed that the only issue left to the negotiated cease-fire was its monitoring. With a mandate from the CSCE to deploy thirty to fifty observers, the European Community Monitoring Mission (ECMM), called "ice-cream men" by Yugoslavs for the white uniforms they chose, began its first-ever effort at peacekeeping.

The prospects for a military test of Croatian sovereignty were thus dramatically enhanced. By small steps made in rapid succession, the EC and the CSCE were helping to complete the demise of the federal government: withdrawing support from Marković's government, accusing the army of aggression, and taking over the presidency's role as interlocutor among the republics. Despite the tendency in the Western press and among some diplomats to equate Serbia with the federal government, the Brioni Agreement also accomplished the first step of Serbian nationalists' goals: to remove Slovenia and make it possible to redraw internal borders.

Perhaps most decisive of all, the Brioni Agreement struck a serious blow against the authority of the faction within the army leadership that was fighting to hold Yugoslavia together, and of those (called the Titoists by their critics on all sides) who still hoped to play a mediating, pacifying role in the nationalist quarrels. Forced to choose between loyalty to Yugoslavia or to the new national armies, army leaders at the highest levels began to rethink their role in this political quarrel, and the balance of opinion began to shift toward those who could only see a military solution to border conflicts.

Moreover, the loud support for Slovenia and Croatia from Austria, Hungary, Denmark, Germany, the Vatican, and eventually Italy, on the one hand, and the great reticence about an interpretation of self-determination that would dissolve an existing state on the part of France, Britain, Spain, and Greece, on the other, had the appearance of geopolitical alignments affecting the Balkans at several points in the preceding century. Thus the EC division was likely to add to the revival of historical memories by nationalists aiming to mobilize support for their goals within Yugoslav politics and to undermine the credibility of EC or CSCE efforts at moral suasion.

Even more important at the time was the implication of this split within the EC for adoption of the Maastricht treaty at the end of the year; its commitment, in Title 5, to a common foreign and security policy; and its primary purpose for Britain and France, to constrain German economic (and potentially foreign) power. As fighting escalated in Croatia during July and August, the opposing positions on self-determination became opposing policy positions on what to do. The Group of Seven called for a UN peacekeeping force and the foreign ministers of Luxembourg, the Netherlands, and France proposed to send in European interposition troops, while the German parliament voted to recognize Croatia and Slovenia immediately. But the EC had no troops to send, and Britain opposed the use of military force; as for the alternative, the United States, the Soviet Union, and the Yugoslav government rejected UN involvement in what they still considered an internal affair.

As the Maastricht summit loomed closer and the failed Moscow putsch of August and rapid dissolution of the Soviet Union improved prospects for involving the UN (where France and Britain could influence events without direct confrontation with Germany), France became less concerned about maintaining Yugoslav unity and more concerned about EC

unity on security matters. This made the Austrian and German positions even bolder. On August 24, Foreign Minister Genscher informed the Yugoslav ambassador that Germany would recognize Slovenia and Croatia if the army did not cease its violence. The Austrian vice-chancellor, Erhard Busek, declared that "the collapse of communism in the USSR modifies the situation in Yugoslavia and there is no reason not to recognize the independence of Slovenia and Croatia."<sup>11</sup> And Hungary lodged a diplomatic protest charging Yugoslav forces with violating its air space.

Three days later, on August 27, the EC abandoned its fiction of a commitment to Yugoslavia. The EC declared the use of force by the Yugoslav federal army "illegal" and stated that Serbs who opposed their new minority position in the Croatian constitution could not "lawfully receive assistance from the YPA."<sup>12</sup> The EC declaration demanded that Serbia permit EC observers in Croatia, requested a third emergency meeting of the CSCE's Committee of Senior Officials, set up an arbitration commission of international jurists headed by French constitutional lawyer Robert Badinter to arbitrate issues of succession among the republics, and proposed a peace conference. It then threatened further action if there was no cease-fire by September 1.

Even before the peace conference opened in The Hague on September 7, Milošević had rejected its good offices and made it clear that he, along with many citizens in Yugoslavia, did not consider the EC neutral. Even the conference's mandate was decided by the EC rather than the parties to the conflict, and the uncompromising diatribes from both Tudjman and Milošević in their opening remarks cast a pall over European hopes for a rapid agreement. Tudjman called the Serbs war criminals who were engaged in a "dirty, undeclared war," and Milošević accused the Croats of a "policy of genocide."<sup>13</sup>

On October 2, Slovene president Kučan announced in Paris that French president François Mitterrand had agreed to recognize Slovene independence. In Belgrade—in the name of a Yugoslavia without Slovenia, Croatia, and Macedonia—the Serbian bloc of four within the rump federal presidency declared a state of emergency and assumed the extra powers allowable under the constitution in the case of imminent danger of civil war.

The next day an emergency meeting at The Hague among the Yugoslav minister of defense, General Kadijević, presidents Tudjman and Milošević, and EC representatives van den Broek and Lord Carrington accepted in principle a peace plan that took as its starting point confederation and

presumed the eventual independence of all republics that desired it. The basis for a new settlement was a legal opinion requested from the Badinter Commission: that since October 8, Yugoslavia had been a "state in the process of dissolution."

This legal hedge on the principles in conflict had no standing in international law. By opting against the alternative definition of the conflict—that it was a case of secession—and then recognizing the continuation of a smaller Yugoslavia, the EC took yet another step in support of recognizing Slovenia and Croatia.<sup>14</sup> It also opened the door to independence for the other republics—Macedonia and Bosnia-Herzegovina—that had so declared in the meantime.

In a letter to van den Broek on December 2, 1991, Lord Carrington warned that premature recognition of Slovenia and Croatia by the EC "would undoubtedly mean the break-up of the conference" and "might well be the spark that sets Bosnia-Herzegovina alight." Even President Izetbegović made an emotional appeal to Genscher in early December not to recognize Croatia prematurely, for it would mean war in his republic.

Despite all this, at the twelfth hour, all-night EPC meeting of foreign ministers in Brussels on December 15–16, Chancellor Kohl (responding to domestic public opinion and party pressures, the leanings of mass media, an active Croatian émigré community, and the Vatican-led campaign beginning several years earlier) refused to budge. He obtained the agreement of the remaining holdouts—Britain, France, and Spain—by making two concessions. The first was a set of compromises on the EC monetary union that Britain had been seeking. The second was to concede to the demand that all six republics of Yugoslavia be treated equally and thus be equally eligible for recognition as independent states. The conditions required that the republics request recognition formally by December 23 and meet the criteria to be established by the Badinter Commission. In the meantime, the republics were required to continue working toward an overall settlement by January 15, 1992, and to satisfy UN, EC, and CSCE criteria on the rule of law, democracy, human rights, disarmament, nuclear nonproliferation, regional security, the inviolability of frontiers, and guarantees for the rights of ethnic and national groups and minorities. At 2 A.M. during the quarrel in Brussels, Greece inserted an additional requirement: that any state requesting recognition have no territorial claims against a neighboring EC state and not use a name that implied such claims—a blatant reference to Macedonia.

Without waiting for the decision of the Badinter Commission, Ger-



many recognized Slovenia and Croatia on December 23. Ukraine had preceded Germany on December 12, and the Vatican made its recognition formal on January 13.

Germany's success in its campaign for recognition of Croatia and Slovenia was, as Carrington warned in his letter to van dan Broek, the death knell to the peace negotiations.<sup>15</sup> The EC decision in December to recognize Croatia addressed neither the status of Serbs in Croatia nor the fate of the population in the remaining four republics. Although seen as an alternative policy to interpositioning troops, particularly to UN involvement, this European policy of "internationalizing" the conflict—by recognizing Croatian sovereignty and declaring Serbia (in fact, rump Yugoslavia) guilty of cross-border aggression and deserving of economic sanctions—had been running parallel, after October 8, 1991, to a UN diplomatic mission, led by former U.S. secretary of state Cyrus Vance, as special envoy for UN Secretary General Perez de Cuéllar, to negotiate a cease-fire in Croatia. Signed on November 23, 1991, and ratified by military leaders at a signing in Sarajevo on January 2, 1992, the cease-fire agreement enabled the United Nations to reverse its position regarding noninterference and send peacekeeping troops to Croatia. The two policies that had been in opposition throughout the summer and fall of 1991 were now being implemented simultaneously. But the terms of the Vance plan, that the presence of UN troops would be "without prejudice to the final political settlement," presumed the continuation of The Hague negotiations for a comprehensive settlement for all of Yugoslavia, whereas international recognition of Croatian sovereignty within its republican borders now defined the question of Serbian rights and the territory Serbs held as an internal affair. The presence of fourteen thousand UN Protection Forces, who began to arrive on March 8, 1992, did keep the cease-fire holding for the most part (with momentary, though significant, breakdowns during 1992 and 1993 and the necessity of a new cease-fire agreement signed March 29, 1994) until May 1995, when the Croatian army overran one of the four UN protected areas and expelled its Serbs. The contradiction between the two international policies was resolved with a second military action in August 1995, when the Croatian army "reintegrated" the territory of the two protected areas of Krajina, more than one hundred thousand Serbs fled to neighboring Bosnia or Serbia, and the UN operation dissolved.

Contrary to the reasoning of the German policy of recognition, the EC's

unwillingness to address the problem of Serbian rights alongside those of Slovenes and Croats left substantial ambiguity over territorial rights to self-determination while recognizing a state that was not in control of one-fourth of its territory—and refusing to send troops except under the auspices of UN peacekeeping troops to monitor a cease-fire. The German haste to use the issue for domestic political gain exacerbated the unsettled character of both the principle and the reality.<sup>16</sup> Kohl had accepted the condition that each republic submit to certification by the Badinter Commission before it was recognized. However, Germany recognized Slovenia and Croatia before the commission could meet. According to the commission's ruling in January 1992, only Slovenia and Macedonia satisfied its conditions on specific democratic standards and rights of minorities. Yet the EC refused to recognize Macedonian sovereignty so as to keep the government of Greek prime minister Constantine Mitsotakis in power and buy its affirmative vote on the Maastricht treaty. As for Croatia, the commission ruled that it did not meet the minimal conditions for recognition because it was lacking in its commitment to human rights—including protections for the rights of Serbs and other minorities.

Genscher did press the Croatian government to respond to the Badinter Commission ruling on this matter of specifying the rights of minorities (Serbs included) and of instituting a human rights court. But the government refused to amend the constitution, adopting instead a "constitutional law" months later, in May 1992, in which no affected domestic groups (including the Serbs of Krajina) had any say. The Croatian government never set up the required human rights court. In September 1995, a month after the Croatian army operations to end the UN deployment and retake control of the Krajina, the Croatian parliament revoked the constitutional law that had guaranteed, at least formally, Serbian human rights.

Moreover, Germany followed its diplomatic blitzkrieg with a rapid retreat from engagement in the issue, including any attempt to conduct oversight to ensure that Croatia was actually implementing the new provisions it had adopted to justify German recognition. This did little to reassure Krajina Serbs that they were now secure and could therefore reduce their resistance to the Croatian state, or their allegiance to local politicians who became intent on creating a separate state of Serbian Krajina that would one day be joined with Serbia proper. Despite the terms of the UN cease-fire, the Serbs continued to believe that they could not safely disarm. There was also nothing in European or international diplomacy

to undermine the alliance that had formed between Serbian communities on either side of the republican border linking Serbs in the Croatian Krajina and Bosnian Krajina. Each group perceived itself in the minority in its respective republic and preferred to remain within a new Yugoslavia.

Viewed from its denouement in 1995, the war of Croatian independence came to be seen as a simple conflict between a legitimate state and a rebel population. Only the methods by which it would be resolved were uncertain; the outcome was a given. This view was reinforced by the received wisdom, as it developed during 1991 and 1992, that any international intervention was too late after August 1990, when Serbs around Knin first resorted to violence after they were deprived by the republican parliament in Croatia, elected in the first multiparty elections in April 1990, of rights that had been constitutionally guaranteed since 1945—or certainly too late after March 1991, when the federal presidency and army proved unable to stem the crisis over Slovene and Croatian intentions, Serbian opposition, and mass demonstrations against president Milošević in Belgrade.

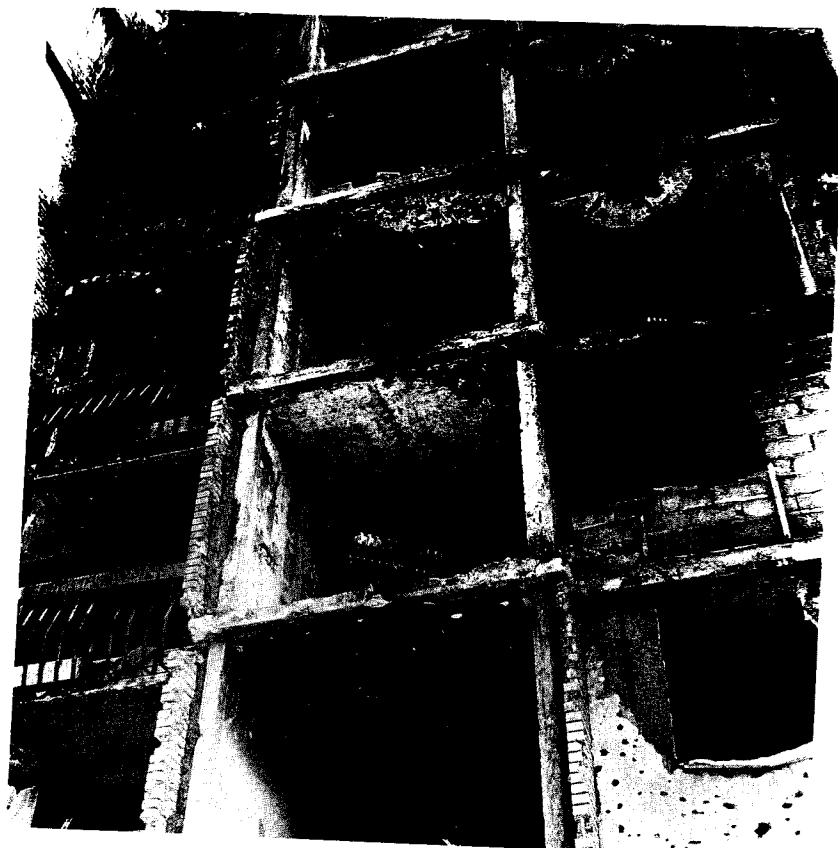
In fact, European foreign ministers had a number of alternatives still to be tried during 1991, had they been willing to look beyond the nationalist rhetoric of the republican politicians. Neither the commission nor the EC ministers, for example, gave consideration to holding a referendum of the entire Yugoslav population as an expression of the right of self-determination more in line with international practice. Nor did they raise questions about the legitimacy of the Slovene and Croatian nationalist claims that their “mandate” for independence was constitutional when the Slovene government refused to participate in the federal elections that had been planned to follow the republican elections, in December 1990, and upon which Yugoslav prime minister Marković and liberals in his reform alliance in all parts of the country had counted. Although invisible to the West, moderate mayors in Serb-majority towns within Croatia late into 1992 and the far larger number of urban Serbs living dispersed in Croatia proper (who constituted two-thirds of the 12 percent of Croatian population of Serbian identity and who had accepted the *fait accompli* of Croatian independence) viewed themselves as citizens of the new Croatian state and sought to find their accommodation with it despite antagonism from both Croatian nationalists and Serbian radicals. Also invisible with the nationalist spectacles worn by the West were members of the army and local police forces throughout the country still trying to keep peace throughout 1991. World opinion, in fact,

delegitimized (and thereby eventually helped to eliminate) army professionals and senior staff who did not support nationalist agendas. Denied support, sanctuary, publicity, or representation to counteract the process of radicalization, all these groups had insufficient resources to counteract the process. Instead, world opinion accepted the geopolitical and cultural prejudices of the west Europeans—that there was a difference in civilizations between West and East, which ran between Croatia and Serbia; that the Serbs throughout what was no longer a country were indeed aggressors; and that Macedonians and Bosnians were irrelevant.

All of this demonstrated to Serbian nationalists, moreover, that Milošević had been right all along about German and fascist revanchism, foreign victimization of Serbs, the Serbs’ need to protect each other because no one would come to their aid, and their ability to survive as they have historically, by standing alone, against overwhelming odds.

The European Community’s willingness to break up multinational Yugoslavia on the principle of national sovereignty showed little regard for the consequences for the multinational republic of Bosnia-Herzegovina. This mistake was compounded by U.S. insistence on recognizing Bosnia’s sovereignty before its ties with other parts of the former country (particularly its neighbors, Croatia and Serbia) were clarified and before some negotiated arrangement had been reached among the three ethno-national political parties (each claiming the status and rights of “constituent peoples” or “nations”) governing the republic in coalition as a result of the November 1990 elections in the republic. The result was an artificial dilemma over the cause of the war—was it a civil war or external aggression from Serbia?—and appropriate actions to end it. This problem, never resolved, prevented Western powers from addressing the actual nature of the conflict and formulating an appropriate policy toward it. Instead, having recognized Bosnian statehood (on April 6–7, 1992) and membership in the UN (on May 22, 1992), the international community had to behave as if Bosnia was a state besieged by both rebel forces and external aggressors. In practice the international community treated the war as a civil war. The goal of international negotiations was to contain the war that erupted in March 1992 within Bosnian borders, by obtaining a political settlement among the three former coalition partners. The parties’ aim, however, was to create separate national states on contested territory.

Bosnia’s fate was a consequence of its interior location at the geopoliti-



Sarajevo, former front line, one streetcar stop before the suburb of Ilidza: February 1996. Photo by Maja Munk. Courtesy of the photographer.

cal and cultural heart of the former Yugoslavia—cordoned off from Europe by the republics of Croatia and Serbia, with no external border except a tiny outlet to the Adriatic Sea at the cluster of fishing huts, tourist inns, and villas for Sarajevo politicians called Neum. Its war could not spill over Western borders. Thus, Bosnia-Herzegovina had no strategic significance.

The absence of vital interest for major powers meant they would not become engaged militarily in the war, but as the violence, atrocities, and violations of international conventions on war and humanitarian law invaded television screens throughout the world, pressure from the media and the public acted as a moral campaign, reminding the world that international conventions and moral law were being violated and demanding that the major powers take decisive military action. This dilemma

made concrete the proverbial identification of Yugoslavia—and particularly Bosnia-Herzegovina—as a crossroads. It was, but it also was not, a part of Europe.

In fact, the pressure to act did not lead the powers to reflect on ways to improve policy or existing institutions, after their disagreements and mixed results in the case of Croatia. The approach of Western governments to Bosnia-Herzegovina was nearly identical to the failed approach toward Croatia, and that approach reflected a continuity in thinking from the Cold War period. The decision to recognize Croatia without a previous political settlement on the “Serbian question” and on guarantees for Serbian rights within the republic not only created a stalemate in Croatia but also provided no precedent for the place of Serbs (and Croats) in Bosnia-Herzegovina. Although the EC decision on immediate diplomatic recognition for Slovenia and Croatia in December had abrogated the principle of The Hague conference (that a comprehensive political settlement covering all of the former country was necessary), the conference was kept as a framework for separate talks for Bosnia. Those began in early February 1992, under the auspices of the EC troika and its negotiator, Cutileiro from Portugal, and repeated the earlier pattern. The leaders of the three ethnic political parties that had won the most votes in the 1990 elections were treated as legitimate interlocutors for all citizens of Bosnia-Herzegovina (to invite others was apparently seen as interference in internal affairs). Presumably because the objective was to find a political settlement upon which the three party leaderships could agree, the EC negotiators accepted that the conflict was ethnic.

The EC had done nothing on Bosnia during January and February 1992—except to wait for a referendum on sovereignty on February 28 to March 1 that was required by the Badinter Commission but that Serbs had already made clear they opposed. They thus lost an invaluable opportunity for political negotiations before the referendum, uncertainty, violent incidents, and emerging U.S. policy diminished the possibilities for any compromise. And just as Germany ignored the Badinter Commission’s advice that Croatia did not meet its conditions for recognition, so the EC ignored a crucial ruling by the commission on Bosnia-Herzegovina—that a vote on the required independence referendum would be valid only if respectable numbers from all three communities of the republic approved. As it turned out, one-third of the population—the overwhelming majority of the Serbs—boycotted the referendum.

The Lisbon talks had foreclosed options in one direction by assuming the conflict in Bosnia-Herzegovina to be ethnic and by mediating on proposals made by the leaders of the three nationalist parties. The referendum closed options in the other direction by assuming Bosnia to be an independent state. Because the nonethnically based Bosnian parties were not represented in the talks, there also was no discussion of rights and identities that could exist independently of territorial administration. Moreover, no attention was apparently paid to the fact that this concept provided no defense against those, such as Croatian and Serbian nationalists, who viewed Bosnia as either Croatian or Serbian territory.<sup>17</sup> The Lisbon agreement (on principles, including tripartite ethnic cantonization of the republic, but not on the map this would entail) was signed on March 18, 1992. Whether emboldened by the growing U.S. pressure on Europe for immediate recognition of Bosnian sovereignty, as many argue, by promises of support from Middle Eastern leaders, or by the negative implications of the accord for Bosnia and the Muslim nation, President Izetbegović reneged on his commitment to the document within a week. He was followed by the Bosnian Croatian leader Mate Boban, who saw the opportunity to gain more territory in a new round of negotiations.

The collapse of these talks did not, however, create an opportunity to reconceptualize a political settlement for Bosnia-Herzegovina. Appeals from several corners to send UN peacekeeping troops to Bosnia were also rejected when the UN envoys, Cyrus Vance and Marrack Goulding, declared that conditions were not ripe. And then, continuing the direct parallel with European actions toward Croatia, the United States insisted on extending the German policy of preventive recognition to Bosnia-Herzegovina, ending all efforts at negotiating a settlement on April 6–7, 1992, as localized clashes and ethnic terror erupted into full-scale war.

Since 1991, knowledgeable Yugoslavs and some Western diplomats and scholars had warned publicly, and made proposals to the responsible authorities, that in case of Yugoslavia's breakup there would have to be an interim international protectorate for Bosnia-Herzegovina. Adherents of the idea became more numerous once the war in Bosnia began. They were convinced that only a UN protectorate that would place a bell jar over the republic could save Bosnia's sovereignty, hundreds of thousands of innocent civilians, and Muslim rights of national self-determination. Nonetheless, a new UN secretary general in January 1992, Boutros Boutros-Ghali, accepted the advice of his deputy, Goulding, that conditions were

not appropriate for UN involvement in Bosnia. In line with the policy of the Bush administration at the time, Boutros-Ghali added that responsibility for conflict management in the post-Cold War period should be long primarily to regional organizations.

Instead, the international choice that followed was like that made by Europeans at Brioni when they sent unarmed monitors to Croatia as an act of prevention. The United Nations briefly set up headquarters for its peacekeeping operation (UNPROFOR) in Croatia and in Sarajevo, as a symbolic act of deterrence. As fighting worsened and refugees flooded Europe, France, Britain, and the United States began to talk about a humanitarian operation under UN auspices. At the same time that such action presumed the fighting to be a civil war, however, the United States and the EC simultaneously resumed their position (as they did the previous July toward Croatia) that this war was the result of external aggression from Serbia. Economic sanctions on the new Federal Republic of Yugoslavia (Serbia and Montenegro), declared after Bosnia was recognized, became the main international policy toward the Bosnian war after May 1992.

In the summer of 1992, televised pictures and firsthand accounts of concentration camps, mass rape, columns of Muslims expelled from their homes, and other atrocities of the Bosnian-Serb campaign to control territory in eastern Bosnia sought to shock international public opinion into taking a principled stand against the reappearance of genocide in Europe. Unwilling to alter its rock-bottom policy against sending soldiers, the United States began to push through resolutions of the UN Security Council to strengthen enforcement of the sanctions on Serbia and Montenegro and to supplement this by helping to defend the Bosnian government indirectly by reducing the military imbalance on the ground that favored the Bosnian Serbs. The United States thus argued for a naval blockade in the Adriatic Sea to be enforced by NATO and West European Union (WEU) ships and for a no-fly zone against military flights over Bosnian airspace. It also began to argue for a policy of "lift and strike" to defeat the Bosnian Serbs: lifting the arms embargo on the Bosnian government on the basis of Article 51 of the UN charter—that a member had a right to self-defense—and threatening NATO air strikes against Bosnian Serb heavy weapons and supply routes.

Economic sanctions against Serbia were the obvious solution to the dilemma of moral pressure without strategic interest—between the major powers' refusal to become militarily involved and the growing pressure

for action from domestic publics outraged by their countries' apparent indifference to the particular immorality and injustice of the war. Sanctions gave the appearance that governments were taking appropriate action. Sanctions particularly suited the Bush administration's concept of the war—that Serbian president Milošević was responsible and that the appropriate regional security organization for dealing with the Yugoslav crisis was the CSCE. But sanctions also suited the view most often associated with Britain—that this was instead a civil war, and that although little could be done to prevent or stop it, its end could be hastened, by analogy to a wildfire, by depriving it of fuel and ammunition from the outside. In this sense, the sanctions could be seen as a continuation of the policy that had motivated the UN Security Council to impose a generalized arms embargo on all of then Yugoslavia the previous September.

This capacity of economic sanctions to serve many masters, providing not only an alternative to decisive military action but also the lowest common denominator among competing views of the war, meant that the sanctions also protected major powers from having to formulate a policy for the war's conclusion. But they also merely worsened the dilemma regarding national sovereignty by identifying the problem with Serbia and Serbs and by handing its resolution to Milošević. Their identification of the Serbian nation as a political entity rather than as a people living in different states with different political allegiances was the goal of Serbian nationalists who insisted on material support to the Bosnian Serbs, the very behavior that the sanctions intended to punish and reverse. By imposing sanctions on all Serbs, they seemed to concede the very point for which Milošević was most criticized—his claim that it was in the national interest of Serbia to protect Serbs wherever they lived. By imposing economic hardship, the sanctions aimed to create an angry public opinion that would turn against Milošević and demand a change in policy toward Bosnia or, if necessary, overthrow his rule altogether. But economic hardship had nurtured nationalist sentiments and feelings of being endangered in the first place, and negotiators became increasingly dependent on keeping Milošević in power as the primary interlocutor and the primary lever of pressure with the Bosnian Serbs. And their differential treatment of the Croats—such as ignoring the Croatian role in Bosnia and the links between Bosnian Croats and Zagreb—not only undermined the effectiveness of the sanctions on Serbs but also dramatically reduced external leverage on the Croats when they, too, threatened the integrity of a Bosnian state.

Instead of undermining the sitting regime, the sanctions undercut the prospects of democratic and antiwar pressures, and they increased the ability of the ruling party and nationalist militants to Milošević's right (those with police connections or the kind of wealth that only criminal networks and sanctions runners could amass) to control the mass media and to interpret the meaning of the sanctions. The sanctions regime made newspapers prohibitively expensive, reduced the sources of information from outside the country, and cut the funds of opposition forces. Even if they did lead the government to reduce support for the Bosnian Serbs over time, their effect would move too slowly to make much difference in the course of the war in Bosnia-Herzegovina.

Europeans felt the direct effect of the war through the flow of refugees. Germany, the primary foreign host, began to demand after mid-July 1992 that European countries set quotas for the number of refugees they were willing to accept. This called forth a containment response: to beef up the work of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian relief to keep those displaced by war from becoming refugees. As one of the prime targets of German criticism for not accepting a fair share of refugees, Britain proposed that safe havens for civilians be established instead within Bosnia-Herzegovina. The result was to extend the area of operation of the United Nations Protection Forces (UNPROFOR) into Bosnia, from its peacekeeping mission in Croatia to a mandate, under chapter VII of the charter, to protect the delivery of humanitarian relief to the population and other actions to aid civilians caught in the war.

Soon UNPROFOR II became the largest, most complex, and most expensive operation ever undertaken by United Nations peacekeeping troops.<sup>18</sup> But it was not designed or suited to end the war that outraged world opinion. As a result, the United Nations came increasingly under attack for sending peacekeeping troops (lightly armed and acting under rules of engagement defined by consent, impartiality, and the use of force only in self-defense) into a war.<sup>19</sup> But the mission reflected the criteria chosen by the European powers and the United States from the beginning: that the norms of sovereignty govern (and limit) international intervention, that the sovereign units were the republics of former Yugoslavia, and that because the area no longer affected the vital, strategic interests of any of the major powers in Europe in general, they would not send troops into combat. United Nations forces suited the major-power interests of the Security Council in that they neutralized domestic critics by sending humani-

tarian assistance while containing the fighting and refugee exodus within Bosnia-Herzegovina, so that it did not spread to areas that were of strategic concern.

This was a false humanitarianism. Channeling moral concerns into humanitarian relief while refusing to confront the political causes of the conflict (both within the country and among foreign powers) was creating more war, more casualties, and more need for humanitarian assistance. The humanitarian approach was only a way for the EC and the United States to avoid defending the choices they had made and defining a political objective in intervening. The cost to the United States alone of military operations to enforce the no-fly zone and economic embargo and to drop aid packages from the air during 1993 was far in excess of \$300 million, and this did not forestall sending troops in the end, when it finally acted diplomatically to end the war in 1995 and sent nearly twenty thousand troops to a new peacekeeping mission.

Despite the failure of The Hague Conference, European official opinion still held that the only solution lay with a negotiated end to the conflict. Thus, under the British presidency in the summer of 1992, the EC called a new conference at London in August 1992 that established a permanent peace conference at Geneva, the International Conference on Former Yugoslavia (ICFY), to negotiate all aspects of the succession crisis. Insisting that it would be illegitimate interference to "impose a political solution," however, the conference handed the task back to those who could not generate one before the wars. The great public attention to presidents Tudjman and Milošević as if the HDZ and SDS leaders in Bosnia-Herzegovina were under their tutelage, seemed to contradict the firm declaration of Bosnian independence.

The cochairmen of ICFY, Lord David Owen for the EC and Cyrus Vance for the UN, soon became consumed by the task of only one of its six commissions, the attempt to negotiate an end to the Bosnian war. Like The Hague conference and its subsequent negotiations at Lisbon in February-March 1992, the ICFY drew up a set of political principles on sovereignty, a constitution, and a map allocating territorial governance among the three warring parties. In place of the three-canton proposals made at Lisbon, the Vance-Owen Peace Plan of January 1993 divided Bosnia into ten provinces and aimed to protect, by means of a weak central government, a multinational and multiethnic Bosnia. It was rejected by the Bosnian Serbs, in May 1993. Owen and Vance's successor, Thorvald Stoltenberg,

then drew up a new peace plan in August 1993 (revised as the Invincible plan in September, with subsequent revisions in late fall by the European Union) that partitioned Bosnia again into three areas but that retained the extensive international monitoring of human rights from the Vance-Owen plan. This in turn was rejected by the Bosnian Muslims, and ICFY negotiators fell back on trying to keep communication open among all the parties and quietly proposing that there could be no solution to the Bosnian war without returning to the comprehensive approach recognizing Bosnia's link to the rest of Yugoslavia. This implied finding a more global solution to Croatia and Bosnia, proposing small adjustments in the republic borders to satisfy the strategic interests (such as access to the sea) of independent states, and negotiating with the leaders seen to determine events, the presidents of Serbia (Milošević) and Croatia (Tudjman).<sup>20</sup>

The failure of ICFY negotiations in 1993 led to increasing impatience with the Bosnian war on the part of major powers contributing troops to the UN Protection Forces (above all, Britain and France). It also revealed that the larger problem remained conflicts among the major powers and their continuing inability to work in concert toward an agreed objective, in effect working often at cross purposes and sending mixed messages to the parties that encouraged each to hold onto its maximal goals.

By the end of 1993, there were three competing approaches in play at the same time. The UN forces sought to improve conditions for peace on the ground by classic peacekeeping principles: negotiating cease-fires, if necessary in one village at a time, and using the lull in hostilities to restore daily life and open communication across battle lines—such as through family visits, trade, and restored utilities—that would rebuild the confidence and trust necessary to a political settlement in the long run: a "piecemeal peace," in the words of UNPROFOR civilian head Yasushi Akashi, from the bottom up. The ICFY negotiators shuttled tirelessly among the political capitals of Belgrade, Zagreb, Sarajevo, Knin, and Pale, and gathered leaders of the warring parties and neighboring states in Geneva to negotiate a peace plan, with endless hours poring over detailed maps. And the United States talked incessantly of creating a military balance through arms and training of Croats and Bosnians, air strikes against Serbs, and a military alliance between Bosnian Croats and Bosnian Muslims directed against the Bosnian Serbs.

By early 1994, under the pressure from the European Community and particularly an impatient France, the United States became reengaged

diplomatically in the issue and began a series of maneuvers with the opposite tactic from that of the ICFY: not to treat the Yugoslav succession crisis as a set of interrelated conflicts but to break each conflict into ever smaller pieces and dyadic relations. It thus insisted on separating the Croatian and Bosnian conflicts on the principle of their recognized sovereignty and then, in the Washington Agreement of March 1994, negotiated (together with Germany) a cease-fire for half of Bosnia between two of its three parties, Bosnian Muslims and Bosnian Croats.

By April 1994, the ICFY process was being replaced by a third diplomatic mechanism—a Contact Group of the five major powers (the United States, Germany, Russia, Britain, and France). Their peace plan, presented in July 1994, reduced previous plans to little more than a map dividing the territory of Bosnia-Herzegovina, 51 and 49 percent, between two entities, a Muslim-Croat federation and the Bosnian Serbs. But when Bosnian Serbs demanded adjustments before they would sign, the long-standing division between the U.S. and Germany, which opposed any concessions to the Bosnian Serbs, on the one hand, and Britain, France, and Russia, which saw no reason not to grab at any chance to end the war, on the other, came into the open. And once again, their mutual disagreements led to diplomatic impasse, episodic attention from Washington, and growing impatience with the costs of the humanitarian mission and with the increasing risks to soldiers' lives as the war intensified.

The turnaround began in mid-1995, when the two competing policies to end the war in Bosnia began to converge: the U.S. policy to create a military balance to defeat the Serbs in Croatia and in Bosnia, and the European policy to negotiate a settlement recognizing the new Balkan reality of nation-states and thus the ethnic partition as well of Bosnia-Herzegovina. Beginning with the Croatian military destruction of the Krajina Serb enclaves protected by UN troops, in May (for Sector West) and August (for Sectors North and South), well-trained, well-equipped, and well-informed Croatian troops effected a fundamental change in the strategic situation on the battlefield that continued in Bosnia in offensives overrunning much of western Bosnia, expelling Serbs, and joining up occasionally in selected parallel operations with Bosnian government forces in northwestern Bosnia.

By July 1995, two months after Bosnian Serbs had reacted to NATO bombing by holding UNPROFOR soldiers hostage and the crisis led Britain and France to send in rapid reaction forces in preparation for total with-

drawal of their troops, the Clinton administration persuaded its allies that NATO bombing of Bosnian Serbs would complete the strategic reversal. Facing realization of its commitment, made in late 1994, to assist in withdrawing UN troops, the Clinton administration came around to the European view that the Bosnian war could only end through a negotiated solution. Between August and November 1995, American negotiators ran a marathon of shuttle diplomacy in Balkan capitals and a new peace conference (called proximity talks) in Dayton, Ohio, to get signatures on a political settlement and enable a NATO-led, peace implementation force (IFOR) under American command to replace UNPROFOR.

The Dayton Accord, signed in Paris on December 14, was a victory for the realists but came wrapped in the idealism of the moralists supporting the Bosnian government. To get signatures among warring parties, it accepted a Republika Srpska for Bosnian Serbs, retained the federation giving equal rights to Bosnian Croats and Bosnian Muslims, repeated international recognition of a sovereign Bosnia-Herzegovina, and committed American resources to equip and train a Bosnian army that could defend an integral Bosnian state when international peacekeeping forces left after twelve months.

But the constitution written at Dayton created a political system with all the flaws of the former Yugoslavia: extensive regional autonomy legitimized by national rights and a weak central government with no functions that could bind the loyalty of all its citizens. To enable international military forces to leave within twelve months (a commitment made by President Clinton to a U.S. Congress reluctant to deploy any American soldiers), the Dayton Accord set out rapid deadlines for implementation, including a political process that would yield electoral results in September 1996, giving democratic legitimation to the three nationalist parties and producing a parliament stalemated by block voting and countervailing vetoes. A program of economic assistance led by the International Monetary Fund, World Bank, and European Union—on which the possibility of a stable peace and the survival of Bosnia-Herzegovina depend—repeated the same conditionality that led to the disintegration of Yugoslavia in the 1980s: that there be economic and political reform policies to ensure that debt is repaid and to transform a socialist system rapidly into a market economy, without attention to the fiscal consequences of inevitable defense interests and raising all the political-legal conflicts over economic assets and jurisdictions between the regional governments and

a central government that Yugoslavia could not resolve. The international peace implementation operation, combining military and civilian tasks and administrations, continued to talk to representatives of the three official parties who had gone to war and controlled armies, not to those who had opposed the war, nationalist propaganda, and ethnic partition. The American policy of equipping and training a Bosnian army is in sharp conflict with the European policy for long-term regional stability based on an arms control regime (as defined by the Organization for Security and Cooperation in Europe [OSCE]). And if the three units of Bosnia-Herzegovina choose to go their own way—to dissolve as did former Yugoslavia—the international community will be faced again with a *fait accompli* it cannot recognize.

Western governments failed in the case of Yugoslavia, but not only that: they also revealed little capacity for learning. Their actions over the period 1991–96 repeated over and over the same approach, same thinking, and same mistakes. NATO's credibility on the other hand, was being tested not by war but by peacekeeping in Bosnia-Herzegovina, its very survival tied to the uncertain outcome of a peace implementation process in which NATO commanders insisted on the narrowest mandate so as to avoid the fate of UNPROFOR. Instead of the original role of NATO and the EU to contain Germany, Germany was acting unilaterally to secure its eastern and southern flanks with a ring of friendly, prosperous, stable states from Poland to the Czech Republic, Hungary, Croatia, and Slovenia, and without regard for the destabilizing potential of this new, if invisible, border in eastern and southeastern Europe. As a result of the Yugoslav crisis, a new forum for resolving major issues of European security is replacing existing institutions: an informal gathering of five major powers, apparently returning to balance-of-power and balance-of-interest principles, based on the Contact Group set up in March 1994 to negotiate a Bosnian peace.

The priority given to national over collective interests characterized all major players in the Yugoslav drama. It was not only Austria, the Vatican, Germany, and the EC Europeanists who saw the Yugoslav crisis as an opportunity in changing times. France saw an opportunity to enhance its declining resources and prestige in Europe with its power in the UN Security Council and as a potential military guarantor of Europe. Britain used the case to remain a major power, balancing its own position to keep



A Serbian refugee from Kninska Krajina [Croatia] arrives on his tractor to the outskirts of Belgrade: August 1995. Photo by Duško Gagović. Courtesy of *Vreme* news agency.



center stage. Russia used it to gain acceptance at major economic forums (such as the G-7) and to gain financial assistance for its reforms. Turkey has found a new foothold in the Balkans, with its support of the Bosnian Muslims and the role delegated to it by the United States in equipping and training the Bosnian army. And the United States, while acting for the most part as a conservative power and reluctant leader, managed to protect NATO's centrality to European security and America's position of dominance in Europe and the Middle East.

However, Europeans have not yet addressed the conflict among Helsinki principles that wreaked such havoc in Croatia and Bosnia-Herzegovina. They, therefore, have no solution for the issue of Kosovo that might prevent the competing claims of sovereignty over the province between Serbia (of which it is legally a part, making this an "internal affair") and Albanians (who formed the vast majority and had voted in a popular referendum for independence) from being resolved through war. Who has a right to a state, and what procedures exist to guide the process peacefully? The Croatian "solution" of encouraging the mass exodus of Serbs who held the same position and the de facto partition of Bosnia into three areas of ethnically pure population are surely not acceptable models for the future. Despite some growing public expressions of unease over the methods used by Croatia against the Serbs, Europe and the United States continued to support Croatia, economically, diplomatically, and militarily, and to accept the priority of sovereignty norms by which human and minority rights were internal affairs of states. While they did oppose the population transfers, both voluntary and violent, in Bosnia-Herzegovina, they did little to prevent them other than to declare, at Dayton, the right of all displaced persons and refugees to return to their prewar homes, and they continued to insist that the recognized borders of the republic were inviolable.

For all the loud insistence in 1991 that "this is not 1914," when great-power conflicts could be ignited by events in Belgrade or Sarajevo, the Balkans retain the capacity to lure the major powers into their local conflicts and to create conflict among them over national interests and over principles of European and global governance. And just as in 1914 and 1947-49, this capacity is not a reflection of some cultural predisposition of Balkan peoples but of the state of relations among the major powers.

## NOTES

This chapter is based on excerpts from Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings Institution, 1995) and related articles.

- 1 On the leaked 1990 report of the Central Intelligence Agency see John Zametica, "The Yugoslav Conflict," *Adelphi Paper*, no. 270 (London: Institute for International and Strategic Studies, 1992), p. 58.
- 2 Donald Forbes, "Hungary: Pressure Grows for the Dismissal of Hungarian Ministers," *Reuter Newswire*, 8 February 1991.
- 3 Zimmermann delivered the speech in Washington, D.C., on June 9, 1992.
- 4 The center was to be housed in Vienna, with a staff of nine and an emergency mechanism for "unusual military activities."
- 5 On March 13, 1991, Zimmermann also warned of a cutoff in U.S. aid if the military "enforced a crackdown" (*Washington Post*, 15 March 1991, p. A33).
- 6 Cited in James Gow, "Deconstructing Yugoslavia," *Survival* 33 (July/August 1991): 308.
- 7 *Financial Times*, 23 May 1991, p. 2.
- 8 See David Gompert, "How to Defeat Serbia," *Foreign Policy* 73 (July/August 1994): 30-42.
- 9 See Gow, p. 309.
- 10 Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia," *American Journal of International Law*, vol. 86 (July 1992).
- 11 *Calendrier de la Crise Yougoslave*, prepared by staff of the European Commission in Brussels, fall 1991, p. 15.
- 12 Weller, pp. 575-76. But see Weller's discussion, pp. 576-77, on the continuing ambiguity in EC declarations about whether Yugoslavia did or did not exist.
- 13 Paul L. Montgomery, "Yugoslavs Joust at Peace Meeting," *New York Times*, 8 September 1991, p. A8.
- 14 See Vojin Dimitrijević, "The Yugoslav Precedent: Keep What You Have," in *Breakdown: War and Reconstruction in Yugoslavia*, ed. Anthony Borden et al. (London: Institute for War and Peace Reporting, 1992), pp. 62-64.
- 15 For a detailed discussion of the role of Germany in the recognition of Croatia and Slovenia and for my account of the motives for the recognition see Woodward, pp. 183-89, 468-70 nn. 110-23.
- 16 *Ibid.*
- 17 One of Croatian president Tudjman's advisers, political scientist Zvonko Lerotić, argued in January 1992, three months before full-scale war in Bosnia, that "war is not necessary to finish off the republic, because that process is already complete," adding that "war would only be necessary if one wanted Bosnia and Herzegovina to become a united and sovereign republic" (cited by Milan Andrejevich, "Bosnia and Herzegovina: A Precarious Peace," *Radio Free Europe/Radio Liberty [RFE/RL] Report on Eastern Europe*, 28 February 1992, p. 14).
- 18 Its annual budget of \$1.6-1.9 billion was almost half the entire peacekeeping bud-

get of the UN [Information Notes: Update: May 1994, United Nations Peacekeeping, PS/DPI/14/Rev.5 [May 1994]].

- 19 Two representative examples are Jane M. O. Sharp, *Bankrupt in the Balkans: British Policy in Bosnia* (London: Institute for Public Policy Research, 1992), and, particularly caustic, David Rieff, *Slaughterhouse* (New York: Macmillan, 1995).
- 20 An excellent survey of all of the Bosnian peace plans by the lawyer most involved in drafting each is in Paul C. Szasz, "The Quest for a Bosnian Constitution: Legal Aspects of Constitutional Proposals Relating to Bosnia," *Fordham International Law Journal* 19, no. 2 (December 1995): 363-407.

## The Resistance in Serbia

Ivan Torov



That independent media exist in Serbia and that a number of groups have organized a sustained resistance to the war will come to many readers as a surprise. Abroad there has been little media coverage of either, and, more important, neither has succeeded in mobilizing a massive grassroots challenge to the regime of Slobodan Milošević. Yet the independent media and the antiwar groups did something else: they offered a voice of conscience and reason in the times when none other was heard. The electronic and the print media supplied and most continue to supply to this day highly reliable, well-researched information about the war, often sought after by foreign agencies and journalists, among others, and used by academics as a source for analysis.

Journalists in Serbia found themselves divided roughly into two groups as the war was approaching. Many were swept into the service of the official propaganda machine. Some, however, recognized early on that their only resort was to sever themselves from the regime by starting privately owned, independent, alternative media. Those journalists succeeded at great personal risk. Between 1989 and 1990 one major daily (*Borba*), one weekly (*Vreme*), and one biweekly journal (*Republika*) were launched in Belgrade as independent print media.<sup>1</sup> Two broadcast media, Independent TV Studio B and Radio B-92, started their broadcasts in 1989.

From the beginning the opposition media faced two kinds of obstacles: political and economic. Troubles with financing turned out to be the harder ones to surmount. International sanctions imposed on Serbia in 1992 caused a drastic and rapid decline in the standard of living, and consequently a precipitous drop in the circulation of the press. In 1991, and particularly in 1992, as salaries and pensions turned insufficient even for bread and vegetables, most Yugoslavs, who have always been avid readers of newspapers, found themselves buying the papers—independent and