

THE DELUSION OF COERCIVE PEACEMAKING IN IDENTITY DISPUTES:  
THE CASE OF THE FORMER YUGOSLAVIA

A thesis

Presented to the Faculty

of

The Fletcher School of Law and Diplomacy

by

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In partial fulfillment of the requirements for the

Degree of Doctor of Philosophy

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"The Cultural Dimension of the New West-East Relations in Europe." *Culturelink*, Special Issue (1994): 41-46. Available from <http://www.culturelink.org/review/s94/marta.html>.

"Report of the TEMPUS Workshop on Introducing European Studies at the University of Zagreb." *Razvoj/Development-International* 7, no. 1 (1992): 123-129.

“A Challenge for Communities in Europe: Economy, Environment, Education.”  
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## PREFACE

The end of the Cold War has shaken the foundations of the old world politics based on state sovereignty and has reshaped our response to internal conflicts. It has brought in a new type of interventionism that believes in creating a better world through the use of force. Coercive peacemaking has been on rise, as exemplified in the case of the former Yugoslavia, where the “international community” has been involved for over a decade and does not plan on disengaging any time soon.

This new interventionism has been welcomed from realists, who have been concerned over credibility of the United States, NATO, or European Union. It has also been greeted by human rights activists, who are eager to promote humanitarianism and accountability for violations of laws of war.

Yet, this new interventionism has its dark sides, frequently ignored by those who see, in coercive peacemaking, a sign of a better world in shaping.

This study has been written against the predominant belief that coercive peacemaking is viable and desirable, a belief that will most likely begin to erode as we grapple with consequences of the American intervention in Iraq.

More importantly, it has been written against some of my own personal feelings. Having lived in Croatia during its most difficult years of war, and having watched daily reports of refugee dramas and atrocities coming out of Bosnia, I am pleased that there had been a Western intervention that put an end to carnage in Bosnia and Kosovo. I am equally happy that America and Europe helped to bring the war in Croatia to its end, and that Croatia is, today, a stable country on its way to become a member of the European Union. Croatia’s stability depends on peace in nearby Bosnia-Herzegovina: it would be

difficult to imagine Bosnia-Herzegovina's stability without the presence of foreign troops and the work of international agencies and NGOs, many of them staffed with enthusiastic people wanting to help.

And yet, despite these personal feelings, I believe that it is important to bring to light some troublesome aspects of coercive peacemaking for several reasons.

First, it is important to realize the limits and costs of forceful interventions, so that we know whether we should get involved at all, and if we decide to get involved, so that we may know how to intervene better.

Second, it is important to realize the impact of the Balkan interventions on the international scene, having in mind that, sometimes, "a good by an inch can invite an evil by a yard."

Third, as a scholar of international relations I am obliged to ask myself, despite my personal feelings to the contrary, "Why Kosovo?" There are many conflict areas around the world, some of them much worse than Bosnia or Kosovo; and yet, other conflicts have received very little international help. If the "international community" helps the Kosovo Albanians against Belgrade, why would it not help, for example, to enforce partitioning between the Israelis and the Palestinians, and thereby end the decades long bloodshed in the Middle East? Why would it not intervene in some particularly atrocious wars in Africa, which have received only a fraction of humanitarian aid given to Bosnia and Kosovo?

Are we sending a message that African lives are less worthy than Albanian lives to save, or are we implying that the Balkan intervention took place only because there exists a willing regional organization with considerable military capabilities? If the latter

is true, are we to expect that, one day, China should also be able to engage in unilateral interventions for the sake of pacifying its neighborhood?

Fourth, as a student of conflict management and resolution, I should ask myself about some of international objectives, again despite my personal feelings to the contrary: “Why a single, multiethnic Bosnia?” “If yes, then why not a single, multiethnic Cyprus?”

Forceful intervention in existential identity disputes has been usually carried out rather differently than in the manner now practiced in the Balkans. Traditionally, intervening powers have sought to enforce or maintaining at least some partitioning, acknowledging separate identities or even accepting the fact that, after so much bloodshed, people find it difficult to live together.

And finally, as a person coming from the area subject to intervention as well as a student of Western political systems and international law, it is impossible not to ask myself if this stability—obviously the major benefit of coercive peacemaking—is still desirable if the intervention has led to an imperial order that has not solved much and that has, perhaps, complicated the resolution of the underlying issues. Is democracy to be promoted through electoral engineering, removal from power of elected officials, interference with the freedom of media, and military operations against banks that target the weakest nation of Bosnia? Are we teaching Bosnia’s citizens democracy if we allow the exercise of unlimited powers in the hands of a few international officials? These high-handed officials are neither accountable to any constituency within Bosnia nor are their actions subject to any judicial review.

Are such measures not self-defeating, not only because they instill feelings of dependency among the local parties, but also because they keep the “international community” entrapped in a situation from which it does not know how to dig itself out?

Are we to expect that, in a situation of sudden international withdrawal, the local parties would know how to reconcile their differences on their own, given that the “international community” has often taken decisions on their behalf? Moreover, international decisions have often been taken in plain disregard for democratic practices and even the Bosnian Constitution reposing on the Dayton agreement—hence, why should we expect the Bosnian parties to know how to manage, in future, the contentious issues within a democratic, constitutional framework?

These important questions should be asked, even if most of us are happy that the Balkan interventions have succeeded in ending the bloodshed and bringing some stability to the area.

I have had a privilege to attend some of the finest schools in America and Europe. While obviously acquiring great knowledge about the world of international relations, I have also become aware—through the mix of this educational experience and my own unique background—that knowledge is, as argued by relativism, “a view from somewhere.” Knowledge is a socially constructed reality that reposes on a set of (often unstated) cultural assumptions; it does not proceed from some universal values and objectively verifiable facts.

Hence, in my view, conventional knowledge in the world of international relations—particularly when it comes to intervention--cannot be separated from the concerns and cultural assumptions of the dominant (Western) societies that carry out interventions without themselves being subject to any foreign interference. The (non-Western) weak societies that are subject to interventions might have very different assumptions, reflective of their own particular circumstances.

In other words, the target societies might not share the objectives of the conflict resolution community within the intervening societies. While Western societies value peace and stability above all, and thus believe an intervention to be desirable if it ends killing, the target societies have other concerns as well. They may wish to know if the Western intervention has resolved the underlying issues that had made many people, after all, risk their lives when they had, rightly or wrongly, fought for the resolution of their problems on the battlefield.

Europe and America, whose citizens generally do not understand the realities of war, see peace as an absolute value and believe in compromises, fully convinced that there is nothing to be gained from wars, particularly from a war with a military giant. However, troubled societies animated by some deep grievances value self-sacrifice and may decide to incur substantial costs in order to gain some political advantage, carrying on struggles for their respective objectives even in the aftermath of peace settlements.

Nevertheless, in plain disregard for the realities of societies torn by existential identity disputes, liberal interventionism sees such disputes as solvable, and the disputants' competing, high-stake objectives as negotiable. This approach is due to the fact that liberal interventionism operates from a view reposing on Western domestic stability, secure identities, and a mythical reinterpretation of history; this reinterpretation ignores Western violent nation-building that had forged nations out of disputed identities and had thus provided the basis for stability within Western societies.

I am indebted to many individuals who have taught me or have helped me understand the world of international relations, while I was a student at the Fletcher School of Law and Diplomacy in Boston and at the College of Europe, Bruges, Belgium. I should mention, in particular, my Bruges professors Alan Milward, Franklin Dehousse,

Jules Stuyck, Vincent Berger, and Dieter Mahncke, as well as my Fletcher professors Alfred Rubin, Alan Henrikson, Richard Shultz, Robert Pfaltzgraff, and Eileen Babbitt. I also wish to mention Dr. Marc Vuijsteke of the College of Europe, who offered a chance to students from Eastern Europe like myself--students who did not have any previous training in international affairs, but wanted to change their careers with the downfall of communism, and were, therefore, accepted into this prestigious European institution.

My special thanks go to Hurst Hannum, Professor of International Law at the Fletcher School of Law and Diplomacy, who kindly agreed to direct this challenging multidisciplinary thesis and has encouraged me all along. With great patience and care, he has read through no fewer than three drafts of this rather lengthy study!

I am also indebted to John Galvin, formerly NATO Commander in Europe and later the Dean of the Fletcher School of Law and Diplomacy; Dean Galvin also negotiated the Federation agreement in Bosnia. As Fletcher Dean, he helped me at the crucial time, when it looked as if I would need to interrupt my Fletcher studies due to unfortunate circumstances. His broadness as a human being has greatly inspired me. It is also thanks to his input that this study has some practical, policy-oriented points.

Furthermore, I am indebted to Professor Brian Mandell, who taught me conflict resolution theory at the Kennedy School of Government, Harvard University. This study presents a challenge to conflict resolution theory, and Professor Mandell has provided useful suggestions regarding its framework and some particular ideas.

I also wish to mention Ms. Iris Portney, a former Capitol Hill staffer, whose smile and belief in my work have helped me to complete my degree.

My thanks also go to the kind staff of the Fletcher School, particularly the Registrar's office and the Ginn Library.

My path to the Fletcher School has not been a usual one. I was born and raised in Croatia, then part of communist Yugoslavia. I did not wish to study international relations or social sciences in general, believing them to be tainted by communist ideology. Instead, I studied English and French languages and literature.

It was only with the downfall of communism that I decided to change my career path. Using my language and writing skills, I then started working for the Institute for International Relations in Zagreb. There I met many inspiring people, in particular Dr. Biserka Cvjetičanin and Dr. Višnja Samardžija, both of whom I owe a lot.

It took me five years to apply, get accepted, and raise money in order to come, out of a war-torn Croatia, to study at the Fletcher School of Law and Diplomacy. I remember practicing for the GRE test during air-raid alerts, while I lived in Croatia in 1991. I also remember myself spending a one-month salary in order to travel to Vienna, Austria, to take the GRE test, and to send an application fee to the Fletcher School.

I completed my Fletcher education and this study through many challenges. Without my family's support and my friends' encouragement, I could not have made it. I would like to mention here my husband Richard Teltschik, my cousin Ružica Mandac, as well as my friends Anne Porowski, Catherine Allen, Wendy Sutherland, Laurie Krieger, Adrienne Landau, Kathy Simons, Motoko Kinoshita, Tsuruko Kuhn, and Mathilda Buck.

Most importantly, I wish to express appreciation to my mother and my father, Ljubica and Josip Vrbetić. Though my parents did not understand the particulars of what I was doing, it was their love and self-sacrifice that has enabled me to pursue my dream of finally getting my Ph.D. from the Fletcher School of Law and Diplomacy.

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Washington, D.C., August 31, 2004

## ABSTRACT

This study examines coercive peacemaking in the former Yugoslavia: Croatia (1991-1995), Bosnia-Herzegovina (1992-present), and Kosovo (1999). Coercive peacemaking is a form of conflict management that seeks to impose a peaceful conflict resolution in disregard for disputants' willingness to reconcile their differences. It affirms a normative, moral order over disputants' needs, and believes that peace rests with the international will rather than disputants' ownership of a peace process.

Coercive peacemaking has been portrayed as benevolent, viable, and desirable—supportive of a democratic, peaceful, and orderly world. Nonetheless, this study demonstrates that coercive peacemaking can display severe limits and mounting costs for both disputants and outside parties. Despite its assumptions about conflict prevention, coercive peacemaking can worsen disputes and precipitate violence, making weaker disputants more vulnerable.

A good side of coercive peacemaking is that it can mitigate conflicts and end humanitarian crises.

However, peacemaking requires some separation, and it produces “peace refugees.” It also involves ambiguous peace settlements that capture disputants' competing demands, thus enabling conflicts to continue at another level.

Moreover, a precarious post-settlement situation can entrap third parties into coercive nation-building efforts. Entrapment is being facilitated by shifting, unrealistic goals tied to peacemakers' credibility concerns: peacemakers' goals may shift, for example, from Bosnia's peace and stability to creating a single, “multiethnic” state out of disputed national identities. The result has been Bosnia's autocratic regime free of control

and accountability—an imperial regime that defies democratic traditions, denies the rights of the local people to self-government, and sets negative precedents for unrestrained interventionism worldwide.

Therefore, this study questions coercive peacemaking as being viable, benign, or desirable. It argues that, if undertaken at all in existential identity disputes, coercive peacemaking should support partitioning rather than seek to impose reconciliation and thereby prop up unviable “multiethnic” states. This risky interventionism should be limited to cases involving compelling security and humanitarian reasons: these cases alone can justify peacemaking efforts that can undermine the international system while carrying substantial risks and costs, both for disputants and outside parties.

## CHAPTER ONE

### THE RISE OF COERCIVE PEACEMAKING

#### Introduction

The end of the Cold War has profoundly influenced many aspects of international relations, including the international response to internal disputes. The changing political landscape has led to the increasingly permissive framework for intervening in civil wars in disregard for disputants' will, facilitating the rise of coercive peacemaking. Led by an idea of a normative order and broadly understood humanitarianism, this new form of conflict management seeks to intervene early and coercively with the aim of imposing a peaceful resolution of differences.

The forerunner of coercive peacemaking was Boutros Boutros-Ghali's *Agenda for Peace*, which emphasized the decline of state sovereignty, stressed the importance of international will and leverage, and introduced the idea of coercive interventionism along the spectrum of involvement, from early intervention and conflict prevention to post-settlement peace-building.<sup>1</sup> Yet faced with the grim realities of Somalia and Bosnia—where this new interventionism revealed its limits and risks--Boutros-Ghali renounced coercive peacemaking in the "Supplement" to his *Agenda for Peace*.<sup>2</sup>

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<sup>1</sup> United Nations, Secretary-General, "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping," by Boutros Boutros-Ghali, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, A/47/277-S-24111, 17 June 1992, in *An Agenda for Peace, 1995*, 2nd ed. (New York: United Nations, 1995), 39-72. The ideas advanced in "An Agenda for Peace" influenced the development of the central thesis of this study as well as the choice of the term: "coercive peacemaking." Though Boutros-Ghali did not use the term himself, it is clear that he understood peacemaking as a broad activity envisaging different types of involvement across the spectrum of conflict, and that coercion played an important role in his concept of peacemaking.

<sup>2</sup> United Nations, Secretary-General, "Supplement to An Agenda for Peace," by Boutros Boutros-Ghali, Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations," A/50/60-S/1995/1, 3 January 1995, in *An Agenda for Peace, 1995*, 2nd ed. (New York: United Nations, 1995), 5-38; see, in particular, pp. 14-15.

However, the idea had already won over large segments of public and scholarly opinion, as images of desperate refugees increased the pressure to intervene at the time of increasing importance of regional actors with considerable capabilities and ambitions to project influence beyond their borders. Thus, the post-Cold War period ushered in the “springtime for interventionism.”<sup>3</sup> The international community was encouraged to formulate “an equivalent of a U.S. bankruptcy law” for failed states.<sup>4</sup> It was urged to extinguish the “tea-cup wars” raging in Bosnia, Somalia, and elsewhere.<sup>5</sup>

The Bosnian war, in particular, generated many arguments in favor of intervening forcefully to end the war and impose a peace settlement. The guiding idea was that what mattered most was the will of the international community and improved policy-making, with emphasis on use of force as the essential element of conflict management and resolution in support of a normative and moral order.

This new form of conflict management has been affirmed to be benign because it is undertaken in the interests of both disputants and a more stable and just world order. But is the intention of this study to demonstrate that coercive peacemaking can do harm, imposing costs on both the disputants and third party participants, while its contribution to a better world remains doubtful despite the limited benefits of mitigating violence.

Coercive peacemaking can be briefly characterized as attempts at *enforced reconciliation* and *imposed peaceful conflict resolution*. The outside parties get involved with the goal of imposing a peaceful resolution of differences, before there would be major wars and refugee crises. Yet, they have limited leverage over disputants whose high-stake, mutually contradictory objectives leave little room for compromise, and who

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<sup>3</sup> James F. Hodge Jr., “Springtime for Interventionism,” Editor’s Note, *Foreign Affairs* 73, no. 6 (November/December 1994): v-vi.

<sup>4</sup> Walter Clarke and Jeffrey Herbst, “Somalia and the Future of Humanitarian Intervention,” *Foreign Affairs* 75, no. 2 (March/April 1996): 70-85; see p. 84 for the quote cited in the text above.

<sup>5</sup> Leslie H. Gelb, “Quelling the Teacup Wars,” *Foreign Affairs* 73, no. 6 (November/December 1994): 2-6.

continue to pursue their respective victories despite of, and sometimes because of, the outside involvement.

Thus, coercive peacemaking can precipitate conflict escalation, as evident in Bosnia (1992) and Kosovo (1999), and impose severe costs on the weakest disputants. Furthermore, when it has managed to bring violence to an end, coercive peacemaking has led to ambiguous peace settlements that cannot be effectively implemented and therefore require continuous and deepening outside engagement to prevent the resumption of violence. The result has been the emergence of *de facto* neo-colonial protectorates that, though inconsistent with legal and democratic principles, have been paradoxically justified by the need to impose the rule of law and democracy upon the Balkans. The conflicts are thus mitigated, but not resolved, at the expense of both the disputants and the entrapped third party, while international norms and order are being undermined rather than buttressed by this new interventionism.

This Chapter deals with the profound changes that have taken place in international law, international security, and conflict resolution in the aftermath of the Cold War, and have enabled the rise of coercive peacemaking. It presents the main arguments advanced in favor of this new interventionism, as well as the criticisms. Finally, it elaborates upon the guiding ideas of this study and explains its research design.

### **The End of Bipolarity and the Decline of the Principle of State Sovereignty**

Despite the growing importance of international institutions, we are still living in the Westphalian system, a system based upon recognition of the sovereign equality of states. In this system, international law exists among states (*ius inter gentes*) rather than above states (*ius gentium*): states cannot be legally bound by a new rule or made to submit to an international authority without the states' prior consent (the Westphalian

principle of consent). Moreover, in order to be effective, the rules of law must correspond to the actual practice of states (Westphalian principle of 'effectiveness').<sup>6</sup>

Nowhere has the Westphalian bias been more evident than in the case of internal conflicts, normally considered to be within the domestic jurisdiction of the states concerned and beyond the purview of other states or international bodies. Fundamental to the Westphalian order have been the principles of territoriality and non-interference: sovereign states should manage their internal affairs at their own discretion, independent from any outside influence. Accordingly, customary international law and the UN Charter (Arts. 2.4 and 2.7) uphold the territorial integrity and political independence of states, permitting the derogation of the principle of non-interference only if the UN Security Council orders enforcement measures, under Chapter VII of the UN Charter, in order to "maintain or restore international peace and security" (Art. 39).

Internal disputes about a form of government or territorial claims have traditionally been viewed as matters pertaining to the internal jurisdiction of states, rather than as matters important to the maintenance of international peace and security. More specifically, Article 2.3 of the UN Charter says that states should settle their international disputes peacefully, but it does not specify how they should settle their internal disputes.

The basic idea underlying the Westphalian system has been that the stability of the

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<sup>6</sup> Many of the points argued in this section of paper are not annotated because they belong to general knowledge. If there should be one all encompassing book that covers the legal points mentioned in this text, the author of this study would suggest the following classical textbook, on which the author also relied in order to write this section: Gerhard von Glahn, *Law Among Nations: An Introduction to Public International Law*, 6<sup>th</sup> rev. ed. (New York: Macmillan; Toronto: Maxwell Macmillan Canada, 1992). It should be emphasized, however, that the above affirmation about the enduring idea of state sovereignty does not mean that the Westphalian order has been without any challenges, or that it will remain forever firmly entrenched. The overall predominance of the Westphalian system should not be seen in contradiction with the rising importance of human rights, international regimes, and supranational bodies, which affirm their authority over sovereign states. Despite these challenges, however, the Westphalian system of sovereign states is still in place and represents, moreover, the basis of legitimacy for the regimes sitting above the world of governments. For example, even though the European Convention of Human Rights and the European Union represent a challenge to the Westphalian system, they also validate its most important creed: the principle of state consent. The European institutions can extend their authority only over the signatories, and only in the limited areas upon which the governments have previously agreed.

international system is based upon the rights of states to territorial integrity, sovereignty, and independence--rather than the rights of individuals or ethnic groups to human rights or self-determination, respectively.

Accordingly, during the Cold War, only few would dare to challenge the notion that a central government could use force to suppress rebels or to prevent its minorities from seceding. Unless the Security Council were to find that there existed a danger to international peace and security, it was expected that states should refrain from intervening in the domestic disputes of other states, unless the violence should reach the level of a deliberate attempt to destroy a particular group of people (i.e., genocide).

Consequently, the world watched the suffering of the Biafran people as Nigeria used force to prevent the secession of Biafra's Ibos, and the Turkish Cypriot republic remained unrecognized, despite the persistent partition of Cyprus. Except for international recognition of the newly independent African states, undertaken in the context of de-colonization, international society remained unwilling to intervene in violent disputes over identity or to welcome new states into the international society.<sup>7</sup>

Nonetheless, the Cold War era's commitment to the preeminence of state sovereignty does not mean that all states refrained from interfering in the internal affairs of other states. As exemplified by the Soviet doctrine of limited sovereignty for Eastern European countries, more powerful states did not always respect the territorial integrity or the political independence of other states. Instead they intervened within their respective spheres of influence despite the UN Charter's prohibitions. Nonetheless, during the Cold War, the principle of non-intervention was generally respected—though often in breach—primarily because this norm fulfilled the political needs of the bipolar

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<sup>7</sup> For this limited notion to self-determination, see Chapter 3 in Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*, rev. ed. (Philadelphia: University of Pennsylvania Press, 1996), 27-49.

world. East-West tensions risked escalating to disastrous proportions if and when the superpowers did choose to interfere in other states' civil wars, risks made evident during the Korean War, the Vietnam War, and the Cuban Missile Crisis. As a result, though the superpowers intervened in Third World low-intensity conflicts, such interventionism was not actively promoted. International bodies refrained from supporting it despite a few exceptions (e.g., the UN operation in Congo).

However, the end of the Cold War ushered in a new atmosphere: the superpowers engaged in cooperative activities, and the formerly bitter enemies now claimed to share the values of peace and democracy. The Gulf War of 1991, aimed at restoring the sovereignty of Kuwait, received worldwide support and was authorized by the UN Security Council. Washington used neo-liberal rhetoric to justify the action, stating that the military operation was meant to uphold the "New World Order" and to usher in "a world where the strong [would] respect the rights of the weak" and where "nations [would] recognize the shared responsibility for freedom and justice."<sup>8</sup>

Furthermore, after having initiated two deadly wars during the twentieth century, Germany reunified peacefully and democratic revolutions spread throughout Eastern Europe. Dictatorial communist regimes were displaced, affirming the potential power of people to undermine regimes based upon hard-core military force and governmental oppression. As Europe became "whole and free," the member states of the European Community made ambitious plans to deepen and widen the European integration process.

These positive events in the aftermath of the Cold War also reaffirmed the idea of an emerging international community of states with shared goals of pursuing peace and justice. Great hopes arose for the possibilities of building a more peaceful, humane, and

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<sup>8</sup> United States of America, President, Address, "Toward a New World Order," Address before a joint session of Congress, Washington, D.C., 11 September 1990, *US Department of State Dispatch* 1, no. 3 (17 September 1990): 91.

just world order, an order that would be buttressed by a strengthened United Nations (UN) and made possible by a newly emerging international unity.

Within this new world order, the role of international institutions and non-governmental actors was emphasized over the “old-fashioned” principles of state sovereignty and the rights of governments. In contrast, it was asserted that the principles of a “global civil society” were replacing the outdated principles of nation-state preeminence and *Realpolitik*.<sup>9</sup> Balance of power politics appeared increasingly irrelevant within an international system centered on the UN and collective security. Some even considered the possibility of a global security being enforced by a supervening international authority that sat above sovereign states.<sup>10</sup>

The post-Cold War euphoria challenged the Westphalian assumptions that world order should be based upon the rights of governments and the principle of outside non-interference in the internal affairs of sovereign states. Ideas about the decline of state sovereignty, the revival of liberal ideas regarding the world order, and the notion of the use of force to uphold a new world order would now exert profound influence upon the traditionally held attitudes against third party or institutional intervention in civil wars. This tendency towards intervention was also bolstered by a positive international experience: in the aftermath of the Cold War, a number of long-standing internal disputes in Central America and Africa had been ended (e.g., South Africa, Namibia, and Mozambique).

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<sup>9</sup> Jessica Tuchman Mathews, “Redefining Security,” *Foreign Affairs* 68, no. 2 (Spring 1989): 162-177; Jessica T. Mathews, “Power Shift,” *Foreign Affairs* 76, no. 1 (January/February 1997): 50-66.

<sup>10</sup> For an excellent overview of different concepts of security and their relevance to post-Cold War period, see Helga Haftendorn, “The Security Puzzle: Theory Building and Discipline Building in International Security,” *International Studies Quarterly* 35, no. 1 (March 1991): 3-17. For an unduly optimistic view, see George Quester, “Nontraditional Uses of Military Force,” with discussants Alberto R. Coll and Paul F. Diehl, in *Security Studies for the Twenty-First Century*, ed. Richard H. Shultz Jr., Roy Godson, and George H. Quester, (Washington, D.C.; London: Brassey's, 1997), 131-170. Like Haftendorn, Coll gives a more realistic assessment of the international security paradigm applicable to the post-Cold War period.

Consequently, intervention into internal disputes was to be actively promoted, even without a compelling humanitarian rationale. Expectations were that unprecedented international good would create a better, more peaceful world. It was believed that the world was entering a new era that would be dominated by collective security and international order. In contrast to previous international attitudes, force would now be used within a multilateral framework to fulfill an important moral or legal purpose: to settle outstanding conflicts and to prevent new ones from arising.<sup>11</sup>

Thus, the aftermath of the Cold War saw a proliferation of arguments favoring the use of force, now considered essential to preserving the evolving morally inspired world order. The new order's principles regarding when international intervention in internal affairs would be acceptable no longer rested upon state sovereignty, nor did they require the consent of the affected sub-state actors.<sup>12</sup>

Thus arose coercive peacemaking.

### **Coercive Peacemaking as a “Renegade” Humanitarian Intervention**

Coercive peacemaking has occasionally been portrayed as the legal use of force in support of human rights and international order.<sup>13</sup> However, coercive peacemaking substantially differs from the typically narrow scope of a humanitarian intervention.

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<sup>11</sup> See, e.g., Quester, “Nontraditional Uses of Military Force;” Lori Fisler Damrosch, ed., *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations Press, 1993); Morton H. Halperin and David J. Scheffer with Patricia L. Small, *Self-Determination in the New World Order* (Washington, D.C.: Carnegie Endowment for International Peace, 1992).

<sup>12</sup> Louis Henkin, Stanley Hoffmann, Jeane J. Kirkpatrick and Allan Gerson, William D. Rogers, David J. Scheffer, *Right v. Might*, 2<sup>nd</sup> ed., with foreword and afterword by John Temple Swing (New York: Council on Foreign Relations Press, 1991); Damrosch, *Enforcing Restraint*; Halperin, Scheffer, Small, *Self-Determination*.

<sup>13</sup> For example, NATO claimed it was fighting a humanitarian war against Serbia. In the view of this study, however, the Kosovo war qualifies as coercive peacemaking, which is to be distinguished from a humanitarian intervention, even though both share underlying humanitarian concerns.

Moreover, it exists on the margins of international law, particularly if undertaken unilaterally, or without the consent of the UN Security Council.<sup>14</sup>

A humanitarian intervention is the use of force aimed at protecting nationals within another state from serious human rights abuses without the consent of their government or one party to the conflict.<sup>15</sup> As witnessed during the post-Cold War period, this type of intervention usually seeks to protect civilians from immediate danger or to provide for their basic survival needs. Examples are the operations aimed at saving the Kurds of Northern Iraq or feeding the starving Somalis during the first Somalia operation (Operation Restore Hope).

A humanitarian intervention should not seek to end a war or impose a peace settlement. It should not aspire to change either the social or political structures within the target state or its external or internal boundaries. Yet, all these objectives have been the focus of coercive peacemaking in the former Yugoslavia.

Humanitarian advocacy contributed to the enlargement of the intervention mandate during the post-Cold War period. It was argued that a limited and impartial humanitarian endeavor could only react to the consequences of war. Therefore, it was demanded that the international community should forcefully end wars and thus remove the need for sustained humanitarian relief. Some advocates of increased international interventionism have also argued that emphasis on humanitarian aid offered Western

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<sup>14</sup> According to the UN Charter, which embodies customary international law, there exist only two legal uses of force: one is self-defense (Art. 51), and the other is enforcement measures ordered by the UN Security Council in support of international peace and security (Chapter VII). For that reason, an argument can be made that an intervention without a demonstrated humanitarian reason (i.e., an action aimed at conflict prevention) and without the mandate of the UN Security Council represents in fact a violation of customary international law and the UN Charter.

<sup>15</sup> This definition of humanitarian intervention is developed from the discussion presented by Sean Murphy, even though the definition offered above is not a faithful reproduction of Murphy's. See Sean D. Murphy, "Humanitarian Intervention Defined," in *Humanitarian Intervention: The United Nations in an Evolving World Order*, vol. 1, Procedural Aspects of International Law Series (Philadelphia: University of Pennsylvania Press, 1996), 7-20.

governments an excuse to "do nothing," making it easier to avoid responsibility for intervening in violent internal conflicts.<sup>16</sup> Others argued that humanitarianism was betraying the victims of war by limiting outside interference to providing humanitarian aid, so that "hunger could be cured before the execution."<sup>17</sup> Thus, Rony Brauman, the President of *Médecins sans frontières*, bitterly remarked that dictators could engage in civilian massacres as long as they would not obstruct the delivery of humanitarian aid.<sup>18</sup>

Overall, those concerned by humanitarian issues—in unity with some realist authors and military scholars—denounced the separation of the political mandate from the humanitarian one and argued in favor of forcefully ending wars.<sup>19</sup> Thus, humanitarian arguments became increasingly advocated as the prescription for international engagements whose priority would be imposing peace settlements.<sup>20</sup>

The influence of humanitarian concerns on intervention policy in the post-Cold War world would not have been possible without the role played by the media. New communication technologies brought the spectacle of human suffering into the homes of ordinary citizens. The immediacy of this visual evidence created domestic pressures on Western governments to intervene at a the moment when new international norms had

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<sup>16</sup> Bernard-Henri Lévy, "Un entretien avec Bernard-Henri Lévy," interview by Jean-Marie Colombani, *Le Monde* (Paris), 5 January 1993.

<sup>17</sup> Rony Brauman, "Un entretien avec Rony Brauman," interview by Franck Nouchi, *Le Monde* (Paris), 24 November 1992. The translation of Brauman's words, originally published in French, was done by the author of this study.

<sup>18</sup> *Ibid.*

<sup>19</sup> For a realist perspective of a security studies scholar, see Richard K. Betts, "The Delusion of Impartial Intervention," *Foreign Affairs* 73, no. 6 (November/December 1994): 20-33. For a liberal perspective of a humanitarian, see discussion above and the footnotes on Lévy and Brauman. See also the 1994 Report of *Médecins sans frontières* (Doctors Without Borders), which argues that it is meaningless to deliver humanitarian aid in the absence of a long-term political solution to end the killing: Kelley Lee, review of *Life, Death and Aid: The Médecins Sans Frontières Report on World Crisis Intervention*, by François Jean, *International Peacekeeping* (Frank Cass) 1, no. 4 (Winter 1994): 505-507, see, in particular, p. 507.

<sup>20</sup> Accordingly, one author argued in favor of "flexible" rules of engagement along the progressive "escalation continuum" in order to secure a peace without which the humanitarian mission might be compromised. For this argument in favor of coercive peacemaking under the guise of delivering humanitarian aid, see David B. Steele, "Securing Peace for Humanitarian Aid?" *International Peacekeeping* (Frank Cass) 5, no.1 (Spring 1998): 66-88.

not yet been set regarding intervention policies, while the end of bipolarity had already lifted longstanding political restraints on greater interventionism.<sup>21</sup> Political pressures encouraging governments to intervene in other states' domestic conflicts were further complicated by the fact that media coverage often abandoned the tenets of objective reporting, instead providing opinions designed to encourage international intervention.<sup>22</sup>

The first large operation reflecting the direction of increased interest in humanitarianism and de-emphasis on state sovereignty was the operation to save the Kurds of Northern Iraq.<sup>23</sup> This operation, however, did not move beyond the narrow confines of a humanitarian intervention because its primary aim was to provide security and humanitarian relief for refugees in distress. Instead, it was with the Somalia intervention that humanitarianism began to move towards the broader political goals.

The Somalia intervention started with Operation Restore Hope, which was a typical humanitarian mission, intended to deliver food to the Somalis, albeit under the enforcement mandate of Chapter VII of the UN Charter. Initially, the use of force was

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<sup>21</sup> As argued in several places in this study, political restraints have been lifted, for the end of bipolarity and the diminished possibility of nuclear confrontation have now made it easier to intervene and use force without fearing retaliation. At the same time, the lifting of political restraints should not be confused with the lifting of legal constraints; the legal constraints on the use of force still apply but have been ignored, most spectacularly in the case of NATO's war over Kosovo.

<sup>22</sup> Ted Koppel, "The Perils of Info-Democracy," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 1996), 355-356; Warren P. Strobel, "The Media and U.S. Policies Toward Intervention: A Closer Look at the 'CNN Effect'," in *Managing Global Chaos*, 357-376. Strobel, a *Washington Times* correspondent, argues that major responsibility lies with policy-makers rather than media, pointing out, by comparing Rwanda with Bosnia, that media cannot reverse a firmly set policy but can only exert an influence if a policy has not been shaped yet. However, BBC journalist Nik [sic] Gowing noted that Strobel fails to take a note that journalists tend to take sides, rather than maintain professional distance, when reporting on violent conflicts: Nik [sic] Gowing, review of *Late-Breaking Foreign Policy: The News Media's Influence on Peace Operations*, by Warren P. Strobel, *Survival* 39, no. 4 (Winter 1997-98): 182-184; see, in particular, p. 183. Another author has also argued that media influence policy-making when a policy is uncertain and media empathize with victims: Piers Robinson, "The Policy-Media Interaction Model: Measuring Media Power During Humanitarian Crisis," *Journal of Peace Research* 37, no. 5 (September 2000): 613-633. Still another author has demonstrated that "enemy images" can impede "analytical journalism." Rune Ottosen, "Enemy Images and the Journalistic Process," *Journal of Peace Research* 32, no. 1 (1995): 97-112.

<sup>23</sup> For intervention to save the Kurds of Northern Iraq, including the legal discussion, see Murphy, *Humanitarian Intervention*, 169-177.

contemplated only for self-defense or to facilitate food delivery in a situation of chaos and insecurity.<sup>24</sup> Robert Oakley, head of the mission, told the Somali warlords that the peace force would not try to impose a political solution, and would use force only if threatened while carrying out the humanitarian relief mandate.<sup>25</sup>

However, the assumptions of this narrowly understood humanitarianism changed dramatically with the second Somalia operation (UNOSOM II). The operation changed focus from providing immediate humanitarian aid to include the objectives of negotiating a settlement, disarming the Somali factions, and using force against local parties, all in an attempt to end the war and create a Western-style democracy in Somalia.<sup>26</sup>

This second Somalia mission, which resembled coercive peacemaking, was a disaster. The American-led peace force was accused of neo-colonialism and drawn into an armed conflict with the Somalis. In the aftermath of the Mogadishu incident during which several American soldiers were killed, the United States withdrew its forces from Somalia, since no important American interest was considered to be at stake there.

In short, coercive peacemaking does not view intervention as a limited humanitarian endeavor; instead, its humanitarianism is grounded in the belief that conflict

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<sup>24</sup> For the text of the UN resolution authorized under Chapter VII, see “UN Security Council Resolution 794: December 3, 1992,” in John L. Hirsch and Robert B. Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping*, with a foreword by Chester A. Crocker (Washington, D.C.: United States Institute of Peace Press, 1995), 177-181. The UN resolution mentions “reconciliation and political settlement” and authorizes the operation under Chapter VII in order to create “a secure environment.” However, the first Somalia operation (UNITAF or ‘Restore Hope’) did not contemplate the use of force except in self-defense and for the purpose of aid delivery. The mission mandate later changed with the transition from the UNOSOM I to UNOSOM II operation. For an overview of the Somalia operation and the evolution of the UN mandate, as well as progressively coercive implementation of the mandate on the ground, see United Nations, Department of Public Information, “United Nations Operation in Somalia I and II (UNOSOM I and II),” in *The Blue Helmets: A Review of United Nations Peace-keeping*, 3<sup>rd</sup> ed. (New York: United Nations Department of Public Information, 1996), 287-318.

<sup>25</sup> For Oakley’s approach to the Somalia operation, see Susan Rosegrant, in collaboration with Michael D. Watkins, “A ‘Seamless’ Transition: US and UN Operations in Somalia—1992-1993 (A), Case Study C09-96-1324.0 (Cambridge, Mass.: Kennedy School of Government, Case Study Program, 1996, photocopied); see, in particular, p. 17. See also Hirsch and Oakley, *Somalia and Operation Restore Hope*.

<sup>26</sup> For the second stage of the Somalia intervention, see Susan Rosegrant, in collaboration with Michael D. Watkins, “A ‘Seamless’ Transition: US and UN Operations in Somalia—1992-1993 (B), Case Study C09-96-1325.0 (Cambridge, Mass.: Kennedy School of Government, Case Study Program, 1996, photocopied).

prevention and the forceful imposition of peace settlements will prevent the loss of life and refugee crises, and ultimately eliminate the need for outside involvement. In other words, coercive peacemaking is a “renegade” humanitarian intervention that has abandoned its narrow humanitarian focus in favor of enforcing particular political and moral values that purportedly reflect international legal and moral standards.

Thus, without securing the prior and adequate agreement of all the parties concerned, a few powerful states, arguing that they represented the “international community,” would take it upon themselves to determine new borders in the Balkans and set up war crimes tribunals demanding unconditional submission by the disputants. These states would then establish protectorates within nominally sovereign states, citing as justification humanitarianism, international law, and regional stability.

Without doubt, some of these actions spring from genuine humanitarian concern. However, they constitute an unprecedented level of intervention whose legality and desirability remain questionable. According to this study, this intrusive interventionism, a violation of the Westphalian principles of consent and “effectiveness,” does not spring from existing legal principles.<sup>27</sup> Instead, the interventionism in the Balkans appears to represent isolated cases of high-handed intervention in the affairs of weak states that fall within the spheres of European or American influence.

Moreover, as this study will show, the end result has not been a more humane, peaceful, or just world reposing on strengthened international authority and rules, as had been originally conceived by the early proponents of coercive peacemaking. Instead, the world is moving towards the gradual erosion of international norms while affirming the

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<sup>27</sup> As argued later, many of the so-called international norms that Europe and America urge on the Balkans—such as a unified, “multiethnic” Bosnia—are not legal norms but rather are political choices, some of them indeed presenting reasonable options and alternatives to violence.

legitimacy of unrestrained interventionism that more closely reflects the practice of *realpolitik* than that of humanitarianism.

### **Changing Alliances and New Approaches to the Use of Force**

Concurrent with changes in the international system and increased interventionism into internal disputes, there have been significant changes in how force has been used in the post-Cold War period.

During the Cold War period, political restraints were imposed upon the use of force by the risks inherent in a possible superpower confrontation that might involve nuclear weapons. Thus, one of the principal uses of force during this time was passive: nuclear deterrence threatened an opponent with the risk of unacceptable damage in response to an armed attack.<sup>28</sup> With regard to the active use of force, the preference was for limited wars that would hopefully avoid escalation—wars limited both in their objectives and the military means employed to achieve them. Thus, rather than seeking to destroy an opponent through the use of overwhelming military force, the active use of force was instead conceived primarily as coercion aimed at influencing an opponent's decision-making by exploiting his fears of unacceptable damage.<sup>29</sup>

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<sup>28</sup> For different uses of force, deterrence included, see Robert J. Art, "The Four Functions of Force," in *The Use of Force: Military Power and International Politics*, ed. Robert J. Art and Kenneth N. Waltz, 4<sup>th</sup> ed., (Lanham, Md.: University Press of America, 1993), 3-11.

<sup>29</sup> This view of limited war and coercion was shaped, among others, by the American experience in Korea. The initial goals of the Korean War were shaped by Truman's limited war objectives, seeking a return to the *status quo*. However, when General McArthur went beyond the 38<sup>th</sup> parallel and the war objectives were expanded to include the unification of Korea under non-communist leadership, the U.S. found itself in a confrontation with Chinese troops. This Korean experience led to the American aversion to the use of ground troops and reliance on air power, limited war-fighting, and coercion. It influenced the way the Vietnam War was later conducted: as a limited undertaking in the hope that the threat of escalation would coerce the North Vietnamese government and accomplish American goals without requiring deeper American involvement and, thus, triggering a possible confrontation with the Soviets. For more on the use of force in Korea and Vietnam, see Bernard Brodie, *War and Politics* (New York: Macmillan, 1973); see, in particular, Chapters 3-5, pp. 57-222.

Accordingly, one of the most popular military strategists during the Cold War was Thomas Schelling, an advocate of the “diplomacy of violence.” He argued that modern technology permitted “violent bargaining” through the use of sophisticated weapons in a scientifically measured way in order to coerce an opponent by threatening escalation, or “progressive pain and damage.”<sup>30</sup>

Others, however, came up with a strategy less dependent upon the military threats. Alexander L. George focused on coercive diplomacy for “forceful persuasion.” George saw coercive diplomacy as a flexible strategy that combined both positive and negative measures, or carrots and sticks, and that could first employ peaceful strategies.<sup>31</sup> He envisaged the use of force as an “exemplary” show of limited force for the purpose of establishing credibility and displaying a readiness to escalate if necessary.<sup>32</sup>

However, the negative experience of Vietnam cautioned many away from reliance upon limited warfare and coercion because such strategies had made possible the downsizing of American conventional military capabilities, thus enabling a weak opponent to resist American threats. It was soon argued that military force should be used decisively—rather than coercively—in order to accomplish a clear military victory for the sake of vital American interests.<sup>33</sup>

The Cold War’s end brought about several important changes in attitude towards the acceptability of the use of force. Gone was the fear of unacceptable escalation and

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<sup>30</sup> Thomas C. Schelling, *Arms and Influence* (New Haven: Yale University Press, 1996), 32-33.

<sup>31</sup> Alexander L. George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War* (Washington, D.C.: United States Institute of Peace, 1991), 4-7, 10-11. See also Alexander L. George and William E. Simons, eds., *The Limits of Coercive Diplomacy*, 2<sup>nd</sup> ed. (Boulder, San Francisco, Oxford: Westview Press, 1994).

<sup>32</sup> George, *Forceful Persuasion*, 4-7.

<sup>33</sup> Such decisive, overwhelming force should be used for the sake of vital interests, provided that the U.S. leadership had the support of the American people and the Congress. That lesson also came to be known as the Weinberger Principles, formulated by Secretary of Defense Weinberger. Casper W. Weinberger, “The Uses of Military Power,” *Defense ’85* (Arlington, Va.: American Forces Information Service, January 1985), 2-11, quoted in Amos A. Jordan, William J. Taylor, Jr., and Lawrence J. Korb, *American National Security: Policy and Process*, 4<sup>th</sup> ed., (Baltimore, London: Johns Hopkins University Press, 1993), 42.

nuclear confrontation, thus lifting the previous political restraints on the total use of force. The end of bipolarity permitted the abandonment of using limited means, in favor of decisive force for the sake of important national interests. This was best exemplified by the American use of overwhelming force in the Gulf War of 1991.

At the same time, coercion and coercive diplomacy found their places in the type of conflicts that attracted most Western attention after the Cold War's end: the identity conflicts in the former Yugoslavia. Advances in military technologies presented Western decision-makers with an opportunity to impose solutions on weak disputants without suffering casualties of their own. These wars did not involve vital Western interests, which might have justified Western casualties and the overwhelming use of force. Nevertheless, they called for limited engagements because some Western interests were at stake: the prestige of Western governments and statesmen, their countries, and international organizations like the European Union (EU) or the North Atlantic Treaty Organization (NATO).<sup>34</sup>

What has been disregarded, however, is this: the theory of coercion has relied upon certain assumptions that do not apply to the civil wars of the post-Cold War period, and, furthermore, that experiences, during the Cold War, have already demonstrated the considerable risks and limitations of coercive strategies, particularly with respect to the strategies' ability to influence the outcome of civil wars (e.g., Vietnam).

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<sup>34</sup> The distinction involving the Gulf War and Bosnia as explained above is in accordance with the 1996 American national security strategy, outlining when and how America would use its military power. According to this document, the "first category" involved "America's vital interests," which would be protected, if necessary, by "unilateral and decisive use of military power." Bosnia was placed into the "second category," involving "important, but not vital, U.S. interests," where the use of force would be "selective and limited," with attention paid to costs and risks involved. United States of America, *The White House, A National Security Strategy of Engagement and Enlargement* (Washington, D.C.: The White House, February 1996), 18.

More specifically, coercion during the Cold War period was conceived within a framework of nation-states and a rational actor model. It relied on the idea that an “asymmetry of motivation” worked in favor of a coercive power: the strategy was likely to be successful if applied to a situation in which the coercive power was highly motivated and raised only the most vital demands, the demands whose impact appeared limited to those being coerced.<sup>35</sup> That strategy was consistent with the notion of limited warfare—limited in both the means used and the objectives sought.

For that reason, an example of the successful coercive diplomacy was the Cuban Missile Crisis. According to George, one important reason for the success lay in J. F. Kennedy’s correct evaluation of the Soviet leader--that Khrushchev was a “rational, intelligent man who would retreat if given sufficient time and shown resolution.”<sup>36</sup> Even more important, argues George, the success lay in the effective communication of America’s strength of purpose (i.e., introduction of the blockade), coupled with limited demands focused upon the removal of Soviet missiles from Cuba. Also, these moderate demands had been coupled with a carrot. As a concession to the Soviets, Washington offered to take away some missiles from Turkey. Had America been more “ambitious”—had it sought to topple Castro or eliminate the Soviet influence from Cuba--the Cubans and the Soviets would have been more motivated to resist, and coercive diplomacy might have failed, possibly with disastrous consequences.<sup>37</sup>

This exemplary success stands against the most famous failure of coercive strategies during the Cold War: Vietnam showed that coercion was not likely to induce compliance in cases of severe asymmetry of motivation, when the demands involved the

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<sup>35</sup> For the importance of “asymmetry of motivation,” see George, *Forceful Persuasion*, 77.

<sup>36</sup> *Ibid.*, 37.

<sup>37</sup> *Ibid.*, 13, 31-37.

essential interests of a target of coercion.<sup>38</sup> Following the failure of coercive diplomacy, America progressively deepened its involvement in order to maintain its credibility. However, the introduction of the ground troops still failed to coerce the North Vietnamese, for the “asymmetry of motivation” clearly worked against the United States. Faced by the costs of protracted, guerilla warfare imposed by the Vietcong, as well as criticism at home and abroad, the United States eventually withdrew from Vietnam.

The American failure in Vietnam also pointed to the problematic absence of a commonly shared cultural framework. American strategists evaluated the success of their policy within the framework that relied on American cultural assumptions, such as measuring military success in terms of the number of the Vietcong guerillas killed. The American idea was that “inputs”—increasing the level of pain for the North Vietnamese—would result in the desired “outputs,” or the Vietcong’s abandonment of its goal to create a single, communist Vietnam. American rationality failed in the face of North Vietnamese guerilla tactics and strong determination. The Vietnamese pursued a total war strategy in terms of their willingness to bear casualties, and Washington’s goal of imposing the American solution on Vietnam remained elusive.<sup>39</sup>

Based on the analysis of a series of successful and unsuccessful case studies, George concludes that coercive diplomacy is an attractive, but risky, strategy with limitations. For a coercive power, it holds a promise of the attainment of desirable objectives without the major costs of a war. In reality, however, the strategy may not always work and can display considerable limits, despite the credibility of threats used. It carries the risk of deepening engagements and unwanted escalation in cases of miscalculation, particularly when differing cultural variables are involved. For example,

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<sup>38</sup> Ibid., 12-13, 39-46.

<sup>39</sup> For American failure to coerce Vietnam, see Brodie, *War and Politics*, 113-222; George, *Forceful Persuasion*, 39-46; Colin Gray, “What Rand Hath Wrought,” *Military Review* 4 (May 1972): 22-33.

when a coercive power projects its own “rationality” on its opponent’s decision-making, it inappropriately assumes that a weak opponent would bend rather than risk a war with a stronger state.<sup>40</sup>

Even though the limits of coercion were well known, critics of America’s early policy on Bosnia argued that Washington’s reluctance to get involved in the Bosnian war reflected its negative Vietnam experience, and that these lessons from Vietnam were inappropriate to both the new international context and the Bosnian circumstances. Washington’s fear was that its initial coercive attempts might fail and lead to the situation in which America would find itself in a cycle of unwanted escalation, feeling pressured to escalate in order to maintain credibility. Yet the critics denounced Washington’s “all-or-nothing” attitude, according to which one should not attempt anything unless prepared to escalate with maximum force if necessary. Instead, critics emphasized the “middle ground theory,” arguing that successful peacemaking existed within a range of “intermediate” actions between diplomacy and overwhelming force.<sup>41</sup>

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<sup>40</sup> George, *Forceful Persuasion*, 4. George maintains, for example, that American coercive diplomacy led to the Japanese decision to attack the United States, despite the obvious disparity of power. For more, see George, 19-23, as well as Chapter Eight in this study.

<sup>41</sup> The British doctrine at work in Bosnia, which could be characterized as “all-or-nothing” doctrine, viewed peace-keeping and peace-enforcement as two conceptually different operations, with the chief difference being the presence or absence of local parties’ consent. This doctrine was influenced by Charles Dobbie, who pointed out the problems associated with the blurring of differences between the two modes of peace operations. One of the faithful adherents to Dobbie’s doctrine was Sir Michael Rose, the commander of the UN forces in the Former Yugoslavia (UNPROFOR), who continually resisted an enforcement mandate for Bosnia and thus enraged the Sarajevo Government. However, the critics of Dobbie and the international policy in Bosnia would bring into question the conceptual framework of the peace operation in Bosnia, arguing that that peace-keeping and peace-enforcement are the two end points along the same spectrum of involvement, rather than two conceptually different operations. Such arguments gave rise to the “middle ground theory.” That view was partially influenced by Boutros-Ghali’s “An Agenda for Peace,” which envisaged that a peace force could switch between coercive and non-coercive strategies. For the British view of peace-keeping, see Charles Dobbie, “A Concept for Post-Cold War Peacekeeping,” *Survival* 36, no. 3 (Autumn 1994): 121-148. For tensions between General Michael Rose and the Sarajevo government, see Bruce Clark, “Bosnia Politicians Call for Removal of Rose,” *Financial Times*, 26 October 1994. For an analytical overview of Charles Dobbie and the British doctrine, see Christopher Dandeker, review of *A Concept for Post Cold War Peacekeeping*, by Charles Dobbie, *International Peacekeeping* (Frank Cass) 2, no. 1 (Spring 1995): 132-134. For another excellent overview of the debate on peacekeeping that includes different opinions ranging from Boutros-Ghali to Charles Dobbie, Sir Michael Rose, and Colin Powell, see John Gerard Ruggie, “The UN and the Collective Use of Force: Whither or Whether?” *International*

The ongoing Bosnian war generated numerous arguments focused on the unity of international actors and the need to use force in order to uphold international law or morality in Bosnia. It was argued that early and forceful involvement could have prevented the Bosnian tragedy. The Bosnian war came to epitomize the “collective spinelessness” and the “triumph of the lack of will” on the part of an international community unwilling to issue credible threats and use force when necessary.<sup>42</sup>

The latter argument marked also a new view of the use of force in the post-Cold War period, a view partially influenced by the 1991 rhetoric about the New World Order, a time when Washington sought to attract international support for the Gulf War. While use of force during the Cold War was contemplated primarily in terms of self-defense, the post-Cold War period emphasized a normative or moral world order. Thus, the reluctance to use force and impose a fair settlement in Bosnia was said to be detrimental

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*Peacekeeping* (Frank Cass) 3, no. 4 (Winter 1996): 1-20. Ruggie has been a proponent of a “middle ground theory;” for similar arguments see, Wayne Bert, *The Reluctant Superpower: United States’ Policy in Bosnia, 1991-95* (New York: St. Martin’s Press, 1997), see, in particular, pp. 116-123, 247-249; see also Michael S. Lund, “Underrating Preventing Diplomacy,” Response to Stephen John Stedman, *Foreign Affairs* 74, no. 4 (July/August 1995): 160-163. For Boutros-Ghali’s argument that “there may not be a dividing line between peacemaking and peace-keeping”—the argument that influenced the rise of the “middle-ground” theory—see UN, “An Agenda for Peace,” p. 57, point 45. For Boutros-Ghali’s renunciation of the “middle-ground” theory, see UN, “Supplement to Agenda for Peace,” 15, point 35. Boutros-Ghali’s renunciation came against the realities of Somalia and Bosnia. The problem of the loss of impartiality of a peace-keeping force after limited air-strikes against Bosnian Serb positions was plainly visible when the Bosnian Serbs arrested and mistreated the UN peace-keepers, arguing that they were holding “prisoners of war,” while the rest of the world was outraged at this treatment of supposedly impartial peace-keepers and tended to view them as innocent “hostages.” For understanding the problem of safe areas, see United Nations, Security Council, “Report of the Secretary-General Pursuant to Security Council Resolution 982 (1995) and 987 (1995),” S/1995/444, 30 May 1995, available from <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N95/160/38/PDF/N9516038.pdf?OpenElement>, accessed 20 January 2004.

<sup>42</sup> William Pfaff, “Invitation to War,” *Foreign Affairs* 72, no. 3 (Summer 1993): 97-109; Richard H. Ullman, ed., *The World and Yugoslavia’s Wars* (New York: Council on Foreign Relations, 1996). See, in particular, Richard H. Ullman, “The Wars in Yugoslavia and the International System After the Cold War,” in *The World and Yugoslavia’s Wars*, ed. Richard H. Ullman (New York: Council on Foreign Relations, 1996), 9-41; Thomas G. Weiss, “Collective Spinelessness: U.N. Actions in the Former Yugoslavia,” in *The World and Yugoslavia’s Wars*, ed. Richard H. Ullman (New York: Council on Foreign Relations, 1996), 59-96. Most importantly, see James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1997).

to Western values.<sup>43</sup> It was argued that “idle threats” issued to Serbia permitted the destruction of the “multiethnic” Bosnian society that “shared many of the values and beliefs that are central to Western democratic life.”<sup>44</sup>

The critics of the international policy in Bosnia were inclined to interpret the international failure to end the war as an institutional failure, arguing in favor of forceful actors with better military capabilities and coherent decision-making, such as the United States and NATO. Some believed that neither the weak UN nor divided Europe could stop the war, arguing that the Bosnian failure diminished the credibility of the European integration process.<sup>45</sup> Others thought that Europe could have ended the war if it had a common foreign and security policy and a military identity of its own, and thus argued in favor of strengthening the European integration process.<sup>46</sup> Still others, particularly those in the United States, pointed to European impotence, and even immorality, before the Bosnian war. In their opinion, the war confirmed the need for American leadership in Europe. They asserted that only America, a unitary actor with outstanding military capabilities and global political clout, had the credibility and power necessary to bring the Bosnian war to an end.<sup>47</sup> Thus, one of the key policy and scholarly concerns became the

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<sup>43</sup> David Rieff, *Slaughterhouse: Bosnia and the Failure of the West* (New York: Simon and Schuster, 1995). See also Norman L. Cigar, *Genocide in Bosnia: The Policy of “Ethnic Cleansing”* (College Station: Texas A&M University Press, 1995); Thomas Cushman and Stjepan G. Meštrović, eds. *This Time We Knew: Western Responses to Genocide in Bosnia*, (New York: New York University Press, 1996); Roy Gutman, *A Witness to Genocide: The 1993 Pulitzer Prize-winning Dispatches on the “Ethnic Cleansing” of Bosnia* (New York: Macmillan, 1993, A Lisa Drew Book).

<sup>44</sup> Robert J. Donia and John V. A. Fine Jr., *Bosnia and Hercegovina: A Tradition Betrayed*, with maps by John C. Hamer (New York: Columbia University Press, 1994); for quote, see p. 280. For a similar argument, see Noel Malcolm, *Bosnia: A Short History*, new updated ed. (Washington Square, N.Y.: New York University Press, 1996).

<sup>45</sup> Weiss, “Collective Spinelessness;” Noel Malcolm, “The Case Against ‘Europe’,” *Foreign Affairs* 74, no. 2 (March/April 1995): 52-68.

<sup>46</sup> Eric Remacle, *La politique étrangère européenne: De Maastricht à la Yougoslavie* (European Foreign Policy: From Maastricht to Yugoslavia) (Brussels: Institut européen de recherche et d’information sur la paix et la sécurité, 1992).

<sup>47</sup> Roger Cohen, “Why the Yanks Are Going, Yet Again,” *New York Times*, 26 November 1995. See also Richard C. Holbrooke, *To End a War*, rev. ed. (New York: Random House, 1998; New York: The Modern Library Paperback Edition, 1999); see, in particular, “America, Still A European Power,” 366-369.

credibility of threats, in particular the question whether multilateral coalitions can project the level of credibility necessary for a speedy and successful imposition of solutions.<sup>48</sup>

The Bosnian war led to a European-American quarrel and strains in the transatlantic relationship. That quarrel was more concerned with issues within the transatlantic relationship such as equality between America and Europe and intra-European differences, than with the people of Bosnia and their future.<sup>49</sup>

Furthermore, the end of the Cold War brought into question the future of NATO. Since theory and experience suggested that the disappearance of the common enemy could undermine alliances, it was argued that, with the passing of the Soviet threat, transatlantic ties would weaken and NATO would become irrelevant.<sup>50</sup> This discussion generated the search for new NATO missions, as it was argued that NATO would survive

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<sup>48</sup> For this focus on credibility of threats and coalition problems, see Peter Viggo Jakobsen, "The Strategy of Coercive Diplomacy: Refining Existing Theory to Post-Cold War Realities," in *Strategic Coercion: Concepts and Cases*, ed. Lawrence Freedman (Oxford, New York: Oxford University Press, 1998), 61-85; James Gow, "Coercive Cadences: The Yugoslav War of Dissolution," in *Strategic Coercion*, 276-296. See also Matthew C. Waxman, "Coalitions and Limits on Coercive Diplomacy," *Strategic Review* 35, no. 1 (Winter 1997): 38-47.

<sup>49</sup> For the media reports on the transatlantic quarrel, see Bruce Clark and Chrystia Freeland, "New World Order Going Badly Wrong: Bruce Clark and Chrystia Freeland Explain the Dispute on Handling the War in Bosnia," *Financial Times* (London), 19-20 November 1994, available from Lexis-Nexis Universe, accessed 12 December 2002; Roger Cohen, "NATO's Angry Plea to UN: Lengthen Leash in Bosnia," *International Herald Tribune*, 11 October 1994; John Pomfret, "U.S. in Bosnia Feels Ambushed by UN: Friction on Policy Escalates," *International Herald Tribune*, 25 October 1994. For both intra-European and transatlantic strains regarding Bosnia, see Philip H. Gordon, *France, Germany, and the Western Alliance, The New Europe: Interdisciplinary Perspectives*, ed. Stanley Hoffmann (Boulder, Colo.; San Francisco; Oxford, England: Westview Press, 1995); see, in particular, pp. 53-66. For more on American-European differences on Bosnia, see Ivo H. Daalder, "Bosnia After SFOR: Options for Continued US Engagement," *Survival* 39, no. 4 (Winter 1997-98): 5-18. See also European responses to Ivo Daalder by Carl Bildt, chief European negotiator at Dayton, and Pauline Neville-Jones, leader of the U.K. delegation at Dayton: Carl Bildt, "There is No Alternative to Dayton," *Survival* 39, no. 4 (Winter 1997-98): 19-21; Pauline Neville-Jones, "Washington Has a Responsibility Too," *Survival* 38, no. 4 (Winter 1997-98): 22-24. See also Pauline Neville-Jones, "Dayton, IFOR and Alliance Relations in Bosnia," *Survival* 38, no. 4 (Winter 1996-97): 45-65. For European criticism of the American attitude towards Europe, see a review essay by Gilles Andréani, "In Defence of Europe," review of *Europe Adrift*, by John Newhouse, *Survival* 40, no. 1 (Spring 1998): 152-157; William Wallace and Jan Zielonka, "Misunderstanding Europe," *Foreign Affairs* 77, no. 6 (November/December 1998): 65-79.

<sup>50</sup> For the argument concerning the irrelevance of international institutions, NATO included, with the end of bipolarity, see John J. Mearsheimer, "Back to Future: Instability in Europe After the Cold War," *International Security* 15, no. 1 (Summer 1990): 5-56; John J. Mearsheimer, "The False Promise of International Institutions," *International Security* 19, no. 3 (Winter 1994/1995): 5-49, in particular p. 47. See also Owen Harries, "The Collapse of 'The West'," *Foreign Affairs* 72, no. 4 (September/October 1993): 41-53, in particular p. 34.

if it remained relevant to the challenges of the post-Cold War world. Therefore, NATO began contemplating its enlargement to Eastern Europe, in order to facilitate the integration of the fledgling democracies into the Western democratic community.<sup>51</sup> It was argued that “NATO must go out of area or it will go out of business.”<sup>52</sup>

Thus began NATO’s transformation from a Cold War military instrument of self-defense into an instrument of political change and, moreover, a crisis manager outside of the NATO territory. Consequently, the issue of NATO’s credibility became gradually tied to the question of whether it could bring peace and stability to the Balkan region.

These new missions were also bolstered by new theories about identity conflicts, theories that fit the goals of the rising military interventionism. Despite decades of Western worry over Yugoslavia’s nationalism and long-term survival as a single state, it was now claimed that the Yugoslav conflicts were “ethnopolitical,” having resulted from

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<sup>51</sup> The destiny of the League of Delphi, the longest alliance in the history of mankind, was emphasized in the context of foreshadowing NATO’s bleak future. Thus, it had been pointed out that the League of Delphi, which lasted for about 60 years and rallied Greek city-states against the common Persian enemy, disintegrated once the Persian threat was over. Moreover, the former allies started fighting among themselves: the Peloponnesian War pitted Athens against Sparta. For a summary of scholarly discussion on alliance theories and NATO, as well as its proposed enlargement to the East and contemplation of new missions, see Jeffrey D. McCausland and Robert H. Dorff, Foreword to *Will NATO Go East? The Debate Over Enlargening the Atlantic Alliance*, ed. David G. Haglund (Kingston, Ontario: Center for International Relations, Queens University, 1996), vii-xiii; see particularly p. viii for the League of Delphi argument; David G. Haglund, “NATO Expansion: Origins and Evolution of an Idea,” in *Will NATO Go East?* 17-34; Stephen M. Walt, “Why Alliances Endure or Collapse,” *Survival* 39, no. 1 (Spring 1997): 156-179. For an enthusiastic argument in favor of NATO expansion and new missions, see Ronald D. Asmus, Richard L. Kugler, and F. Stephen Larrabee, “Building a New NATO,” *Foreign Affairs* 72, no. 4 (September/October 1993): 28-40. For a more cautious argument that still argues in favor of preserving and changing NATO, see Philip H. Gordon, “Recasting the Atlantic Alliance,” *Survival* 38, no. 1 (Spring 1996): 32-57. For a summary of scholarly discussion on NATO, its post-Cold War missions, and the proposed enlargement to the East, see David G. Haglund, “Introduction: The Debate Over Enlargening NATO,” in *Will NATO Go East?*, 1-13. For a summary of the major proponents and opponents of enlargement, see Douglas T. Stuart, “Appendix” to “Symbol and (Very Little) Substance in the US Debate Over NATO Enlargement,” *Will NATO Go East?*, 127-143.

<sup>52</sup> For the quote in the text, see Asmus, Kugler, and Larrabee, “Building a New NATO,” 31. For a detailed analysis of the proposed “out-of-area” missions, see, e.g., Richard L. Kugler, *U.S.-West European Cooperation in Out-of-Area Military Operations: Problems and Prospects* (Santa Monica, Calif.: Rand, 1994). For a criticism of the proposed NATO enlargement and “out-of-area” missions (e.g., Bosnia), see Michael Mandelbaum, *The Dawn of Peace in Europe*, with a foreword by Richard C. Leone (New York: Twentieth Century Fund Press, 1996). See also Michael Brown, “The Flawed Logic of NATO Expansion,” *Survival* 37, no. 1 (Spring 1995): 34-52.

“mobilization” of the masses incited by leaders.<sup>53</sup> More precisely, it was argued that Yugoslavia was destroyed “top down” by post-communist leaders, and Bosnia from the “outside,” by its neighbors (Serbia and Croatia) and the passive international community that allowed all of this to have happened.<sup>54</sup> Such simplified instrumentalist views of the conflicts in the former Yugoslavia created a reassuring impression that coercion—effortlessly wielded by high-tech democracies—could impose politically or morally desirable solutions because violence was no longer viewed in the context of a communal conflict and long-standing differences. Instead, violence within the former Yugoslavia was seen as the result of incitement by a few leaders demonized in the Western press.<sup>55</sup>

Thus arose support for coercive peacemaking, despite the previous negative experiences that had highlighted the limits and risks of coercive strategies, particularly when applied to internal conflicts, and with maximal objectives (e.g., Vietnam). The past experience had displayed most success when coercive diplomacy was applied within a framework of inter-state relations, with well-known psychological and cultural variables, and confined to a few limited demands (e.g., Cuban Missile Crisis). This practice mainly depended on a rational actor model and an international system where the major concerns had been the Cold War superpower confrontation and relations among the world leaders. It grew out of the world in which superpowers had to pursue a course of mutual accommodation because their decision-making was influenced by the constraints of

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<sup>53</sup> For a general analysis of ethnopolitical mobilization, see Ted Robert Gurr, “Minorities, Nationalists, and Ethnopolitical Conflict,” in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall, (Washington, D.C.: United States Institute of Peace, 1996), 53-77. For a work on the Former Yugoslavia that relies on the ethnopolitical argument, see Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. and updated ed. (New York: Penguin Books, 1997).

<sup>54</sup> For the “top-down” argument, see Warren Zimmermann, *Origins of a Catastrophe: Yugoslavia and its Destroyers*, with updated Preface and Epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999), in particular, Preface, pp. vii-ix. For the “outside” argument, see Malcolm, *Bosnia*, 234-252, in particular p. 251. Historian Noel Malcolm and Warren Zimmermann, the last American Ambassador to the former Yugoslavia, have been the most vocal proponents of a military intervention against Serbia.

<sup>55</sup> See the comment in the preceding footnote.

bipolarity: the fear of unwanted escalation in a nuclear weapons world. As a result, coercive diplomacy was actually exercised in moderation with respect to the demands raised—and it did reap some benefits in the world of superpower relations.

However, with the end of the Cold War there was a shift from a world of bipolarity and restraint, to a world without any apparent need for self-control, a world in which powerful states did not feel constrained by a fear of retaliation and thus did not see any compelling need to moderate either their policies or the demands they placed upon the weak actors. Meanwhile, the main focus would shift to internal conflicts, with coercion offering a promise of an easy victory over weak disputants. Despite past problems encountered during the application of coercive strategies, they would now be applied to peacemaking in the highly emotional and societal disputes over identity in the former Yugoslavia. Not only did these disputes encompass largely unknown psychological and cultural variables but the notion of limited war also underwent a change. Though the means of coercion would remain limited (e.g., sanctions, coercive diplomacy, a limited air campaign), the objectives of the coercive strategies would gradually expand. The international goals would evolve from the limited objective of ending the war, to creating “multiethnic” states, the maximal objective not supported by the local people.<sup>56</sup>

Coercive powers believed that their unlimited demands could be imposed because they assumed that weaker actors would bend under the pressures applied by the most powerful countries in the world. Nonetheless, as demonstrated by this study, diplomatic sticks and military threats do not provide strong enough incentives to induce

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<sup>56</sup> Some strategists have argued that the discussion of coercion versus decisive force may be irrelevant, and that is more important the purpose for which wars are being fought. More specifically, Michael Howard has warned against the notion that even total means (i.e., decisive force) could ensure the realization of ambitious objectives in “people’s wars.” Michael Howard, “When Are Wars Decisive?” *Survival* 41, no. 1 (Spring 1999): 126-135. Howard’s argument will receive more attention in Chapter Eight (Kosovo).

accommodation and deter violence in identity disputes. From the perspectives of the disputing parties, vital issues of identity and security are at stake, and they are, therefore, strongly motivated to resist the peacemakers' pressures. As a result, coercive strategies when applied to identity disputes have displayed limits, risks, and costs.

As argued by this study, coercive peacemaking also carries the risk of miscalculation and conflict escalation when undertaken at the initial stages of the dispute, particularly when the aim is conflict prevention. At the same time, this form of peacemaking displays limits when applied during the latter stages of the dispute, when moderate demands lead to conflict de-escalation, but also produce ambiguous peace settlements and the entrapment of coercive peacemakers who have become concerned about their credibility while pursuing their maximal goals.

**From the Disputants' "Ownership" of the Agreements that Meet Their Needs,  
To the "Emerging Norms" and the Will of the "International Community"**

Besides examining the changes affecting the legal arguments, the changing alliances, and the use of force in the post-Cold War period, coercive peacemaking cannot be fully understood without seeing this new interventionism in the light of conflict resolution theory and its changing practice since the end of the Cold War.<sup>57</sup>

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<sup>57</sup> For general works on conflict resolution and its changing practice, see J. William Breslin and Jeffrey Z. Rubin, eds., *Negotiation Theory and Practice* (Cambridge, Mass.: Program on Negotiation at Harvard Law School, 1995); Jacob Bercovich, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder, Colo.: Lynne Rienner Publishers, 1996); Edward E. Azar and John W. Burton, eds., *International Conflict Resolution: Theory and Practice* (Brighton, Sussex, England: Wheatsheaf Books; Boulder, Colo.: Lynne Rienner Publishers, 1986); Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts* (Malden, Mass.: Polity Press in association with Blackwell Publishers, 1999); I. William Zartman and Saadia Touval, "International Mediation in the Post-Cold War Era," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 1996), 445-461.

The field of conflict resolution is concerned with third party intervention in the form of mediation and with a search for peaceful, negotiated outcomes to disputes. Conflict resolution theory developed during the Cold War as an alternative to adversarial bargaining and coercive strategies. For that reason, conflict resolution theory stands in opposition to Schelling's idea that negotiations can be rendered more productive by increasing an opponent's fear of unacceptable damage.<sup>58</sup>

Many conflicts have been settled by domination, or by one party successfully imposing its will on another. However, conflict resolution theory believes that negotiated outcomes are preferable because they normally take into account all the legitimate interests and therefore have a greater chance of sustainability. For that reason, conflict resolution theory prefers peaceful solutions and views force only as a possible complement to negotiations. Its primary goal remains a search for "integrative" solutions: negotiated outcomes that take into account all the legitimate concerns.<sup>59</sup>

Conflict resolution theory believes that a search for a solution need not be a zero-sum game in which a winner takes it all. It is assumed that conflicts are about unsatisfied needs--rather than a struggle for power—and that it is possible to achieve *integrative* solutions that integrate the interests of all parties. Thus, mediators hope to help disputants move away from adversarial bargaining and high-stake positions, to the problem solving that would address the interests of all through creative, "win-win" solutions.<sup>60</sup>

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<sup>58</sup> See, e.g., criticism of coercive strategies in Herbert C. Kelman, "The Interactive Problem-Solving Approach," In *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 505. For Thomas Schelling and coercion, see the previous section, on the use of force.

<sup>59</sup> See, e.g., Roger Fisher, "Negotiating Power: Getting and Using Influence," in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin (Cambridge, Mass.: Program on Negotiation at Harvard Law School, 1995), 127-140; see particularly Fisher's conclusion at p. 140.

<sup>60</sup> For the importance of "integrating"—as opposed to "conquering or compromising"—see Albie M. Davis, "An Interview with Mary Parker Follett," in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin (Cambridge, Mass.: Program on Negotiation at Harvard Law School, 1995), 13-26; see in particular p. 15. For a classical work affirming interest-based negotiations and problem-solving

That does not mean that, in the real world, the conflicts were not subject to forceful mediation during the Cold War. Anxious over the spread of Soviet influence in the Third World, the United States was eager to mediate disputes, sometimes stepping in forcefully. However, conflict resolution theory and its practitioners generally dismiss such mediation efforts, contrasting Henry Kissinger's pressure tactics in the Middle East negotiations (1973), with Jimmy Carter's successful conclusion of the Camp David Accords. The Accords are an example of an integrative settlement that reposed on neither domination nor a (painful) compromise, but on satisfaction of both sides' interests: Sinai returned under the Egyptian authority, while its demilitarization reassured Israel. Because it integrated both sides' interests, the Accords led to a sustainable peace between Egypt and Israel.<sup>61</sup>

Conflict resolution theory also believes that several conditions must be met to ensure the success of negotiations leading to a sustainable peace settlement.

Negotiations must involve all the parties concerned, "bad guys" included. In order for peace to take hold, a settlement must address the concerns that fuel violence, including the interests of those who may be responsible for the grave violations of humanitarian law and who are routinely labeled by their opponents as "terrorists" and "criminals." Conflict managers aim for *inclusive* agreements that address the stakes of all the parties concerned, rather than excluding "bad guys" and proclaiming their concerns as irrelevant or illegitimate.<sup>62</sup>

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(integrative) approaches, as opposed to positional bargaining and distributive approaches to negotiation, see Roger Fisher, William L. Ury, and B. Patton, *Getting to Yes: Negotiating Agreement Without Giving In*, 2<sup>nd</sup> ed., (New York: Penguin, 1991); see particularly 3-14, 40-55.

<sup>61</sup> For a positive view of Camp David, see Fisher, Ury, and Patton, *Getting to Yes*, 41-42. For criticism of Kissinger's role in the Middle East, see Roger Fisher, "Playing the Wrong Game?" in *Dynamics of Third Party Intervention: Kissinger in the Middle East*, ed. Jeffrey Z. Rubin (New York: Praeger Publishers in cooperation with the Society for the Psychological Study of Social Issues, 1981), 136-147.

<sup>62</sup> Pauline H. Baker, "Conflict Resolution Versus Democratic Governance: Divergent Paths to Peace?," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and

In other words, the main goal of conflict management is not the pursuit of *justice*-about which there can be big disagreements because perceptions of justice differ, particularly in the hard-to-solve identity disputes in the Middle East or the former Yugoslavia. The goal of those who seek conflict mitigation is *peace* reposing on reconciliation.<sup>63</sup> Conflict managers may need to sponsor trade-offs between peace and justice; hence, they often annoy those who insist on human rights and accountability.<sup>64</sup>

Furthermore, mediation is more likely to be effective if undertaken at the time when disputants are ready to moderate their initial, *high-stake positions* and contemplate *reconciliation*. In other words, they must stop looking for *victory* or seeking to impose their own *unilateral solutions* through *domination*. Instead, they must be willing to acknowledge the legitimate needs of their opponents and engage, with the help of third parties, in problem-solving: they must either find a formula that would reconcile their competing needs in an integrative type of a settlement (i.e., ‘win-win’ situation) or else accept (sometimes painful) *compromise* in which both give up something in exchange for peace. As long as disputants do not show *willingness* to settle down, but believe they can prevail and impose their own preferences upon the other disputants, third party mediation efforts are not likely to be productive, or to lead to the type of a peace settlement that, within the understanding of conflict resolution theory, has the best chance of bringing about sustainable peace.<sup>65</sup>

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Fen Osler Hampson with Pamela Aall, (Washington, D.C.: United States Institute of Peace Press, 1996), 563-571; see in particular pp. 564-567.

<sup>63</sup> Ibid.

<sup>64</sup> That tension was well demonstrated when former President Jimmy Carter was criticized for allowing Haitian dictator Raoul Cedras to go into exile in exchange for a peaceful transfer of authority in Haiti. See, e.g., Jeffrey A. Williams and John N. Petrie, “The Carter Mission to Haiti: Unintended Consequences for Human Rights Law,” *The Fletcher Forum of World Affairs* 9 (Summer-Fall 1995): 95-114.

<sup>65</sup> The ideas expressed in the above paragraph often concern, in conflict resolution theory, the discussion of *ripeness* and *timing*—a belief that conflicts must be *ripe for resolution*. According to this belief, disputes must go through a few phases before mediation can bear fruit; early mediation may be fruitless or counterproductive. For the argument in favor of “ripeness,” see, e.g., Richard N. Haass, *Conflicts*

If follows from the above points that mediators should be concerned with *timing* of mediation. According to Lawrence Susskind and Eileen Babbitt,

Often in the early stages of a dispute, one party believes that it can prevail—either by force or threat of force. This may well be a false assumption, and that party must re-evaluate its ability to impose its will on the other side(s).<sup>66</sup>

Unfortunately, the above also means that some conflicts may need to worsen before they can take the road towards resolution, and that early mediation efforts may be counterproductive. Disputing parties may need to take time in order to realize the limits and costs of their unilateral pursuit of victory before they become willing to acknowledge the needs of the other side, embrace reconciliation, and negotiate in good faith.

Accordingly, though research supports benefits of early intervention, it also indicates that disputants are more willing to moderate their high-stake positions after they have gone through “some test of strength.”<sup>67</sup> Research also indicates that chances for a

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*Unending: The United States and Regional Disputes* (New Haven, Conn.: Yale University Press, 1990); I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, updated ed. (New York: Oxford University Press, 1989, A Council on Foreign Relations Book). Some even argue that mediators can “manipulate stalemates and crises” and help create a “mutually hurting stalemate” in order to help produce “ripeness” by cultivating disputants’ “perception of stalemate” and awareness that their interests would be better served at the negotiating table rather than on the battlefield: Zartman and Touval, “International Mediation in the Post-Cold War Era,” 452-453. However, the notion of “ripeness” has been criticized as being “tautological” because it is not possible to determine exactly when conflicts are “ripe” for resolution; consequently, it has been proposed that the term “ripeness” be replaced by “willingness.” This redefinition of “ripeness” suggests that it is possible to intervene successfully at the early stages of the conflict, since “willingness” is no longer associated with the (late) timing of intervention or the situation of military stalemate, but rather with disputants’ serious intention to settle down their differences. Moreover, the term “willingness” would also seem to explain why some parties do not settle down even if they reach a stalemate and the dispute is judged as “ripe” by outside mediators. For this redefinition of “ripeness” as “willingness,” see Marieke Kleiboer, “Ripeness of Conflict: A Fruitful Notion?” *Journal of Peace Research* 31, no. 1 (1994): 109-116. Most scholars support an idea of willingness: parties must be willing to revise their initial expectations and give up the idea they could impose a unilateral solution on the other side through victory (e.g., see the subsequent citation from Susskind and Babbitt in the text above). Accordingly, this study uses the term “willingness” rather than “ripeness.”

<sup>66</sup> Lawrence Susskind and Eileen Babbitt, “Overcoming the Obstacles to Effective Mediation of International Disputes,” in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin’s Press in association with the Society for the Psychological Study of Social Issues, 1992), 31.

<sup>67</sup> Jacob Bercovitch and Allison Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence,” in *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. Jacob Bercovitch (Boulder, Colorado: Lynne Rienner Publishers, 1996), 23. Bercovitch and Houston base their conclusion on their own analysis of disparate cases of mediation, an analysis that has confirmed the previous research of other scholars, such as that of F.S. Northedge and M. Donelan.

negotiated outcome are low in the first two months of a conflict; that parties are more willing to compromise after they have experienced some costs; and that chances for success significantly increase after thirteen months of fighting, or “in the period after the parties have experienced significant costs, but before they have become bogged down in an intractable conflict.”<sup>68</sup>

The above points regarding the timing of mediation also mean that *processes* cannot be separated from *substance*—or, in the words of Louis Kriesberg, “a process cannot be separated from content and outcome.”<sup>69</sup> A particular agreement that satisfies the needs of all parties may not be possible until the disputants become truly willing to embrace reconciliation, have established a working relationship based on some trust, and the outside context has changed in favor of supporting the resolution, rather than the continuation, of a particular conflict.<sup>70</sup>

One good example that illustrates the above points is the Israeli-Palestinian dispute. For several decades, Israel refused to negotiate with the PLO. Eventually, however, Israel had to talk to the Palestinian leaders in authority because it was they who had the ability to commit the major Palestinian constituencies. The negotiations ended by the “historic handshake.” Yitzak Rabin shook hands with PLO Chairman Yasser Arafat

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<sup>68</sup> Richard Jackson, “Successful Negotiation in International Violent Conflict,” *Journal of Peace Research* 37, no. 3 (2000): 332-343, for the quote, see p. 337. See also conclusion, pp. 339-340, which emphasizes that successful mediation depends on disputants’ willingness to set aside their differences and seek peace.

<sup>69</sup> For the right “timing” and the need for “processes,” see Louis Kriesberg, “Timing and the Initiation of De-Escalation Moves,” in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin (Cambridge, Mass.: Program on Negotiation at Harvard Law School, 1995), 223-231; for the quote, see p. 230. See also Baker, “Conflict Resolution versus Democratic Governance,” 567-568.

<sup>70</sup> Besides Kriesberg, “Timing and the Initiation of De-Escalation Moves,” see also Louis Kriesberg and Stuart J. Thorson, eds., *Timing the De-Escalation of International Conflicts* (Syracuse, N.Y.: Syracuse University Press, 1991).

in front of the White House—many years after this “terrorist” had been forbidden to enter the United States in order to address the UN Assembly in New York.<sup>71</sup>

The Oslo agreements represented the mutual acknowledgement of the two sides’ needs for the preservation of identity and security. Such an agreement was not possible during the Cold War, when the Arabs, supported by the Soviets, sought to wipe out Israel, while Israel, with the support of America, refused to accept Palestinian statehood. To be sure, Israel had to withstand the pressure of its Arab neighbors and the UN. Yet, it was the mounting costs of trying to impose its solution upon the Palestinians that moved Israel to reconciliation, while the changed post-Cold War international environment reassured Israel and reinforced its search for a different solution than the one previously envisaged—the cooperation with, rather than the exclusion of, the PLO.<sup>72</sup>

One could object to the above by pointing that the Oslo agreements did not really resolve the Middle East dispute or even end its violence. However, from the perspective of conflict resolution theory, the Oslo agreements represent an important step forward: the *mutual recognition* by the two enemies previously bent on destroying each other. As such, the Oslo agreements created certain realities difficult to overturn and lay the foundation for subsequent peacemaking efforts.<sup>73</sup>

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<sup>71</sup> Compare the above points to Daniel Lieberfeld, *Talking with the Enemy: Negotiation and Threat Perception in South Africa and Israel/Palestine* (Westport, Conn.; London: Praeger, 1999); Janice Gross Stein, “Image, Identity, and Conflict Resolution,” in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 93-111; see in particular pp. 105-106.

<sup>72</sup> Compare to Stein, “Image, Identity, and Conflict Resolution,” 105-106.

<sup>73</sup> Stein, “Image, Identity, and Conflict Resolution,” 105-106. For more on the Oslo negotiations and the Middle East peace process as outlined above, see Jane Corbin, *The Norway Channel: The Secret Talks That Led to the Middle East Peace Accord* (New York: Atlantic Monthly Press, 1994); Kirsten Lundberg, “The Oslo Channel: Getting to the Negotiating Table” and “The Oslo Channel: Epilogue,” Case studies C-133-96-1333.0 (30 pp.) and C-133-96-1333.1 (14 pp.) (Cambridge, Mass.: Harvard University, Kennedy School of Government, Case Study Program, 1996, photocopied); Daniel Lieberfeld, “Small is Credible: Norway’s Niche in International Dispute Settlement,” *Negotiation Journal* 11 (July 1995): 201-207.

Furthermore, the continuing problems in the Middle East illustrate one of the central beliefs of conflict resolution theory with respect to protracted identity conflicts: the need for a *multi-track diplomacy*. Officially sponsored agreements are reached in the world of governments (track one), but for those agreements to bear fruit, peacemaking needs to involve middle-level leaders and the ordinary citizens of the respective societies (track two). Such strategies have been based on the premises of social psychology, which views identity disputes in terms of *inter-societal processes*, involving the attitudes of respective societies, not just top leaders engaged in power politics.<sup>74</sup>

From the perspective of conflict resolution theory, the Israelis and the Palestinians have been involved in a protracted identity conflict of existential character, where the recognition of the other side's identity has been judged to be incompatible with one's own security and national survival. Such identity disputes are difficult to resolve not only because of a lack of good substantive solutions—or the question of how to divide the disputed lands—but also because of the deep psychological obstacles to peace. Deep mistrust and the presence of stereotyped *enemy images* often preclude a possibility of positive change and tend to perpetuate the conflict.<sup>75</sup> Thus, from the perspective of conflict resolution theory, it is not enough to manage identity disputes, but one must also seek to resolve them by the techniques of conflict resolution.<sup>76</sup>

The governments are usually concerned with *conflict management* or *mitigation*, aimed at containing and reducing violent conflicts by sponsoring cease-fire agreements

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<sup>74</sup> Kelman, "The Interactive Problem-Solving Approach," 501-519; John Paul Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse, N.Y.: Syracuse University Press, 1995); John Davies and Edward (Edy) Kaufman, *Second Track/Citizens' Diplomacy: Concepts and Techniques for Conflict Transformation* (Lanham, Md.; Boulder, Colo.; New York; Oxford: Rowman and Littlefield Publishers, 2002). See, in particular, Edward Azar, "Protracted Social Conflict and Second Track Diplomacy," 15-30; John W. McDonald, "The Need for Multi-Track Diplomacy," in *Second Track*, ed. Davies and Kaufman, 49-60.

<sup>75</sup> Stein, "Image, Identity, and Conflict Resolution," 93-111.

<sup>76</sup> See references to Stein, Kelman, Lederach, Azar, and McDonald in the two preceding footnotes.

and peace settlements.<sup>77</sup> *Conflict resolution*, on the other hand, is a broader term suggesting that the underlying issues animating conflicts have been resolved.<sup>78</sup> This situation may eventually lead to *conflict transformation*, as disputants transform their previously negative relationship.<sup>79</sup> A *peace settlement*, which falls within the domain of conflict mitigation, refers to the “behavior change” and the end of a violent conflict; on the other hand, *conflict resolution* usually engages unofficial actors and implies “internalization,” or “a more profound change, of underlying attitudes as well as behavior.”<sup>80</sup>

Since the hard cases of communal and identity disputes are fraught with psychological obstacles and do not permit an easy separation—calling instead for some form of peaceful coexistence (i.e., sharing the common, narrow space in the Middle East or Bosnia)—conflict resolution theory insists on the attitude changes within respective societies and mutual reassurance. In other words, conflict resolution theory cannot imagine the transformation of deadly identity disputes by separating the substance of the peace settlement from the *processes* of conflict resolution aimed at the reshaping of identities and accomplishing inter-societal reconciliation.

Nonetheless, the end of the Cold War led to the emergence of coercive peacemaking, bringing into question some of the essential premises of traditional conflict

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<sup>77</sup> Miall, Ramsbotham, and Woodhouse, *Contemporary Conflict Resolution*, 21.

<sup>78</sup> Ibid. As pointed out by Miall et al., the term “conflict resolution” can be ambiguous because it refers to several concepts: (1) field of knowledge and theory; (2) actual processes of transforming violent conflicts; (3) the end result of such processes (i.e., conflict transformation).

<sup>79</sup> Ibid.

<sup>80</sup> Jeffrey Z. Rubin, “Some Wise and Mistaken Assumptions About Conflict and Negotiation,” in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin (Cambridge, Mass.: Program on Negotiation at Harvard Law School, 1995), 3. It should be noted that “solution” or “resolution” are often used instead of “settlement.” This study sometimes follows this practice (e.g., in statements such as ‘peacemakers are looking to impose a quick resolution’—instead of ‘a quick settlement’), because it follows official or unofficial statements that confuse the two terms or use them interchangeably. However, speaking from the point of view of conflict resolution theory, “resolution” and “settlement” are two different things, as evident from the definitions given above.

resolution theory as outlined above. The chief differences would be the promotion of coercion, early intervention, and a normative or moral order in disregard for disputants' needs, willingness to settle down, and ownership of a peace process. The focus of peacemakers would be shifting away from the concerns with disputants' needs and the support for local processes that engage respective societies in reconciliation in order to bring about sustainable peace. Instead, there would be an increasing emphasis on the "will of international community," "emerging community norms," and coercion aimed at the top leadership.<sup>81</sup>

Correspondingly, the peacemakers would increasingly get involved in the disputes without being able to help disputants resolve their differences. Moreover, the lack of a sustainable peace settlement would impede their disengagement from the conflict area and would lead, instead, to a protracted involvement.

During the Cold War period, conflict resolution theory was concerned with the timing of mediation, believing that early efforts could be counterproductive, for the disputing parties might still be engaged in seeking victory rather than contemplate reconciliation. However, the post-Cold War period saw the affirmation of the opposite idea: *early intervention* and *conflict prevention*. Initiated by Boutros Boutros-Ghali's *Agenda for Peace*, the idea was subsequently developed by a number of scholars, most particularly Michael Lund. The proponents argued that the international community

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<sup>81</sup> In her article "Conflict Resolution Versus Democratic Governance," Baker outlines two different approaches to peacemaking (see in particular her table 'Peacemaker Profiles,' p. 567). Baker contrasts "conflict managers" with "democratizers." The former (i.e., 'conflict managers') have an "inclusive approach," emphasize "reconciliation" and a "process," wish to incorporate "particular norms and cultures of the societies in conflict," and believe that third parties should be "politically neutral." "Democratizers," on the other hand, insist on "exclusive approach" (i.e., excluding 'bad guys' from the peace process), emphasize "justice" and the "outcome," insist on "moral accountability" and "universal norms endorsed by the international community," and reject neutrality of third parties. Even though this study's idea of coercive peacemaking does not correspond exactly to Baker's "democratizers" peacemaker profile, Baker's article is one of the key articles that influenced the development of the central thesis of this study, as acknowledged specifically later.

should intervene before major violence in order to settle disputes peacefully because it would be more difficult and costly to settle disputes later.<sup>82</sup>

The introduction of the idea of conflict prevention did not pass without challenge: the opponents of conflict prevention warned that conflicts can act as “catalysts” for the necessary change and that early intervention—before disputants seem ready to settle down—might eventually lead to lengthy third party engagements.<sup>83</sup> Yet even though some critics warned of the possible drawbacks of conflict prevention, the idea of early intervention and conflict prevention won out as both desirable and viable.<sup>84</sup>

The idea of *coercion* seemed the natural accompaniment to the idea of conflict prevention. The willingness to settle down usually occurs after the disputants have re-examined their policies, typically after incurring some costs that bring into question the pursuit of unilateral solutions or victory. Thus, an early intervention would most likely come at the time when disputants would still be committed to their high-stake positions, thus necessitating coercive strategies to bring about an early peace settlement.

Traditional conflict resolution theory saw mediation in terms of peaceful processes aimed at reaching an agreement acceptable to all. But the new interventionism accepted the validity of *coercive mediation* and a *mediator with a muscle*, who can

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<sup>82</sup> UN, Boutros-Ghali, “An Agenda for Peace,” 46-51; Michael S. Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy* (Washington, D.C.: United States Institute of Peace, 1996). See also Miall, Ramsbotham, and Woodhouse, *Contemporary Conflict Resolution*, 16.

<sup>83</sup> Stephen John Stedman, “Alchemy for a New World Order: Overselling ‘Preventive Diplomacy,’” *Foreign Affairs* 74, no. 3 (May/June 1995): 14-20. For response to Stedman’s article, see Lund, “Underrating Preventive Diplomacy.” See also Stephen John Stedman, “The New Interventionists,” *Foreign Affairs* 72, no. 1 (1993): 1-16.

<sup>84</sup> For example, the idea of conflict prevention underpinned the Rambouillet diplomacy; however, coercive diplomacy failed and led to the NATO war over Kosovo. For arguments in favor of conflict prevention, see Lund, *Preventing Violent Conflicts*; Michael E. Brown and Richard N. Rosencrance, eds., *The Costs of Conflict: Prevention and Cure in the Global Arena* (Lanham, Md.: Rowman and Littlefield Publishers, Carnegie Commission on Preventing Deadly Conflicts, 1999); Fen Olser Hampson and David M. Malone, eds., *From Reaction to Conflict Prevention: Opportunities for the UN System* (Boulder, Colo.; London: Lynne Rienner Publishers, 2002); Paul van Tongeren, Hans van de Veen, and Juliette Verhoeven, eds., *Searching for Peace in Europe and Eurasia* (Boulder, Colo.; London: Lynne Rienner Publishers, 2002).

reward or punish disputants and thus exert pressure for a peace settlement against the disputants' will.<sup>85</sup>

Moreover, it seems logical that coercive peacemaking would need to be tied to the idea of international involvement at all stages of dispute. For example, if disputants seem unwilling to settle down and embrace the agreements proposed by international mediators, then it follows that coercive peacemaking should continue as coercive nation-building in the post-settlement phase, when disputants would most likely challenge the terms of settlement they believed unacceptable. Hence, forceful strategies conceived across the spectrum of conflict became the essential element of the broadly conceived peacemaking process, from early intervention to sustained international presence in the aftermath of imposed peace settlements.

Accordingly, in *Agenda for Peace*, Boutros Boutros-Ghali affirms peacemaking as a forceful, broadly conceived activity that includes everything from "preventive diplomacy" to "post-conflict peace building."<sup>86</sup> Scholars now began to offer detailed prescriptions complete with sets of instruments and procedures for international involvement at all stages of a dispute.<sup>87</sup>

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<sup>85</sup> The example was Richard Holbrooke who pressured the Bosnian parties into the Dayton Agreement through various diplomatic, economic, or military measures. For "mediation with muscle" in theory and practice of conflict resolution, see Jeffrey Z. Rubin, "Conclusion: International Mediation in Context," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin's Press in association with the Society for the Psychological Study of Social Issues, 1992), 255-256, 267-268; Saadia Touval, "The Superpowers as Mediators," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin's Press in association with the Society for the Psychological Study of Social Issues, 1992), 232-248.

<sup>86</sup> UN, Boutros-Ghali, "An Agenda for Peace." See also comment in footnote no. 1.

<sup>87</sup> For conflict prevention, see the previous references, particularly to Lund, *Preventing Violent Conflicts*. For post-conflict peace building, see Niel J. Kritz, "The Rule of Law in the Postconflict Phase: Building a Stable Peace," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 587-606; Nicole Ball, "The Challenge of Rebuilding War-Torn Societies," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 1996), 607-622; Fen Osler

As previously indicated, conflict resolution theory seems to have de-emphasized coercive strategies, believing that disputants would be more willing to implement agreements that are their own and that address their underlying concerns. In other words, classical conflict resolution theory has emphasized the disputants' *ownership* of agreements as an important factor affecting the stability and sustainability of peace settlements. In contrast, coercive peacemakers emphasized coercive strategies that would impose internationally conceived compromises upon the disputants. As a result, coercive peacemakers would become *coercive post-settlement peace builders*, or peacemakers whose task would be to "implement" the imposed peace settlements.<sup>88</sup> Thus, early international involvement in a conflict would eventually evolve into *third party entrapment*--the need for a protracted engagement (e.g., in Bosnia and Kosovo) during the post-settlement phase, an engagement offering no predictable termination point.<sup>89</sup>

Traditional conflict resolution theory has shown preference for the inclusive, integrative agreements that take into account the interests of all stake-holders and reflect the particular circumstances of the local societies engaged in conflict, believing that such agreements offer greater promise for a successful, sustainable peace process. However, coercive peacemaking would bring into question this past practice. The emphasis would now shift towards *exclusive* agreements that push out "bad guys" by insisting on *moral*

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Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington, D.C.: United States Institute of Peace, 1996).

<sup>88</sup> "Post-conflict peace-building" is the term used by Boutros-Ghali in his *Agenda for Peace* (pp. 61-62), and it is the term normally used by officials and scholars. However, some conflict resolution scholars have rightfully argued that the term "post-conflict" in "post-conflict peace-building" is a "misnomer," because a conflict has not been resolved yet in the aftermath of a settlement. Consequently, these scholars have argued that it would be more appropriate to call this phase "post-settlement peacebuilding [sic]." See Miall, Ramsbotham, Woodhouse, *Contemporary Conflict Resolution*, 189. This study prefers to use "post-settlement peace-building," "coercive peace-building," or "coercive nation-building," rather than "post-conflict peace-building." However, because of the widespread usage of the latter term, all four terms can be found in this study, and all four have more or less the same meaning.

<sup>89</sup> For third party entrapment, see Jeffrey Z. Rubin, "Caught by Choice: The Psychological Snares We Set Ourselves," *The Sciences* 22, no. 7 (1982): 18-21.

*accountability* and purported *universal norms* endorsed by a self-appointed group of states presenting themselves as the “*international community*.”<sup>90</sup>

Thus, the proponents of a forceful policy towards Bosnia argued that the European actions aimed at negotiating the Bosnian peace were the “appeasement of aggression” and reminiscent of Chamberlain’s peace negotiations with Hitler.<sup>91</sup> It was argued that, instead of negotiating with the Serbs, the “proper policy would have been to press the Serbs, by force if necessary, to stop using war and ethnic cleansing and to negotiate a fair settlement with their Muslim adversaries after a lasting cease-fire had been imposed.”<sup>92</sup> That “fair” settlement could then only be a single, “multiethnic” Bosnia. Anything else would violate the alleged legal or moral norms: peaceful change of borders, non-violable internal borders now declared as international borders, and the denouncement of “nationalism” and “racism” that wanted to partition Bosnia.

Even though the emphasis was on reconciliation and inclusive agreements, traditional conflict resolution theory has not viewed human rights and justice as necessarily conflicting with conflict management and resolution. The predominant view has been that for a stable peace to take hold, there must be some acknowledgment of past wrongs, particularly in the case of communal disputes. Yet, what has been important is that such moves rest on the will of constituencies and repose on local practices. In other words, conflict managers would recognize the need for change in the underlying societal attitudes that had contributed to the conflict; however, their emphasis has been on inter-societal reconciliation and public acknowledgement rather than on judicial processes

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<sup>90</sup> Compare to “democratizers” in Baker, “Conflict Resolution Versus Democratic Governance,” 564-569.

<sup>91</sup> Stanley Hoffmann, “Appeasement Again: Like Ethiopia, Like Czechoslovakia,” *International Herald Tribune*, 6 December 1994. See also Stanley Hoffmann, “Yugoslavia: Implications for Europe and for European Institutions,” in *The World and Yugoslavia’s Wars*, ed. Richard H. Ullman (New York: Council on Foreign Relations, 1996), 97-121; see, in particular, pp. 117-119.

<sup>92</sup> Hoffmann, “Appeasement Again.”

controlled by the “international community.” As South Africa has demonstrated, in order to build a new, integrated society, the formerly repressed majority, now in the position of the ruling majority, decided it was necessary to extend a hand to former foes and offered amnesty in exchange for the admission of past wrongs.<sup>93</sup>

In contrast to the South African model, coercive peacemaking has taken a radical step forward. The pursuit of moral accountability no longer rests upon the will of local societies for reconciliation; non-judicial local processes and public acknowledgement do not seem enough. In fact, even local criminal procedures do not satisfy the requirements of the “international community.” Instead, international criminal law with newly created precedents is now being applied to the Balkan societies, often in violation of what is legal under domestic jurisdictions of these states.<sup>94</sup> This latter practice is in sharp contrast to how similar acts are being treated in other parts of the world (e.g., no pursuit of moral accountability in the Israeli-Palestinian dispute). It is possibly contrary to the stated goal of buttressing the fragile democracies emerging from the war, as the local people

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<sup>93</sup> Compare to Baker, “Conflict Resolution Versus Democratic Governance,” 567-569. Baker does not seem to differentiate between, on one hand, non-judicial processes in South Africa—which she places under “democratizers” model—and, on the other, judicial processes in Hague controlled by international community. The author of this study thinks that the two processes are radically different, with the former relying on societal will for reconciliation and local processes, as opposed to the Hague-based International Criminal Tribunal for the Former Yugoslavia.

<sup>94</sup> For example, Croatia considers the 1995 military operation “Storm” as a legitimate operation aimed at restoring Croatia’s sovereignty on its entire territory, in accordance with the UN General Assembly resolution 49/43 (more details in Chapter Four). Zagreb, therefore, prosecutes the Croats indicted for violations of laws of war by charging them with specific violations (e.g., unlawful killing) during, in the eyes of Zagreb, a legitimate military operation. On the other hand, the Hague Tribunal views the operation as the one aimed to expel the Serbs and wants to prosecute the top level Croats, including some already tried and imprisoned by the Zagreb government (e.g., General Norac). The Tribunal bases its indictments on the broadly understood command responsibility and wants to indict the Croat generals for the “deportation” of the Serbs without the evidence of forcible eviction, and even though the flight of the Croatian Serbs had its parallel in the Kosovo events: the Kosovo Serbs fled when NATO and UN were to replace the Serbian structures in Kosovo. Furthermore, the maximum sentence in Croatia is twenty years, while the Tribunal can give sentences up to 46 years. Therefore, it follows from the above that there has been little support for the local processes, even when the states concerned seemed to be willing to come to terms with the past violations of the laws of war. For more details, see Chapters Four and Eight.

experience high-level indictments and international trials as unwarranted exercise of international power politics disassociated from judicial processes and objectivity.<sup>95</sup>

Third party intervention in identity or communal disputes has been contemplated in terms of both conflict management, aimed at producing a peace settlement, and conflict resolution, aimed at changing underlying societal attitudes. However, while this classical approach to protracted identity disputes has emphasized the techniques of conflict resolution (e.g., informal citizens' initiatives), coercive peacemaking would focus on forcing leaders into internationally approved peace settlements. This sole focus on the coercive techniques of conflict management would bring about several surprises for coercive peacemakers: as demonstrated by this study, basic order and stability could and would be imposed, but "peace refugees" and ethnic polarization would result as well. Without societal reconciliation and the mutual reassurance of the disputants, the so-called "reverse ethnic cleansing" would promote the flight of Serb civilians following the departure of the Serb armies and administrations from Croatia, Bosnia, and Kosovo.<sup>96</sup>

Overall, the processes resulting in negotiated settlements would now be de-emphasized, leading to a disregard for how an agreement has been reached and whether it takes into account the disputants' legitimate interests. Instead, the *substance* of the

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<sup>95</sup> The Hague Tribunal appears less interested in specific violations of what are traditionally considered norms of international humanitarian law, than it is in making political statements that condemn local "warlords" and affirm the legitimacy of coercive peacemaking. For example, the Tribunal has indicted high-level Serbs for dividing Bosnia, ignoring the fact that European negotiators promoted Bosnia's division and even threatened disputants who refused to support such peace plans. In addition, the Tribunal has also indicted high-level Croats for expelling the Serbs despite the lack of evidence of forceful deportation, while disregarding that the NATO intervention also led to the circumstances that facilitated the flight of the Kosovo Serbs. If norms of international law were truly applied to high-level Serb and Croat indictments, then a truly impartial Tribunal would need to prosecute European diplomats for negotiating the division of Bosnia or to indict top Western officials for failing to provide for the Kosovo Serbs' security and thereby facilitating their flight from Kosovo. For more details, see Chapters Four and Eight.

<sup>96</sup> As a result of Sarajevo's unification under the Bosniak (Bosnian Muslim) leadership—as envisaged by Dayton—about 100,000 Serbs fled from the previously Serb-held areas of Sarajevo. Carl Bildt, who was at that time High Representative for Bosnia-Herzegovina, called these Serb refugees "peace refugees"—a term adopted by this study as well. See Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 194-198.

agreement would become more important than the processes of conflict management and resolution. Legitimacy, as understood by coercive peacemaking, does not repose on the needs, interests, or support of the local societies engaged in a dispute. Instead, coercive peacemaking claims its legitimacy from the following: first, the purported international “norms” promoted in the alleged interest of peace and stability, and, second, the support of a few powerful Western states claiming to represent the “will of the international community.” Thus, the overall focus has shifted away from the disputants’ “ownership” of a peace process and, therefore, away from self-sustainability, eventually leading instead to the situation of third party entrapment.

Not all conflicts in the post-Cold War period have been subject to coercive peacemaking, as evident from a brief comparison between the post-Cold War management of the disputes in Mozambique and the Middle East, on the one hand, and those in the former Yugoslavia, on the other.

As the Cold War was ending, there emerged a regional and international context in support of ending the Mozambican protracted dispute between its Marxist-oriented government (FRELIMO) and the rebels (RENAMO). Exhausted by a twenty-year conflict, both sides were willing to re-evaluate their initial, high-stakes policies and welcomed the mediation by the Community of Sant’Egidio, a Catholic charity. The disputants identified their own peace formula: FRELIMO was to give up its idea of a communist, single-party state, while RENAMO would end fighting and argue for its cause within the Mozambican institutional system. Once the disputants agreed on their

own blueprint for peace, UN deployed a peace-keeping force to help oversee the process towards multi-party elections.<sup>97</sup>

Mozambique was a peace process owned by the disputants, who agreed on an all-inclusive, integrative peace formula that addressed the needs of both sides and showed their will for reconciliation. The insurgency that had been known as the “Khmer Rouge of Africa” was not excluded from the agreement, but was instead helped to transform itself, with the financial support of Italy, into an opposition party. Its leader was not indicted, but instead took on the role of an opposition figure in a new Mozambique.<sup>98</sup>

The Middle East peace process has been more complicated than the Mozambican one because the Israeli-Palestinian dispute is an identity conflict fueled by existential fears, rather than a conflict over the form of government that was fueled by the ideological divisions of the Cold War (the case of Mozambique). The Oslo Agreements were the product of the informal negotiations conducted by private citizens and facilitated by Norway, a neutral Scandinavian state having neither power nor a vested interest to impose a particular solution upon the disputants.<sup>99</sup> Since then, the peace process has had its ups and downs but, overall, there has been a lack of international will to impose a peace settlement, even though the conflict does constitute a threat to international peace and security. No outside power wishes to step in to enforce the separation of the two peoples, while any UN resolution that might condemn Israel and impose a minimum international presence has been blocked by the United States.

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<sup>97</sup> For the Mozambican peace process, see Cameron Hume, *Ending Mozambique's War: The Role of Mediation and Good Offices* (Washington, D.C.: United States Institute of Peace, 1994); Richard Synge, *Mozambique: UN Peacekeeping in Action, 1992-1994* (Washington, D.C.: United States Institute of Peace, 1997).

<sup>98</sup> *Ibid.*

<sup>99</sup> See the previous references to the Oslo Agreements, in particular Lieberfeld, “Small is Credible.”

Furthermore, in contrast to the international positions taken with respect to disputants in the former Yugoslavia, no serious calls have been made in support of a single state, or “multiethnic” Israel/Palestine, based on the return of displaced Palestinians to their homes. This contrasts with third party efforts at social engineering in Bosnia, justified as necessary to regional peace and stability and reflecting “emerging international norms.” Nobody believes that the Middle East peace process would profit from efforts to replace top leaders by establishing a war crimes tribunal. Instead, Ariel Sharon is considered a respected Western statesman despite his role in the Shabra and Shatila massacres, while Yasser Arafat is a Nobel Peace Prize winner, despite his previous active support for terrorism and his current passivity in response to acts of violence against Israeli citizens.

These differences in attitudes towards conflict management in the post-Cold War period indicate how much the concept of peacemaking is now changing within the areas where the aspiring regional institutions, such as NATO and EU, seem to be concerned about “norms” in their “backyard.” Thus, the “norms” would appear to be more about the affirmation of regional powers’ authority over weak states falling within their spheres of influence than about imposition of adherence to universally valid norms.

### **Towards a World of Order, Justice, and Stability?**

*Coercive Inducement* demands the forceful implementation of “community norms and mandates vis-à-vis all the parties to a particular crisis.”<sup>100</sup> According to the authors, “Should implementation harm a party’s conception of its interests, the contingent should make clear that it is guided by the mandate and not by any predisposition to favor

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<sup>100</sup> Donald C. F. Daniel and Bradd C. Hayes with Chantal de Jonge Oudraat, “A Practicable Middle Option and Associated Principles,” in *Coercive Inducement and the Containment of International Crises* (Washington, D.C.: United States Institute of Peace, 1999), 21-39; see, in particular, pp. 22-23, 31.

or harm any of the disputants.”<sup>101</sup> This assumes that the international community would eventually win over the local population because it would maintain “its strategic impartiality” by offering “widely acceptable political and economic solutions” that would isolate “extremists from rational centrists.”<sup>102</sup>

The idea that underpins coercive peacemaking has been that there exists an “objective” international community with “neutral” solutions based upon universally acceptable “norms” that would eventually be embraced by the disputants as “reasonable” solutions. However, there are several problems with this reasoning, which are also related to the subsequent difficulties encountered by coercive peacemakers.

First, a stable peace repose on the fulfillment of disputants’ needs. What if said “norms” do not or cannot meet the disputants’ needs? What if the “community norm” is a single Bosnia, but the relationships between disputants had deteriorated and the absence of reconciliation, therefore, precludes a unified country? What if the disputants remain committed to high-stake positions and cannot acknowledge the other side’s needs and thus embrace “reasonable” compromises? Is a “community norm” more important than a sustainable peace that should meet the disputants’ needs and might demand some separation rather than a unified, “multiethnic” Bosnia?

Second, what is a “community norm”? Does it repose on any customary rules of international law, on a regional custom accepted as law, or on some universally accepted moral values? If they form a part of international law or morality that the international community feels obliged to respect, the “community norms” would need to apply to all states equally or be imposed impartially upon different conflicts around the world.

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<sup>101</sup> Ibid., 31.

<sup>102</sup> Steele, “Securing Peace for Humanitarian Aid?,” 69.

As evident from this study, “community norms” often reflect either desirable political solutions or the perceived need to validate the intervention policies in order to maintain the credibility of the intervening states. A single, “multiethnic” Bosnia to which the refugees would return may seem a desirable, humane solution, but it does not reflect any legal or moral norm. The facts are these: such difficult identity disputes have usually been managed through separation; furthermore, as long as the United States does not promote the Palestinian return to a single, “multiethnic” Israel, it is difficult to argue that the U.S. Bosnia policy reflects universal norms.

Furthermore, the rules of law provide less regulation of internal disputes and cannot provide political solutions as suggested by proponents of a new world order based on coercive peacemaking. If violence breaks out in the former Yugoslavia, the conflict is an internal one in terms of our traditional understanding of international law. It should be, therefore, up to the parties themselves to determine new borders. Any forceful outside interference that would determine new borders is illegal according to our traditional understanding of international law, an understanding which permits limited interference only when pursued either for narrowly understood humanitarian reasons or for the sake of international peace and security, and then only if authorized by the UN Security Council. Because the principle of respecting the existing borders in Europe (Helsinki Final Act) applies to sovereign states, not to sub-state entities (i.e., republics of former Yugoslavia), it is in reality difficult for outsiders to determine where the borders should be if the internal borders are disputed.

The world has been outraged by the “aggression” against Bosnia; however, it is also possible to argue that this opinion has put the cart before the horse. The Bosnian borders did not have the validity of international borders: they were disputed by the Serbs

who, therefore, did not believe that they were carrying out an act of “aggression” against a “sovereign” Bosnia. To be sure, a single Bosnia would have been the best solution, but the political or moral desirability of that goal should not be confused with legality. New borders are typically determined by mutual agreement between the parties concerned, not by “neutral” outside powers wishing to redraw borders in the interest of peacemaking.

Moreover, who defines these “community norms” to be imposed on the disputants? It is normally expected that states and their people should decide on the rules under which they want to live, and that the international community should not govern the internal affairs of states. Furthermore, it is contrary to the international law, order, and stability that a group of democratic states, as represented by their politicians and lawyers, have authority to define the “international” rules and apply them only to a group of “undemocratic” states. In the decentralized international system, order and predictability come out of common agreement on the rules as respected by all states—not from a situation in which the strong make the rules for the weak. The latter approach does not produce a strengthened international order. Instead, it leads to a world made unstable by unrestrained interventionism and the emergence of double standards, or imperialism.

### **The Criticism of Coercive Peacemaking**

The rise of coercive peacemaking did not pass without challenge from some policy-makers and scholars, mostly those inspired by ethnic or economic solutions. The common trait of these critics is repudiation of the moral rhetoric underlying coercive peacemaking. Against those who demanded intervention in order to uphold Western “values” in Bosnia or Kosovo, such authors would affirm that all are equally guilty, and that the Western states should not feel any special moral obligation to help the weaker

disputants.<sup>103</sup> Also, some would argue that Serb evil doing was provoked by the behavior of the other disputants and the Western powers. This tendency has been particularly strong among left-wing authors who denounce Western imperialism in the Balkans because of emotional ties to communist Yugoslavia.<sup>104</sup>

Other than the common tendency to challenge some of moral rhetoric of coercive peacemakers, the critics in question have deep conceptual disagreements on what the Yugoslav wars have been about and how the outside powers should have helped. Some would have preferred ethnic solutions; others have advocated economic solutions.

The first group of authors has offered the most popular criticism of coercive peacemaking. Most of these authors believe that, if outsiders should step in at all, they should do so in order to promote ethnic partitioning--rather than seek to save a "multiethnic" Bosnia. In the understanding of some of these authors, identity conflicts are driven by "ancient hatreds," violent history, or religious differences. The authors believe that ethnic groups that had always "hated" each other cannot live together unless coerced by another power; that artificially created mixed entities—such as communist Yugoslavia

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<sup>103</sup> While coercive peacemakers tend to ignore the crimes committed by the "good guys," in particular the Bosniaks (i.e., Bosnian Muslims), critics like Boyd draw a moral equivalency among disputants, claiming that all are equally "bad." Boyd has a point in saying that bringing peace to Bosnia involves the move away from American moral rhetoric and towards recognition of the Serb stakes in the dispute. However, his tendency to draw a moral equivalency between the large-scale atrocities committed by the Serbs, on one hand, and those committed on a smaller scale by others, offers a distorted view of reality that is not supported by facts. For a view advocating this moral equivalency among disputants, see Charles G. Boyd, "Making Peace with the Guilty," *Foreign Affairs* 74, no. 5 (September/October 1995): 22-38. For the refutation of Boyd by pro-Bosnian authors, some with sympathies for Croatia, see responses by Noel Malcolm, Norman Cigar, David Rieff, and William E. Odom, with Boyd's reply: "Appease with Dishonor: The Truth about the Balkans," *Foreign Affairs* 74, no. 6 (November/December 1995): 148-155.

<sup>104</sup> While these authors appropriately highlight international hypocrisy that seems to target the Serbs more than any other ex-Yugoslav party, it is equally important to acknowledge that these authors' criticism has not always been based upon facts or correct interpretation thereof, and that it frequently gives voice to the strategic mythmaking by the Serbian elites eager to find excuses for reprehensible acts. For example, some claimed that the American support for the "cleansing" of "Krajina" in 1995 encouraged the Serbs to deport Kosovo Albanians in 1999, disregarding the negative precedent of the Serbs' own behavior during the earlier wars in Croatia and Bosnia (1991-1995), the fact that Croatian Serbs were not forcibly deported, and also that America has continually encouraged their return. For such claims, see Noam Chomsky, *The New Military Humanism: Lessons From Kosovo* (Monroe, Maine: Common Courage Press, 1999), 32.

or present-day Bosnia--are bound to collapse in the aftermath of the withdrawal of the power that has enforced unity.<sup>105</sup>

Though this study is critical of coercive peacemaking on account of its pretense at a normative and moral order, its criticism should not be confused with the typical opinion advanced by these authors. This study does not embrace a primordialist view of the conflicts, moral equivalency among disputants, or conflict prevention through early partitioning agreements, as commonly advanced by some of these authors.<sup>106</sup> To the contrary, this study will show that such negotiations can lead to conflict escalation, as evident in the outbreak of war between Bosnian Croats and Bosnian Muslims, triggered by the negotiations conducted by Lord Owen, the chief European negotiator.<sup>107</sup>

According to this study, coercive negotiations based on the ethnic principle can lead to the abating of conflict, but only after the negotiating maps have been "tidied up" by the "ethnic cleansing" on the ground--as was the case of the Dayton peace-making. While negotiations on ethnic partitioning may not be able to prevent the outbreak of identity disputes, they can provide, nevertheless, a way of managing them, particularly after fresh violence, when lack of reconciliation makes it difficult to integrate war-torn communities. This has been confirmed in the case of Croatia 1992-1995, post-1995 Dayton Bosnia, and post-1999 Kosovo, where the conflicts have been managed through

<sup>105</sup> Robert D. Kaplan, *Balkan Ghosts: A Journey Through History* (New York: St. Martin's Press, 1993); Samuel P. Huntington, "The Clash of Civilizations," *Foreign Affairs* 72, no. 3 (Summer 1993): 22-49; David Owen, *Balkan Odyssey* (New York, San Diego, London: Harcourt Brace, 1995), 3, 31-34; Charles G. Boyd, "Making Bosnia Work," *Foreign Affairs* 74, no. 1 (January/February 1998): 42-55; Gary Dempsey, "Rethinking the Dayton Agreement: Bosnia Three Years Later," Policy Analysis No. 327 (Washington, D.C.: CATO Institute, 1998, photocopied); John J. Mearsheimer, "The Case for Partitioning of Kosovo," in *NATO's Empty Victory: A Postmortem on the Balkan War*, ed. Ted Galen Carpenter (Washington, D.C.: Cato Institute, 2000), 133-138; John J. Mearsheimer and Stephen Van Evera, "Hateful Neighbors," *New York Times*, 24 September 1996; Robert A. Pape, "Partition: An Exit Strategy for Bosnia," *Survival* 39, no. 4 (Winter 1997-98): 25-28.

<sup>106</sup> See Owen's *Balkan Odyssey*, an account written by a European negotiator who tried to negotiate Bosnia's division. See in particular p. 33, where Lord Owen argues that an early partitioning agreement would have prevented the war in the former Yugoslavia. For a criticism of Owen's strategy, see Chapter Five, which deals with the failure of the Vance-Owen Peace Plan.

<sup>107</sup> For more details, see Chapter Five.

partitioning. In other words, early negotiations on ethnic partitioning are not more benevolent than coercive peacemaking that aims to prevent or reverse Bosnian division.

The second group of authors critical of coercive peacemaking includes those who rely on economic criticism or who propose economic solutions. These authors think that the sources of the Yugoslav disputes lie in economy, that the Western powers bear responsibility for the Yugoslav break-up, and that the peace prospects lie in economic revival and reintegration.<sup>108</sup> Included here are also some leftist and Marxist thinkers, who denounce the claim that human rights can take over sovereignty and dismiss humanitarianism as a ploy invented by America to rule the world.<sup>109</sup>

The underlying assumptions of the authors who focus on economy are that the quarrelsome Serbs, Croats, and Slovenes would forswear conflict in exchange for economic incentives; that the rich West has an obligation to subsidize the Balkan

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<sup>108</sup> For this unifying trait of the authors in this second group, see Tariq Ali, "After the War," introduction to *Masters of the Universe? NATO's Balkan Crusade*, ed. Tariq Ali (London, New York: Verso, 2000), xvii. In the aftermath of the Kosovo war, most of these authors published their opinions within the following two collections: Tariq Ali, ed., *Masters of the Universe? NATO's Balkan Crusade* (London, New York: Verso, 2000); Philip Hammond and Edward S. Herman, eds., *Degraded Capability: The Media and the Kosovo Crisis* (London; Sterling, Va.: Pluto Press, 2000). The authors in question include Peter Gowan and Ali Tariq, both working on editorial boards of *New Left Review*; a noted British playwright Harold Pinter; some left-wing European and Russian politicians; and Noam Chomsky (*New Military Humanism*), a Marxist who has always made a point of denouncing American capitalist imperialism and has criticized the NATO Kosovo intervention. See also Michael Parenti, *To Kill a Nation: The Attack on Yugoslavia* (London, New York: Verso, 2000). Even though their works do not rely on the anti-American rhetoric typical of the majority of the left-wing authors in this group, Susan Woodward and David Chandler have published together with this group of authors within the collective works referenced above. Both authors share, with the above mentioned authors, similar assumptions about the (economic) sources of the conflict and offer similar prescriptions for conflict management, again focusing on the economy and regional integration. See, e.g., Benn Steil and Susan L. Woodward, "A European 'New Deal' for the Balkans," *Foreign Affairs* 78, no.6 (November/December 1999): 95-105. For their books, see Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings, 1995); David Chandler, *Bosnia: Faking Democracy After Dayton* (London; Sterling, VA: Pluto, 1999). Woodward and Chandler are quoted, and their ideas sometimes criticized, in the later chapters. However, except for sharing some of Chandler's concerns about post-Dayton Bosnia (Chapter Seven), the observations of this study have little in common with the criticisms of most of the authors cited in this footnote.

<sup>109</sup> See, e.g., Tariq Ali, "NATO's Balkan Crusade," in *Masters of the Universe? NATO's Balkan Crusade*, ed. Tariq Ali (London, New York: Verso, 2000), 345-359, in particular, p. 359; Chomsky, *New Military Humanism*, 150-157; Peter Gowan, "The War and its Aftermath," in *Degraded Capability: The Media and the Kosovo Crisis*, ed. Philip Hammond and Edward S. Herman (London; Sterling, Va.: Pluto Press, 2000), 39-55, see in particular pp. 52-54; Diana Johnstone, "Nato and the New World Order: Ideals and Self-Interest," in *Degraded Capability*, 7-18, see in particular pp. 14-17.

societies; and that Western aid can reintegrate Bosnia and, preferably, recreate Yugoslavia.<sup>110</sup> In their view, the alternatives to military interventions and international protectorates lie in offering a stable economic future and reintegration with Europe.<sup>111</sup>

Though this study believes that economic incentives are important, it disagrees with the underlying ideas of authors who emphasize economy. It is highly unlikely that the former Yugoslavs could have resolved their deep-seated differences peacefully, or foresworn identity wars in response to the Western economic incentives, regardless of the size of the economic inducement. The sources of the Yugoslav disputes lie in security and identity concerns rather than in economic troubles. The international economic assistance, though helpful, is not panacea for resolving identity disputes.

From the point of view of this study, the most valuable criticism of coercive peacemaking has come from those who have challenged its desirability or viability, arguing that this new interventionism may not manage conflicts more efficiently or lead to a better world. In this context, criticism that pointed to differing cultural perspectives or disputants' objectives seems most relevant to this study.

The critics in question argued against the notion that a determined international community, endowed with improved techniques of conflict resolution, could create a "conflict-free world." They questioned the applicability of the "top-down," "systematic," and "rational" approaches with formalized procedures and instruments to conflicts of a "subjective and emotional nature." Their criticism rightfully pointed out that "this fairly idealistic and rather mechanistic view of a new world order is contrary to the real world

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<sup>110</sup> Ali, "NATO's Balkan Crusade," 356.

<sup>111</sup> Gowan, "War and its Aftermath," 54; Steil and Woodward, "A European 'New Deal' for the Balkans," 95-105.

of crises and conflict which is chaotic, organic and *ad hoc* in nature.”<sup>112</sup> They have warned against “crusading liberal internationalism” and the idea that social science can offer clear prescriptions for outside involvement to create a peaceful world in which disputes would be effectively managed and resolved, if not prevented before they arise.<sup>113</sup>

Stephen John Stedman, in particular, has questioned the idea of early intervention and conflict prevention as a “new intellectual fad,” arguing that the real world “throughout the twentieth century [had] debunked utopians who [ignored] the importance of power, [offered] simplistic prescriptions, [endorsed] social engineering, and [privileged] themselves from scrutiny by invoking morality and science.”<sup>114</sup> He argued that “new interventionists” might get entangled in disputes without resolving them.<sup>115</sup> In Stedman’s view, civil wars have dynamics of their own: most “become amenable to settlement only after they have played themselves out with ferocity.”<sup>116</sup> He argued that the proponents of “new interventionism” do not fully understand its costs and risks, ignoring the role that conflict plays in generating the necessary societal change.<sup>117</sup>

A focus on prevention ignores the role that conflict plays in driving political change in societies. For grievances to be redressed, they must be vocalized. If they are vocalized, those with a stake in the status quo will attempt to suppress them. Often the balance of change depends on the ability of the grieved to amplify the conflict to increase their support. If we have learned anything from the disparate cases of conflict resolution in recent decades---the civil rights movement in the United States, the fight for human rights in Eastern Europe and the former Soviet Union, the fight for national self-determination in the Middle East, the fight against apartheid in South Africa—it is that some conflicts must be intensified before they are resolved.<sup>118</sup>

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<sup>112</sup> Gert de Nooy, review of *The Pursuit of Peace: A Framework for International Action*, by Andrew Cottey, *International Peacekeeping* 1, no. 4 (Winter 1994): 508-510. See also Baker, “Conflict Resolution Versus Democratic Governance,” 563-571.

<sup>113</sup> Stedman, “The New Interventionists,” 1-16.

<sup>114</sup> Stephen John Stedman, “Weird science,” Letter to the Editor, *Foreign Affairs* 75, no. 5 (September/October 1995): 191. See also Stedman, “Alchemy for a New World Order,” 16.

<sup>115</sup> Stedman, “The New Interventionists,” 8.

<sup>116</sup> *Ibid.*, 9.

<sup>117</sup> Stedman, “Alchemy for a New World Order,” 14-20.

<sup>118</sup> *Ibid.*, 20.

Thus, an idea of conflict prevention goes against the empirical evidence and the opinion that that the suspension of violence may not be desirable, let alone possible, because conflict is an instrument of the necessary change, particularly in severely asymmetric conflicts (e.g., the Palestinians versus Israel), where the strong are almost always tempted to seek resolution at the expense of the weak. In addition, the assumption is that not all conflict is necessarily bad: as catalysts of change, conflicts can help move the unstable pre-conflict societies to the situation in which the underlying issues would be addressed and a stable peace would take hold.<sup>119</sup>

Oliver Richmond has drawn attention to disputants' perspectives, which must be taken into account when the outside parties contemplate intervention. A typical Western assumption about a mediation process is that parties engage in negotiations because they have given up on their unilateral solutions: the outside party can facilitate the search for a compromise, or else use coercion to extract concessions that would enable such an outcome.<sup>120</sup> As pointed out by Richmond, this approach relies on the rational, power-based framework that assumes that "the disputants have made a choice between violent conflict and compromise, the disputants choosing the latter because victory is perceived to be out of their grasp."<sup>121</sup>

However, disputants may not negotiate in good faith: instead, argues Richmond, they may harbor "devious objectives," or engage in negotiations for reasons other than a

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<sup>119</sup> In addition to the previous citations from Stedman, see Anatol Rapoport, "Various Conceptions of Peace Research," *Peace Research Society (International) Papers XIX* (1971): 91-106, quoted in Miall, Ramsbotham, and Woodhouse, *Contemporary Conflict Resolution*, 190. See also Miall et al., 12-15. Besides the warnings of conflict resolution scholars, views about the impossibility of a peaceful change, and about violence being a generator of change, have been present in realist literature for decades. See, e.g., Edward Hallett Carr, "Peaceful Change," in *The Twenty Years' Crisis, 1919-1939: And Introduction to the Study of International Relations*, 2<sup>nd</sup> ed. (London: Macmillan, 1946; New York: St. Martin's Press, 1946; reprint New York: Harper & Row Publishers, 1964), 208-223.

<sup>120</sup> Oliver Richmond, "Devious Objectives and the Disputants' View of International Mediation: A Theoretical Framework," *Journal of Peace Research* 35, no. 6 (1998): 707-722.

<sup>121</sup> *Ibid.*, 708.

search for a peace settlement based on concessions and compromise. According to Richmond, they might negotiate, for example, in order to avoid international condemnation, find allies supportive of their respective goals, or to buy time to regroup.<sup>122</sup> In other words, the disputants accept mediation while continuing “the struggle for their [high-stake] pre-negotiation objectives...at low level.”<sup>123</sup>

In Richmond’s view, this description fits the dead-end Cyprus situation, where neither side accepted negotiation in order to resolve the problem: the Greek Cypriots have accepted the UN in order to validate their position, while the Turkish Cypriots have accepted negotiations only to mitigate international criticism.<sup>124</sup> As a result, the conflict does not end but goes on “at another, possibly less costly level,” as Cypriot disputants struggle over procedural issues without addressing the substance of the dispute.<sup>125</sup>

While Richmond wishes to redirect attention away from the mechanics of the negotiation processes to the disputants’ perspectives, arguing that mediation may not bear any fruit in case of the “devious objectives,” Christopher Clapham suggests that peace talks in the situations in which parties do not embrace reconciliation may not only be futile but also counterproductive and detrimental. The pressure to reach an agreement tainted by the values of Western liberalism, coupled with the absence of reconciliation among the disputants, ushered in an unworkable peace settlement in Rwanda. The Arusha peace settlement did not really rest on the “transition bargain”—an agreement that addressed the fundamental differences at the core of the dispute and that enjoyed the genuine support of the main disputing parties. As such, the Arusha settlement could not

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<sup>122</sup> Ibid., 707-722.

<sup>123</sup> Ibid., 708.

<sup>124</sup> Ibid., 711.

<sup>125</sup> Ibid., 720, 721.

provide the “on-going support” during the sensitive time of transition from war to peace, but instead precipitated a new round of violence.<sup>126</sup>

According to Clapham, the international community bears responsibility for the genocide in Rwanda because it had helped to sponsor an unworkable settlement that had altered the balance of power, had weakened the Tutsi minority, and had strengthened those who seemed most opposed to the negotiated agreement.<sup>127</sup> Peacemaking bears risks, argues Clapham, citing Stedman who has pointed out that more people died in Rwanda after the peace agreement than before (i.e., during the war preceding the Arusha settlement).<sup>128</sup> Rwanda, concludes Clapham, is a case where the outside intervention, in the form of mediation and the NGO involvement, worsened the dispute.<sup>129</sup>

Consequently, Clapham questions the Rwandan intervention as misguided peacemaking reflecting the cultural assumptions of interventionist societies—assumptions that derive from the Western experience of domestic stability and that seem inappropriate to the conditions of non-Western societies torn by violent conflicts:

Underlying the [Western] belief in the viability of negotiated solutions to conflicts such as that in Rwanda is the assumption that participants in the political process share a common value framework, within which differences are ultimately negotiable. This assumption does not form part of Western ‘culture’, in any deep-seated sense, and was never taken for granted in the development of Western societies themselves. When conflicts arose in which the basic values underlying the political order were contested, as for example in the religious wars of the 16<sup>th</sup> and 17<sup>th</sup> centuries, the American civil war of 1861-65, or indeed the Second World War of 1939-45, these were characteristically fought through to the victory of one side over the other, or at least to an acceptance born of mutual exhaustion that some compromise solution was required. The long period of domestic political stability enjoyed especially by the United States, and the success of the liberal democratic formula developed in the 20<sup>th</sup> century by the capitalist welfare

<sup>126</sup> Christopher Clapham, “Rwanda: The Perils of Peacemaking,” *Journal of Peace Research* 35, no. 2 (March 1998): 193-210.

<sup>127</sup> *Ibid.*, see, in particular, pp. 204, 209.

<sup>128</sup> Stephen John Stedman and Ronald Rothchild, “Peace Operations: From Short-Term to Long-Term Commitment,” *International Peacekeeping* 3, no. 2 (Summer 1996): 18; quoted also in Clapham, “Rwanda,” 193.

<sup>129</sup> Clapham, “Rwanda,” 207-209.

states, led however to the ready assumption that a constitutional formula which actually rested on a specific social and economic base, was almost universally applicable... It is certainly possible for Western liberalism to provide at least a tactical formula for improving the quality of governance in societies with socio-economic structures and historical trajectories very different from those which have underpinned the emergence of effective civil societies in the Western capitalist states. In the case of Rwanda, however, it proved to be fundamentally misconceived.<sup>130</sup>

Even if the international community had been more willing to support the Arusha peace process, it could not have implemented the agreement because there was no “transition bargain” to implement in view of the “irreconcilable contradictions between the [disputants’ respective] demands and expectations.”<sup>131</sup> The only alternative, argues Clapham, lay in “intervening decisively on behalf of one side and against the other.”<sup>132</sup>

Some of Clapham’s conclusions evoke the arguments made by a few American revisionist historians. Thus, Benjamin Schwarz argues that America has nothing to say to Bosnias and Rwandas, despite its present-day praise of American diversity, for the American stability and national unity have traditionally derived from the repression, rather than the accommodation of, ethnic differences. Schwarz thus suggests that the interventionism that seeks to foster multiethnic, civic societies out of disputed identities in disregard for their deep-seated differences reflects the hubris of Western societies that appear to have forgotten their own violent nation-building experiences, such as America’s war against the Native Americans.<sup>133</sup>

Until the Kosovo intervention, there had been little challenge to the premise of coercive peacemaking as benevolent, viable, or desirable. Besides, the events on the

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<sup>130</sup> *Ibid.*, 206-207.

<sup>131</sup> *Ibid.*, 206.

<sup>132</sup> *Ibid.*

<sup>133</sup> Benjamin Schwarz, “The Diversity Myth: America’s Leading Export,” *Atlantic Monthly*, May 1995, 57-67. For another criticism of West’s underlying assumptions of peaceful resolution of differences, see Paul E. Salem, “In Theory: A Critique of Western Conflict Resolution from a Non-Western Perspective,” *Negotiation Journal* 9, no. 4 (October 1993): 361-369. See also Kamal Shehadi, review of *Nationalism and Nationalities in the New Europe*, ed. Charles A. Kupchan, *Survival* 38, no. 2 (Summer 1996): 175-176.

ground presented little difficulty in the aftermath of the imposed Dayton agreements. The Bosnian peacemaking reinforced the idea about the overall desirability of coercive peacemaking, with authors arguing that the international community should have mustered the will to intervene earlier to end the war and should continue to remain involved to forcefully create a single, unified Bosnia.<sup>134</sup> The Bosnian peacemaking reinvigorated NATO, provided an impetus for its transformation into a crisis manager outside of the NATO territory, and paved the way for its later involvement in the Kosovo crisis, with the overall idea of coercive peacemaking remaining desirable and viable.<sup>135</sup>

It would be with the 1999 Kosovo intervention, however, that the criticism of the coercive peacemaking would grow. Though this new interventionism had already displayed its dark sides by 1999, its limits and undesirable elements had been overlooked. However, since the Kosovo peacemaking attracted public attention, the problems of coercive peacemaking could no longer be ignored. Thus, some observers affirmed that the Kosovo intervention was “a perfect failure,” having led to the opposite of what the Alliance wanted: a refugee crisis, regional instability, and strained relationship with China and Russia.<sup>136</sup> Contrary to initial expectations, the intervention failed to realize a multiethnic Kosovo.<sup>137</sup> Furthermore, it was becoming increasingly clear that the Western Alliance was being progressively drawn into deeper engagements without an exit

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<sup>134</sup> See, e.g., International Commission on the Balkans, *Unfinished Peace: Report of the International Commission on the Balkans*, with foreword by Leo Tindemans (Berlin: Aspen Institute; Washington, D.C.: Carnegie Endowment for International Peace, 1996).

<sup>135</sup> For this NATO's transformation, see Gregory L. Schulte, “Former Yugoslavia and the New NATO,” *Survival* 39, no. 1 (Spring 1997): 19-42.

<sup>136</sup> Michael Mandelbaum, “A Perfect Failure: NATO's War Against Yugoslavia,” *Foreign Affairs* 78, no. 5 (September/October 1999): 2-8.

<sup>137</sup> Tim Judah, *Kosovo: War and Revenge* (New Haven: Yale University Press, 2000).

strategy.<sup>138</sup> Thus, in the eyes of the critics, NATO accomplished an “empty victory,” despite the official affirmation that the Kosovo intervention was a “success.”<sup>139</sup>

Still others remained critical of particular aspects of the Kosovo war, though overall approving of the idea of coercive peacemaking. Thus, Ivo Daalder finds some severe faults with the military campaign, but concludes, nevertheless, that the NATO intervention was desirable because it represents “a major improvement over what had prevailed in the region up to that point and certainly over what would have happened had NATO chosen not to intervene.”<sup>140</sup>

In other words, some have believed that coercive peacemaking is desirable and improvable, even though they have pointed to the problems of miscalculation, failure to prevent a large-scale Albanian displacement, and the Western inability to create a multiethnic Kosovo in the aftermath of the Serb flight from the NATO dominated Kosovo.<sup>141</sup> Unlike Stedman, Richmond, Clapham, Schwarz, or this study, such critical voices do not deal with the evident disadvantages intrinsic to the concept of coercive

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<sup>138</sup> David Rohde, “Kosovo Seething,” *Foreign Affairs* 79, no. 3 (May/June 2000): 65-79.

<sup>139</sup> For a critical view of the intervention, see Ted Galen Carpenter, ed., *NATO's Empty Victory: A Postmortem on the Balkan War* (Washington, D.C.: Cato Institute, 2000). For a view asserting intervention's success, see Javier Solana, “NATO's Success in Kosovo,” *Foreign Affairs* 78, no. 6 (November/December 1999): 114-120. For an overview of different official and scholarly opinions, see William Joseph Buckley, ed., *Kosovo: Contending Voices on Balkan Interventions* (Grand Rapids, Mich.: William B. Eerdmans Publishing Company, 2000).

<sup>140</sup> Ivo H. Daalder and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, D.C.: Brookings Institution Press, 2000), 6.

<sup>141</sup> See Daalder and O'Hanlon, *Winning Ugly*; Michael Ignatieff, *Virtual War: Kosovo and Beyond* (New York: Henry Holt, Metropolitan Books, 2000). See also Raymond Tanter and John Psarouthakis, *Balancing in the Balkans* (New York: St. Martin's, 1999). For more arguments in favor of the Kosovo intervention, see also the legal discussion between Michael Glennon, who argued in favor of the unauthorized NATO intervention on the grounds that the UN Charter is outdated, as well as the critical responses to Glennon, which argue that it was wrong to bypass the UN, even if the prevention of atrocities was desirable: Michael J. Glennon, “The New Interventionism: The Search for a Just International Law,” *Foreign Affairs* 78, no. 3 (May/June 1999): 2-7; Thomas M. Franck, Edward C. Luck, and Walter J. Rockler, “Sidelined in Kosovo? The United Nations' Demise Has Been Exaggerated,” Response to Michael J. Glennon, Glennon replies, *Foreign Affairs* 78, no. 4 (July/August 1999): 116-122. For still another argument in favor of the Kosovo intervention, though critical of some aspects of the campaign, see The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford, New York: Oxford University Press, 2000).

peacemaking. Instead, they see its failures in terms of an improvable military strategy and diplomatic tactics, while maintaining its overall desirability and viability.

### **The Main Arguments, Methodology, and Framework of This Study**

This study intends to demonstrate that, despite some limited benefits and the underlying assumptions of its overall benevolence and desirability, coercive peacemaking as envisaged is neither viable nor benevolent or desirable. Contrary to its humanitarian, moralistic, and normative assumptions, coercive peacemaking can be detrimental, imposing costs on both disputants and third parties, while undermining international law and thereby the stability of the international system.

First, coercive peacemaking displays the limits with respect to how much the disputants can be truly coerced, while the commitments of the outside parties are generally weak. Since vital issues of security and identity are at stake and the disputants' moreover entertain very divergent perspectives, there is a little room for a compromise that would enable the limited nature of coercive strategies to bear fruit.

Second, because disputants do not contemplate reconciliation, coercive peacemaking can actually worsen disputes and make the weaker more vulnerable, despite its stated benevolence and assumptions regarding conflict prevention. The disputants do not negotiate in good faith. Instead, they engage in negotiations in order to regroup or to attract outside support for their high-stake positions: they sign agreements in order to win international good-will while continuing to struggle for their respective victories. Because the outside involvement enables the disputants to pursue their high-stake objectives, the disputes escalate simultaneous with mediation efforts undertaken under the assumption they are preventing or mitigating the disputes through early

intervention.<sup>142</sup> Moreover, the nature of third party commitments is superficial; thus, coercive peacemakers stand by or get involved with great reluctance to impose the end of violence, even though their own peacemaking may have triggered conflict escalation.

Third, there is an absence of a common framework within which differences can be freely negotiated or that would enable the third party to impose a coherent peace settlement. A lack of reconciliation precludes agreements reposing on viable compromises, while the limited success of peacemaking often leads to incoherent peace settlements that encompass the disputants' divergent perspectives, thus enabling the continuation of the same conflict at a low level.

Fourth, because conflicts are mitigated by ambiguous peace settlements, coercive peacemaking does not lead to self-sustaining peace. Instead, it results in third party entrapment, as a lack of resolution necessitates the continuous outside presence. Initially undertaken in the name of stability and values, coercive peacemaking thus evolves into coercive nation building and the creation of an imperial order that comes to be regarded by disputants as high-handed interventionism. This disregard for traditional legal norms and rules of conflict management might have led to the establishment of undesirable precedents that will make a world of conflicts more chaotic rather than more predictable and amenable to positive influence.

Finally, there are some benefits of coercive peacemaking. However, these benefits must be balanced against its costs and risks; moreover, the benefits seem to confirm that

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<sup>142</sup> This part of the study's argument has been influenced by Richmond's work regarding disputants' "devious objectives," and Richmond has been annotated throughout this study. However, it should be pointed out that though this study relies on Richmond in some elements, its argument goes well beyond Richmond's article on Cyprus. While Richmond argues that the presence of "devious objectives" can render negotiations futile by confining them to procedural issues, this study demonstrates, by using the case studies of the former Yugoslavia, how the third party's disregard for disputants' "devious objectives" can actually precipitate violence and entrap coercive peacemakers. Basically, Richmond shows how "devious objectives" can render peacemaking inefficient (in Cyprus), while this study demonstrates how "devious objectives" can make peacemaking detrimental (in the former Yugoslavia).

coercive peacemaking—as envisaged—is not a viable form of conflict management. Even though coercive peacemakers fail at conflict resolution in the absence of the disputants' will for reconciliation, they can, nevertheless, mitigate conflicts and repress violence, thereby preventing the further loss of human life and ending refugee crises.

Thus, coercive peacemaking can succeed in imposing a basic order and some stability, a limited outcome that may, in fact, be the real goal of the intervening states. However, such successes at conflict mitigation usually proceed from very different assumptions than the ones on which coercive peacemaking typically reposes. The actual successes of the peacemaking in the Balkans confirm our traditional knowledge about identity disputes: such conflicts are best managed either through enforced separation (Bosnia or Kosovo) or by helping one side to win over another (Croatia), with violence and “peace refugees” remaining the midwife of coercive interventionism in identity disputes.

For all of these reasons, this study will suggest that coercive peacemaking should not be undertaken, except in cases where exists a clear danger to international peace and security, and preferably with UN Security Council approval based upon the UN Charter and customary international law. Nothing else other than a demonstrated humanitarian emergency or a threat to international security should justify international support for solutions that are of dubious morality and legality.

This study is based on several case studies involving coercive peacemaking in the former Yugoslavia from its beginning in 1991. It is built on general theoretical literature in international law, international security, and conflict resolution theory, as well as a few articles devoted to some of the problems associated with the new, post-1990 interventionism, or coercive peacemaking. Going against the general trend that has

viewed coercive peacemaking in a positive light, particularly before the Kosovo intervention, this study argues that this form of conflict management is neither viable nor desirable, that it imposes costs on both disputants and third parties, and that both its benevolence and contribution to moral or normative order are questionable.

Though some have challenged the desirability and viability of coercive peacemaking, few have questioned it from the same perspective as this study does.<sup>143</sup> The author of this study is deeply indebted to Richmond for bringing up the problem of disputants' "devious objectives;" to Stedman and Clapham for suggesting that the new interventionism might worsen disputes and entangle third parties; to Baker for indicating an outline of two different approaches to post-Cold War peacemaking; to George and Howard for pointing to the limits of forceful solutions; to Schwarz and Shehadi for emphasizing difficulties of forging multiethnic civic societies; and to Salem for revealing the underlying cultural assumptions in the Western approaches to conflict resolution. While the works of these authors have been instrumental in developing the main ideas of this study, their works (i.e., articles) have been theoretical, have focused on other conflict areas, or have been of limited scope.<sup>144</sup>

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<sup>143</sup> See, in the previous section of this Chapter, a review of authors reposing on ethnic or economic solutions, together with this study's criticism of such authors.

<sup>144</sup> Consistent with scholarly suggestions regarding the review of literature in qualitative research, this study does not have a separate chapter on literature review concerning the research problem of this study because secondary literature or theory does not guide the inquiry of this study. In the view of John W. Creswell, it is common to use secondary literature to "frame" the research problem in qualitative studies. For more on the use of secondary literature in qualitative studies, see Chapter 2 of John W. Creswell's *Research Design: Qualitative and Quantitative Approaches* (Thousand Oaks, Calif.; London; New Delhi: Sage, 1994), 22-55. Accordingly, secondary sources are cited throughout the study, while an extensive review has been incorporated in this chapter in a manner that highlights the problems of coercive peacemaking in general. Hence, this section, which focuses on the particular arguments of this study, does not deal with secondary literature review beyond mentioning the main influences as noted in the above paragraph. All of the authors mentioned in the above paragraph have already been discussed and cited, and they will be quoted furthermore in the rest of the study. There is one more author that should be mentioned here as a notable background influence: Alfred Rubin, the author's former professor of public international law. Rubin has challenged the notion that we are moving towards a better world because of increased powers being conferred on international bodies, such as the International Criminal Tribunal for the Former Yugoslavia: Alfred P. Rubin, *Ethics and Authority in International Law*, Cambridge Studies in

This study, on the other hand, intends to provide a comprehensive, interdisciplinary study of coercive peacemaking in the former Yugoslavia. It intends to demonstrate how the mismatch between the minds of the interveners and the disputants can render peacemaking efforts inefficient, detrimental, and costly for all sides.

The purpose of this study is to explain why and how coercive peacemaking takes place and to what effect, as well as to evaluate the utility and desirability of this new form of third party intervention in identity disputes. Basing itself on primary sources, this study also explains some of the early events poorly understood, such as the peacemaking of 1991 and 1992. Thus, this study demonstrates that the problem existed well before the Kosovo intervention of 1999, or the time when the detrimental effects of coercive peacemaking became more apparent and acknowledged in secondary literature.<sup>145</sup>

It is the belief of this study that its analysis will create an understanding of the potential risks and costs of coercive peacemaking and, thus, would help formulate a better response to the public urge that something be done in the face of CNN broadcasts about impending or ongoing violent conflicts with humanitarian implications. That response, as explained in the conclusion, may be to do nothing unless there is a clear presence of a threat to international peace and security or a demonstrated humanitarian emergency, because the risks and costs of coercive peacemaking should not suggest that it is a generally desirable model of managing and resolving identity disputes.

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International and Comparative Law (Cambridge, England; New York: Cambridge University Press, 1997). However, given the respective differences in focus between Rubin and this study, Rubin has not been quoted in the paragraph in the above text, while being acknowledged as an important background influence.<sup>145</sup> Conventional knowledge insists that the conflict worsened following Germany's premature recognition of Croatia, but that is not a view that reposes on factual reality. Thus, one contribution of this study is to highlight poorly understood issues, such as the real intent and consequences of peacemaking in 1991. The author of this study also believes that failure to understand the events of 1991 and 1992 paved the way for the Western miscalculation in Kosovo in 1999. Unlike the case of the 1999 Kosovo intervention, which received considerable criticism, there is little public or scholarly awareness of how the outside involvement aggravated the conflict in 1991.

The research inquiry of this study is based on the relativist assumptions about reality and the nature of knowledge. In the view of this study, reality does not consist of objectively verifiable facts through universally applicable scientific methods, as believed by scientific positivism. Instead, the study affirms that reality does not exist apart from a given historical and social context (relativism), as well as the values of a given group of people who try to understand or judge that reality (interpretivism).<sup>146</sup> In other words, this study believes that society is not governed by universal values, but is “conflicted” and “governed by the values of people with access to power.”<sup>147</sup>

It follows from the above that knowledge is “a view from somewhere,” as any inquiry into the socially constructed reality is an inquiry from a particular viewpoint defined by its own set of social and cultural variables.<sup>148</sup> Not only do conventional knowledge and fields of study reflect the dominant (or conflicting) social and cultural values, but the inquiry of this study reflects—consciously or subconsciously--the values of its author: an objective inquiry, devoid of the values of a researcher, does not exist.<sup>149</sup>

These ideas about the nature of social inquiry have influenced this study in an important way. Given that reality and scholarship are always socially constructed, this study sometimes questions the underlying assumptions of the received knowledge, most particularly the new concepts in the field of conflict resolution and the values underlying liberal interventionism.

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<sup>146</sup> For scientific positivism, relativism, and interpretivism, see Nicholas Walliman, with Bousmaha Baiche, *Your Research Project: A Step-by-Step Guide for the First-Time Researcher* (London; Thousand Oaks, Calif.; New Delhi: Sage, 2001), 160-172.

<sup>147</sup> L. Cohen and L. Manion, *Research Methods in Education* (London: Routledge, 1994), 10-11, quoted in Walliman, *Your Research Project*, 169.

<sup>148</sup> Walliman, *Your Research Project*, 170. See also Weber’s citation and Walliman’s discussion of Weber on the same page: M. Weber, *The Methodology of the Social Sciences*, trans. and ed. by E.A. Shils and H.A. Finch (Glencoe, Ill.: Free Press, 1949), 72-81, quoted in Walliman, *Your Research Project*, 170.

<sup>149</sup> Accordingly, some authors on research design suggest that scholars openly state their possible biases, an advice that the author of this study follows (see subsequent text above). Creswell, *Research Design*, 1-16; see, in particular pp. 6, 163-164.

This study in fact represents a challenge to conflict resolution theory that views conflicts as solvable, differences as negotiable, peaceful solutions as possible, and third party intervention as benign and desirable. From the perspective of this study, such views reflect the cultural biases of Western societies that enjoy domestic stability and have resolved their most contentious differences.

As already pointed out by some researchers, the Western approaches to conflicts—usually experienced as neutral and objective—reflect the values of societies who enjoy stability at home and the dominant position in the world. Thus, Salem argues that the American conflict resolution community experiences the notion of peace as a worthwhile goal, yet this “pursuit-of-peace” value is neither neutral nor free of social and cultural biases.<sup>150</sup> According to Salem,

All successful “empires” develop an inherent interest in peace. The ideology of peace reinforces a status quo that is favorable to the dominant power. The Romans, for example, preached a *Pax Romana*, the British favored a *Pax Britannica*, and the Americans today pursue—consciously or not—a *Pax Americana*. Conflict and bellicosity is useful—indeed essential—in *building* empires, but an ideology of peace and conflict resolution is clearly more appropriate for its maintenance.<sup>151</sup>

The weak societies, the targets of Western interventionism, may have radically different viewpoints than those shared by the conflict resolution community within the dominant, intervening Western societies. From a non-Western perspective, a search for peace is not the main goal: interventionism is not valued by the degree it contributes to peace or some norm that helps maintain the order favorable to the dominant powers. Instead, the non-Western societies view the desirability of intervention from the following perspective: has the intervention helped or stifled the search for a solution to the problems that animate these societies? In short, the values underlying Western

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<sup>150</sup> Salem, “In Theory: A Critique of Western Conflict Resolution from a Non-Western Perspective,” 361-369.

<sup>151</sup> *Ibid.*, 362.

approaches to conflict resolution may not correspond to the values of the conflicted, weak societies that cannot protect themselves from unrestrained Western interventionism.

The author of this study is not an outsider to the reality she is trying to analyze. Her particular view has emerged from sharing four very different cultural and political settings (communist Yugoslavia, independent Croatia, Western Europe, and the United States). This experience may make the author more aware of the fact that behind this new interventionism rests a value system whose universality has been, inappropriately, taken for granted—a problem ignored by the Western academic community. Furthermore, the author's approach may be tainted by some values that are not shared by liberal interventionism emanating from the dominant Western societies.

For that reason, while some Western scholars find it appropriate to focus their research on how third parties can mitigate conflicts and disengage—the two points important to Western interventionist perspective--this study also wants to point out that intervention might fail to mitigate or resolve conflicts, and that it can, moreover, worsen disputes at the expense of local parties. While liberal interventionism wants to disregard or revise the UN Charter in order to make it easier for a few powerful states to pursue democracy and human rights abroad, this study cautions against unrestrained interventionism that promotes neither but can lead instead to “humanitarian imperialism.”<sup>152</sup> While some Western authors tend to applaud greater interventionism as a progressive change that is transforming our world into a better place, this study is concerned that “a good by inch can invite an evil by a yard.”

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<sup>152</sup> For the argument in favor of revising the UN Charter in order to affirm a “just international law” permitting the Kosovo intervention, see Glennon, “The New Interventionism,” 2-7. For an opposite view, see Chomsky, *The New Military Humanism*. This study falls probably somewhere in between the two opposite arguments.

According to this study, the desirability of coercive peacemaking cannot be disassociated from the existence of a clear conceptual and legal framework for greater interventionism, the absence of which can lead to the abuse of humanitarianism and the affirmation of power politics over weak states. Ultimately, an unrestrained interventionism free from accountability and control can undermine the cause of humanitarianism and create precedents that will be available to all states, whether democratic or not, to cite in justifying interventionism. The potential dangers associated with the creation of problematic precedents should not be underestimated because some of the rising regional powers do not have a self-control mechanism--unlike Western democracies, whose intervention policies are subject to public scrutiny and influence.

Given that all knowledge is indeed a “view from somewhere” and that the value systems of the dominant, interventionist societies may be conflicting with the views of the societies that are targets of intervention, the author of this study does not think that there exists a single correct view of what is in fact a multi-faceted reality.<sup>153</sup> For this reason, this study hopes to add a voice to the disunited scholarly choir on intervention in internal disputes and to contribute to the current knowledge about coercive peacemaking in the former Yugoslavia by paying greater attention to the disputants’ perspectives and the needs of the societies targeted for intervention, attention not usually found in studies written by Western authors. At the same time, this study will incorporate some points important to the Western interventionist societies, such as the fact that the conflicts have, after all, been mitigated.

Accordingly, this study does introduce some limitations to its general argument about the undesirability of coercive peacemaking. It acknowledges that it can bring open

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<sup>153</sup> See previous references to Walliman’s *Your Research Project* and Creswell’s *Research Design* regarding the nature of scientific inquiry; see, in particular Walliman, 169-170. For knowledge being “a view from somewhere,” see Walliman, 170.

violence under control and save human lives, and it does suggest certain conditions under which coercive peacemaking may be desirable, despite its risks and costs. For that reason, the central argument about undesirability of coercive peacemaking should not be understood as a hypothesis to be tested in a rigorous manner; instead, it is the central statement that helps guide a study that wishes to throw light on the problems of coercive peacemaking from a particular angle.

It also follows from the above that adopting a scientific method that pretends at objectivity by testing a hypothesis seems inappropriate. An essential element of a hypothesis is that it must be “falsifiable,” in the sense that its “testing” would lead to its clear rejection or acceptance. Such a method seems inappropriate for qualitative studies and social sciences, particularly when one believes that reality is multidimensional because it is socially constructed and subjectively experienced, and where the central argument about undesirability is being balanced by the acknowledgement that the conflicts have been mitigated, at least so far.<sup>154</sup>

Given multiple realities, the subjectivity of scholarship, and the inappropriateness of a hypothetical scientific method, the author decided to organize this study around the statements of purpose and cases studies guided by research questions, as suggested by authors on the methodology of research.<sup>155</sup> Researchers’ biases guide the framing of

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<sup>154</sup> Walliman, *Your Research Project*, 86-87, 157, 174, 179-181; Creswell, *Research Design*, 4-7, 69-78.

<sup>155</sup> Walliman gives several alternatives to scientific method focused on a hypothesis: questions, propositions, and a statement of intent. Since propositions normally focus on relationships between variables, which are not the focus of this study, the most appropriate method of investigation for this study seems to be questions and/or a statement of intent. See Walliman, *Your Research Project*, 86-87, 179-182; Creswell, *Research Design*, 70-72. The two other books that the author used in order to organize and write this study were the following: Wayne C. Booth, Gregory G. Colomb, and Joseph M. Williams, *The Craft of Research*, 2<sup>nd</sup> ed., Chicago Guides to Writing, Editing, and Publishing (Chicago, London: University of Chicago Press, 2003); Allan A. Glatthorn, *Writing the Winning Dissertation: A Step-by-Step Guide* (Thousand Oaks, Calif.: Corwin Press, A Sage Publications Company, 1998).

problems, but it is their responsibility to “determine the facts in a value-free manner once the topic and framework for the analysis have been formulated.”<sup>156</sup>

The first set of questions concerns the peacemakers, including their calculus and means used. It should be noted that the stated goals can sometimes diverge from unstated goals and assumptions, and that coercive peacemaking can include a range of different options, from diplomatic/economic sticks and carrots to imposed judicial processes (e.g., arbitration), military threats, and the actual use of force. For that reason, the first set includes questions such as: Who are coercive peacemakers? At what stage of dispute did they decide to get involved and why? What particular events spurred their involvement? What were their stated, or sometimes unstated, goals? What particular means did they use in order to ensure the fulfillment of their goals?

The second set of questions concerns disputants, including their calculus and response to the outside involvement. How disputants view the outside involvement can be crucial, for their willingness for reconciliation, as opposed to intention to buy more time or get a powerful ally for their own cause, can be an important factor determining the success or failure of third party efforts at mediation. Hence, the second part will probe questions such as: What were disputants’ stated or unstated goals and how did they hope to accomplish these? How did they view the outside involvement? Did they welcome or resist third party intervention and why? What did they hope to gain from this involvement? Or, why and how did they resist the outside involvement?

The third set of questions deals with the evaluation of the effectiveness, viability, and desirability of coercive peacemaking. It can happen that, even though the stated goals may not have been fulfilled (e.g., a ‘multiethnic’ Bosnia), the intervention brought about

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<sup>156</sup> See Walliman’s discussion of Weber and the “conciliatory approach,” in *Your Research Project*, p. 170. This approach, as suggested above, reconciles the “givens”--researcher’s biases as reflected in an analytical framework used--with the “scientific” element of impartial determination of facts.

some positive change (e.g., an end to violence). At the same time it is possible that what appears an immediate benefit of intervention (e.g., a peace settlement) also carries some detrimental side effects (e.g., so-called 'peace refugees') and, possibly, negative long-term consequences (e.g., erosion of the UN Charter or international norms). This part will answer questions such as: What were the effects of the intervention? Was it successful? What were the reasons for its success or failure? How effective was third party intervention in accomplishing the stated or unstated goals of coercive peacemakers or disputants? What were the immediate benefits or costs? What were the long-term positive or negative consequences of the intervention? Does it provide a desirable model of intervention that can or should be replicated?

Though the case studies themselves do not reiterate these questions, the author was guided by these three sets of inquiry when writing them, in order to give the case studies focus and ensure a balance of different perspectives throughout the study.

The study is organized into nine chapters. This chapter (first chapter) provides an introduction to the study and presents its main arguments; outlines the research framework and methodology; provides an analytical overview of the rise of coercive peacemaking from the perspectives of international law, security studies, and conflict resolution theory; and presents the main scholarly arguments which support or reject this new interventionism as desirable, effective, and benevolent.

Chapter Two deals with the history and nature of identity disputes in the former Yugoslavia. Coercive peacemaking has emphasized an entrepreneurial view of the conflicts, focused on leaders' politics, and de-emphasized the profound, long-standing differences among identity groups. But it is the view of this study that the limits and risks of coercive peacemaking stem from the disputants' divergent perspectives and their

pursuit of victory, even while ostensibly negotiating under the Western pressure. For that reason, Chapter Two provides the background on the protracted disputes within the former Yugoslavia. It presents the disputants' persistent differences over borders, nationhood, and statehood, as well as their enduring feelings of insecurity, all of which contributed to their determination to pursue victory and unilateral solutions, rather than accept compromises.

Chapter Three deals with the early management of the Yugoslav crisis, a time when Europe still tried to preserve the state of Yugoslavia in some form. Instead, coercive diplomacy produced the opposite result: it precipitated the separation of Slovenia from Belgrade and it worsened the conflict in Croatia by allowing the Serbs to regroup and by encouraging the Croats to pursue independence despite the costs. Thus, coercive peacemaking "worked" in the easy case of Slovenia but aggravated the conflicts within Croatia and later Bosnia where, despite outside involvement, deep differences among the disputants persisted and the conflicts escalated.

Chapter Four shows how Europe tried to sponsor a negotiated break-up of Yugoslavia along the existing borders among the republics, by offering a plan that envisages minority rights regimes and regional cooperation (Carrington's peace plan). Yet, the European sticks and carrots failed to convince the Serbs: the peace plan failed, and the conflict escalated in Croatia. The growing violence was eventually arrested by international recognition of Croatia, but only after Croatia's territory had been divided up to the agreement of Belgrade and after Zagreb had accepted, in return for recognition, an ambiguous peace settlement that matched Belgrade's preferences (Vance's plan). This compromise also inadvertently made it inevitable that the conflict would continue, albeit at a different level. Serbia was satisfied by the UN deployment that froze the *status quo*

(i.e., Croatia's division) to Serb advantage; however, Croatia demanded that the UN helped in the implementation of the international decisions that supported its territorial integrity. The conflict was eventually settled by Croatia's military victory.

Chapter Five demonstrates, again, how an early international involvement may not help to settle differences but can instead precipitate major violence because the peacemaking efforts can play into the disputants' "devious objectives." In 1992 America recognized Bosnia, with the intention to impose a solution upon the Serbs and prevent a war over new borders. However, the Serbs escalated the conflict in order to force international mediators to accept the fact of Bosnia's partitioning from within. Therefore, the peacemakers bear a responsibility for the ensuing conflict escalation: they encouraged Sarajevo to go for independence despite Serb wishes, even though they had previously helped shift the military balance to Serb advantage by allowing Belgrade to deploy the Yugoslav Federal Army from Slovenia and Croatia into Bosnia. Moreover, a year later (1993) peacemakers urged the Vance-Owen Peace Plan upon the disputants and helped trigger the war between Bosnian Croats and Muslims, particularly within the mixed areas of Central Bosnia, areas which were supposed to be divided according to the plan. This Chapter deals with two very different international initiatives--one in support of Bosnia's unity, the other in support of its division. Yet both plans acted as trigger for violence, since there was neither reconciliation among disputants nor any agreement upon where the new borders should be. Moreover, in both cases the outside parties stood by, unwilling to step in to impose an end to the violence, even though their peacemaking efforts had worsened the existing conflicts.

Chapter Six, which deals with the Dayton peacemaking, confirms the limits of peacemaking already demonstrated by the case of Croatia and Vance's plan: that peace

settlements can be imposed after some exhaustion and by allowing disputants' to pursue victory by other means. The Bosnian Serbs succeeded in having their state recognized as a constituent part of Bosnia, while Sarajevo received formal recognition and the promise of a continuous international engagement to help rebuild a unified country. America supported a limited use of force to reverse some of the Serb territorial gains and to make the Bosnian Serbs accept the peace plans that they had previously rejected.

Chapter Seven deals with the aftermath of the Dayton peacemaking, pointing to the risks and problems ensuing from the imposition of ambiguous peace settlements and an absence of reconciliation among disputants. It is not clear whether Bosnia should unite or divide: disputants cite different elements of the agreement while pursuing their respective victories; moreover, the absence of reconciliation makes achieving the goal of a single, "multiethnic" Bosnia impossible. This situation has led to the progressive deepening of the international involvement in Bosnia, albeit under the pretext of speeding up the international disengagement by creating a "self-sustaining" country in the image of a Western multiethnic democracy. However, the result has not been a sustainable, unified, democratic Bosnia; instead, international involvement has produced third party entrapment and an international protectorate whose legitimacy is not affirmed by legal or democratic principles. Further undermining the international protectorate's viability is the fact that it is not accountable to any constituency in Bosnia. This study also argues that the situation of third party entrapment has been made inevitable by peacemakers' shifting goals. Over time, the goals have shifted from creating and preserving regional peace and stability to preserving the credibility of the regional institutions involved in the peacemaking process, as well as preserving the credibility of coercive peacemaking as a means of sustaining a normative and moral order within the international system.

Chapter Eight deals with the Kosovo crisis, confirming the same points already visible in the case of Bosnia. An early involvement can precipitate conflict escalation, while the conflict has been mitigated after some violence and by an ambiguous peace settlement. This situation creates the conditions for the eventual entrapment of coercive peacemakers. Attention has been paid to the Western miscalculation that precipitated the Kosovo war in 1999, drawing a comparison with the similar miscalculation that triggered the Bosnian war in 1992. This Chapter also deals with the issue of whether the situation might have been different if peacemakers had had a stronger sense of commitment to the well-being of disputants. It argues that the war might have been shorter, but that conflict escalation or the problems of post-settlement still might not have been avoided. These latter difficulties stem from the absence of reconciliation among the disputants—in the face of which coercive peacemaking can display severe limits and costs, despite its ability to impose a basic order and mitigate the severity of conflicts.

Chapter Nine is the conclusion to this study. It emphasizes the main arguments buttressing the claim that coercive peacemaking is not effective and can do harm, and that, therefore, its desirability is questionable, despite the limited potential benefits of ending violence temporarily and imposing a degree of stability. It briefly sums up the main cases where coercive peacemaking displayed its limits with respect to how much disputants could be successfully coerced, emphasizing the costs it imposes on both disputants and third parties: conflict escalation at the early stage, and third party entrapment and disputants' dissatisfaction at the latter stage.

Finally, one cannot ignore the risks to international stability inherent in permitting the continuing erosion of international order, risks created by establishing legal precedents that legitimize an unrestrained interventionism, even though this new

interventionism has been justified on the grounds that it preserves a normative and moral international order. In fact, the circumstances, statements and actions of the third parties participating in coercive peacemaking have often closely reflected the traditional considerations of international power politics, including the need to preserve credibility, in this case the credibility of the states and regional institutions involved as third parties. Therefore, given its limits, costs, and risks, it is suggested that coercive peacemaking should not be generally tried, except in situations of demonstrated humanitarian emergencies or situations that pose clear threats to international peace and security.

## CHAPTER TWO

### HISTORY AND NATURE OF DISPUTES IN FORMER YUGOSLAVIA

#### **Introduction**

As argued in this Chapter, underlying the disputes in the former Yugoslavia are not only struggles for power coupled with insecure ethnic identities, but also very divergent perspectives over borders, history, justice, and nationhood. These differences, which had predated the creation of the state of Yugoslavia, underpinned Yugoslavia's troubled 20<sup>th</sup> century existence and eventually led to Yugoslavia's break-up. These differences were reflected by parties' mutually contradictory objectives, whose presence precluded compromises and undermined the chances for peaceful, negotiated solutions, even if the outside parties would resort to coercion in order to impose early settlements.

The purpose of this Chapter is to provide a historical context for the Yugoslav disputes in order to offer a better understanding of the recent events as they have transpired and to help explain why coercive peacemaking as applied in the case of the former Yugoslavia has displayed the risks, costs, and limits.

The Chapter will first outline the history of the various disputes, followed by some analysis of the nature of the disputes. The intent is to show that the parties' divergent perspectives and insecure identities would eventually turn out to be the major sources of frustration for coercive peace-makers and nation-builders.

#### **Long-Standing Nationalist Perspectives and Irreconcilable Demands**

Yugoslavia, which means the "country of the South Slavs," was a 20<sup>th</sup> century creation. Though the borders of Yugoslavia encompassed ethnically and culturally

similar peoples, they were peoples who had, nevertheless, spent most of their histories divided from each other and lived under different imperial powers. The Yugoslav idea was born in 19<sup>th</sup> century Croatia, where it was believed that a South Slavic union would protect both Croatia's territorial integrity and its Slavic identity against German, Hungarian, and Italian influences and territorial aspirations.<sup>1</sup>

Croatia had always envisaged Yugoslavia as a loose South Slavic union, in which the Croats would preserve their distinct identity. Serbia, on the other hand, did not view Yugoslavia as a state that would protect the different Slavic identities that had been forged through centuries of separate histories.<sup>2</sup>

These differences in perspectives regarding the nature of Yugoslavia had been shaped by, among other factors, different historical circumstances. Unlike 19<sup>th</sup> century Croatia, which was part of Austria-Hungary, Serbia had already, in the 19<sup>th</sup> century, won its independence from the Ottomans. However, 19<sup>th</sup> century Serbia did not achieve its goal of absorbing all the areas that it viewed as part of a Serbian national territory. Thus, it remained eager to incorporate into Serbia the areas inhabited by Serbs still living under the Ottomans or the Hapsburgs--the Serbs within Bosnia, Vojvodina, and Croatia, as well as Kosovo, the cradle of Serbia's medieval statehood.<sup>3</sup>

Given extensive geographic mixing of neighboring nationalities created by the tides of history, these aspirations for a single Serbian state were destined to clash with the nationalist aspirations of other ethnic groups. The areas that Serbia considered its national territory were inhabited by non-Serb majorities—Croats, Bosnian Muslims, or Kosovo

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<sup>1</sup> Vesna Pusic, "A Country by Any Other Name: Transition and Stability in Croatia and Yugoslavia," *East European Politics and Societies* 6, no. 3 (Fall 1992): 249.

<sup>2</sup> Ibid.

<sup>3</sup> Besides Pusic, "A Country by Any Other Name," 249-250, see also William W. Hagen, "The Balkans' Lethal Nationalisms," *Foreign Affairs* 78, no. 4 (July/August 1999): 52-64, see in particular pp. 52-54, 56-58

Albanians—all of whom also wanted either to create their own national states or, later, viewed the creation of Yugoslavia as an opportunity to affirm their own respective identities independent of Serbia.

Thus, Yugoslavia was created against this background of contradictory nationalist expectations and, as argued in this study, these conflicting expectations underpinned Yugoslavia's troubled 20<sup>th</sup> century existence and eventually brought about its demise.

First, or Royalist, Yugoslavia was created after World War I. Serbia had fought on the side of the victorious Allies, who then decided to set up several new states over the ruins of the defeated empires. Belgrade regarded Bosnia-Herzegovina, Croatia, Slovenia, and Vojvodina—the lands of defeated Austria-Hungary—as the rewards of victory, and it viewed the 20<sup>th</sup> century creation of Yugoslavia as fulfillment of its goal of Serb unification. Thus, Serbia extended its own national institutions into the newly acquired lands inhabited by both the Serb minorities and non-Serb majorities, assuming that, because of linguistic and cultural similarities, the disparate peoples would eventually blend into a common Yugoslav nation.<sup>4</sup>

However, the other nationalities resisted Serbianization, attempted under the guise of Yugoslavism. The opposition was especially strong among the Croats, who had always, even under Austro-Hungarian rule, managed to preserve some measure of Croatian autonomy, including the preservation of their own Croatian Parliament. Now, as part of the newly created Yugoslavia, the Croatian Parliament was abolished by Serbia.

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<sup>4</sup> Pusic, "A Country by Any Other Name," 249-250. Even though they behaved as if Yugoslavia was their national state, the Serbs had never constituted an absolute majority within Yugoslavia. At the time of its creation in 1918, Yugoslavia had 12 million inhabitants, including 39 % Serbs (4.6 million), 24% Croats (2.8 million), 9% Slovenes (1 million), 6 % Bosnian Muslims (0.7 million), 5% Macedonians (0.6 million), 4% Germans (0.5 million), 4 % Hungarians (0.47 million), 4% Albanians (0.44 million). The figures have been taken from Banac's book and rounded off by the author of this study. See "Table 1-1. Yugoslavia's national structure, 1918," in Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Ithaca, N.Y.; London: Cornell University Press, 1984; Cornell Paperbacks, 1988), 58.

The Croats bitterly resented the imposition of the Serbian institutions and cultural identity (e.g., the Cyrillic alphabet). Furthermore, the Croat sense of insecurity was heightened by the fact that the forcible assimilation was now coming from a linguistically similar people (the Serbs)—in contrast to the traditional enemy that the Croats could better resist because the enemy was culturally very distinct (e.g., Austrian, Hungarian, or Italian).<sup>5</sup>

Thus, First Yugoslavia was a highly centralized state in which the Serbs dominated, while other national identities were repressed, sometimes brutally. Neither the Croats nor the Slovenes were happy with the situation, but the Macedonians and the Albanians experienced even worse circumstances. Macedonia was given the status of “Southern Serbia,” while Albanian-populated Kosovo was subjected to forceful Serb resettlement and Serbianization.<sup>6</sup>

Internally weakened by its nationalist disputes, the country was easy prey for the Axis powers: Yugoslavia was partitioned among Germany, Italy, Bulgaria, and Hungary. The Axis powers managed to secure a degree of local support, appealing to the nationalist and separatist sentiments. Serbia had a Vichy-style collaborationist regime, while in the territories of Croatia and Bosnia-Herzegovina, the Axis set up the Independent State of Croatia, divided into the German and the Italian occupation zones. A civil war followed, most particularly among the Serbs, the Croats, and the Muslims. This internal strife contributed to a high number of overall casualties within a country hosting several

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<sup>5</sup> For the Croat fears of assimilation by the Serbs, see Christopher Cviic, *Remaking the Balkans*, rev. ed., Chatham House Papers (London: Pinter Publishers, Royal Institute of International Affairs, 1995), 68-71. See also Banac, *National Question in Yugoslavia*, 141-153, 214-225. The Croat grievance over the status of their language will be dealt with later in this Chapter.

<sup>6</sup> For a more detailed history of Royalist Yugoslavia and its nationalist problems, see Banac, *National Question in Yugoslavia*, especially pp. 141-153, 214-225. See also Cviic, *Remaking the Balkans*, 12, 14-16, 76.

occupation armies (e.g., Germans and Italians), local collaborationist forces (e.g., Ustashi and Chetniks), and a one truly Yugoslav force (Tito's partisans) fighting them all.<sup>7</sup>

The Axis occupation and Yugoslavia's partitioning were opposed by the Yugoslav communists, led by Josip Broz Tito, a Croat communist. Starting with isolated guerilla groups, Tito eventually managed to build the Yugoslav National Liberation Army (Ynla). He also founded the Antifascist Council of National Liberation of Yugoslavia (AVNOJ), Yugoslavia's supreme political body led by the Yugoslav communists.<sup>8</sup> The AVNOJ firmly rejected Yugoslavia's partitioning:

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<sup>7</sup> For World War II on the territory of the former Yugoslavia, collaboration, and resistance, see Cviic, *Remaking the Balkans*, 16-21; see also Jozo Tomasevich, *War and Revolution in Yugoslavia, 1941-1945: Occupation and Collaboration* (Stanford, Calif.: Stanford University Press, 2001). Regarding the World War II casualties, it should be noted that the Yugoslav communists had originally inflated the number of the World War II casualties, claiming that 1.7 million Yugoslavs had been killed during World War II. However, as communism was winding down, there came several independent scholarly studies. First came a study by Bogoljub Kocovic, published in 1985, by *Nasa Rec* (Our Word), a Cold War publication produced by liberal expatriate Serbs in London: Bogoljub Kočović, *Žrtve Drugog svetskog rata u Jugoslaviji* (Victims of the Second World War in Yugoslavia), with a foreword by Desimir Tosić (London: Naše delo, 1985). Then in 1989 came a study by Vladimir Zerjavic, whose research was partly funded by the Zagreb Jewish Community Center. Using different methods and working independently, both Kocovic and Zerjavic came up with roughly similar results, confirming that the total war casualties for all Yugoslavia had been around one million. (Small differences do exist between the scholars' research methods: the figures of Zerjavic are more elevated because he investigated the Yugoslav losses abroad, in addition to those within the country.) According to Croatian scholar Zerjavic, the totals of 530,000 Serbs (487,000 according to Serbian scholar Kocovic), 192,000 Croats, and 103,000 Muslims were killed: in relative terms, 7.3% of all Serbs, 5% of all Croats, and 8.1% of all Muslims. The Yugoslav Jewish community's casualties were the highest in relative terms: about 80% of Yugoslav Jews had been killed (in absolute terms, 57,000 Yugoslav Jews). In addition, Yugoslavia lost 42,000 Slovenes; 28,000 Germans (ethnic minority in Vojvodina); 20,000 Montenegrins; 18,000 Albanians; 18,000 Gypsies; 6,000 Macedonians; in addition to several thousands of other minorities. These losses refer to the total numbers of casualties for all of Yugoslavia, and include the losses due to interethnic killing as well. The figures of both Kocovic and Zerjavic are available from Vladimir Žerjavić, "The Losses of Yugoslav Population in the Second World War," in *Geopolitical and Demographic Issues of Croatia*, ed. Ivan Crkvenčić and Mladen Klemenčić, translated by Ellen Elias-Bursać et al., *Geographic Papers*, ed. Andrija Bogonar, no. 8 (Zagreb: University of Zagreb, Department of Geography, 1991), 83-107. The most recent research of Serbian scholars confirms the results reached by Kocovic and Zerjavic, respectively. See Srdjan Bogosavljević, "The Unresolved Genocide," 146-159, in *The Road to War in Serbia: Trauma and Catharsis*, ed. Nebojša Popov (Budapest, New York: Central European University Press, 2000), 146-159. See also Chapter 17, "Alleged and True Population Losses," in Tomasevich, *War and Revolution in Yugoslavia*, 718-750, as well as p. 738 for Kocovic's figures. See also later references to Jasenovac and Bleiburg.

<sup>8</sup> The AVNOJ was comprised of separate regional and national bodies, acting as the national war-time governments organized within the future federal units of Titoist Yugoslavia. For example, in case of Croatia, it was ZAVNOH, or the National Antifascist Council of National Liberation of Croatia. ZAVNOH, which included both Croats and Serbs in the Council, was responsible for organizing the resistance movement in Croatia. Relying on primary documents, Jill Irvine's work cited later (*The Croat*

On the basis of the right of every people [nation] to self-determination, including the right to secession or to unification with other peoples [nations], and in accordance with the true will of all the peoples [nations] of Yugoslavia, made certain during the three-year joint people's [national] liberation struggle which praised the inseparable fraternity of the peoples of Yugoslavia, the Anti-Fascist Council of the People's [National] Liberation of Yugoslavia [AVNOJ] passes the following:

*Decision*

1. The peoples [nations] of Yugoslavia do not recognize and have never recognized the partition of Yugoslavia by the fascist imperialists and they have proved, during the joint armed struggle, their firm will to remain further united in Yugoslavia.<sup>9</sup>

AVNOJ's clear stand on the Yugoslav unity was supported by multiple constituencies across Yugoslavia, and was reflected in the existence of the multinational Yugoslav partisans, a force willing to fight and accept high numbers of casualties.<sup>10</sup>

Tito, a Croat, attracted large numbers of Serbs. The Serbs of Croatia and Bosnia had nothing to gain from the Independent State of Croatia, because, particularly in 1941, Croatia's Ustashi leadership pursued anti-Serb policies. This factor helped to mobilize the Serbs of Croatia and Bosnia in support of the multinational Tito partisans.<sup>11</sup>

*Question*) deals extensively with the history of the Croatian ZAVNOH. Bosnia had its own antifascist council: its proclamation is cited later, towards the end of this Chapter.

<sup>9</sup> Yugoslavia (SFRY), Antifascist Council of National Liberation of Yugoslavia (AVNOJ), "[Decision to Create Yugoslavia on Federal Principles]," *Jajce*, 29 November 1943, Document no. 79 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 206-207. This is the introductory part to the AVNOJ's decision to create Federal Yugoslavia; the latter part is cited in the text to come. All square brackets in the titles are usually Trifunovska's choice. The word "narodi" can be translated from Serbian or Croatian into English as both "peoples" and "nations." In this context, however, the correct translation should be "nations," rather than "peoples." Yugoslavia had several constitutive nations that had joined to form Yugoslavia, and nationhood was an ethnically based concept. Therefore, the word "nation" has been added within square brackets by the author of this study.

<sup>10</sup> Overall, Yugoslavia lost 237,000 fighters on the side of Tito—not a small number considering the relatively small country that Yugoslavia was: 72,000 from Bosnia-Herzegovina, 66,000 from Croatia, 42,000 from Serbia proper, 15,000 from Montenegro, 14,000 from Macedonia, 12,000 from Slovenia, 10,000 from Vojvodina, and 6,000 from Kosovo. For the casualty figures, see Žerjavić, "Losses of Yugoslav Population," 102.

<sup>11</sup> The year of 1941 was particularly hard on the Serbs of Croatia and Bosnia. It started with the Ustashi massacres of Serbs in their villages and expulsion of the Serbs to Serbia. However, after Belgrade began to complain about the arrival of the Serb refugees, the Ustashi established a concentration camp in Jasenovac, where tens of thousand Serbs were killed by the Ustashi (see later reference to Jasenovac). By 1942, however, the Ustashi leadership in Zagreb had softened its anti-Serb policy: the Croatian Serbs were proclaimed to be "Croats of the Orthodox faith" and the Croatian Orthodox Church was founded. Such moves paved the way, under Axis sponsorship, for the Serb Chetnik cooperation with the Croat/Muslim

Others joined Tito as well, particularly after the communists began advocating national self-determination. The promise of national equality and autonomy was a big impetus for the Croats, Slovenes, Bosnian Muslims, Montenegrins, and Macedonians to join Tito's side. It is unlikely that the majority of the Croat or Muslim populace within the Independent State of Croatia would have risked their lives to actively oppose the Axis and their collaborators if they had expected that defeating the Axis occupation would only return them to another repressive state, one ruled by the Serbs.

Thus, besides attracting supporters for the reasons of their personal safety as well as for ideological reasons such as anti-fascism and communism, Tito managed to attract large numbers of fighters and civilian supporters based on his promise to re-establish Yugoslavia on new principles—as a federal state that would ensure national equality and accommodate different national identities through the creation of autonomous units, or republics, within a future federal Yugoslavia.<sup>12</sup>

Against the background of the negative experience of Serb-dominated, centralized Royalist Yugoslavia, AVNOJ proclaimed its intention to re-establish Yugoslavia as a federal state consisting of five constitutive nations and six republics:

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Ustashi. These seemingly hostile forces actually cooperated in order to defeat Tito and his solution to the Yugoslav national question. See Ivo Goldstein, *Croatia: A History*, translated from Croatian by Nikolina Jovanovic ([Montreal, Quebec]: McGill-Queen's University Press, 1999), 137-138, 144-147.

<sup>12</sup> Christopher Cviic provides the most concise and articulate explanation of Tito's national policy and Yugoslav citizens' variety of motivations for joining the ranks of Tito's anti-fascist partisans. He also offers a good historical background and the most succinct analysis on the relationship between communism and nationalism in the Balkans in general (former Yugoslavia, Romania, Bulgaria, and Albania): Cviic, *Remaking the Balkans*, 3-26. For the Serbian perspective, see the work of Aleksa Djilas, son of Milovan Djilas, the Yugoslav dissident and Tito's former comrade: Aleksa Djilas, *The Contested Country: Yugoslav Unity and Communist Revolution, 1919-1953*, Russian Research Center Studies, no. 85, Harvard Historical Studies, vol. 108 (Cambridge, Mass.: Harvard University Press, 1991); Aleksa Djilas, "Tito's Last Secret: How Did He Keep the Yugoslavs Together?," review of *Tito and the Rise and Fall of Yugoslavia*, by Richard West *Foreign Affairs* 74, no. 4 (July/August 1995): 116-122. See also the works of American scholars: Hagen, "The Balkans' Lethal Nationalisms," 52-64, especially p. 55; Jill A. Irvine, *The Croat Question: Partisan Politics and the Formation of the Yugoslav Socialist State*, with a foreword by Ivo Banac (Boulder, San Francisco, Oxford: Westview Press, 1993).

“In order to carry out the principle of the sovereignty of the peoples [nations] of Yugoslavia, and in order for Yugoslavia to present a true homeland for all its peoples [nations] and never again to become a domain of any other hegemonistic clique, Yugoslavia is building and will be built along the lines of the federal principle which will provide for full equality of the *Serbs, Croats and Slovenes, Macedonians and Montenegrins*, respectively the peoples [nations] of *Serbia, Croatia, Slovenia, Macedonia, Montenegro and Bosnia and Herzegovina*.”<sup>13</sup>

The AVNOJ decision led to the creation of federal Yugoslavia, also known as Second or Titoist Yugoslavia, or Socialist Federative Republic of Yugoslavia (SFRY).<sup>14</sup>

Its legacy is seen in each of the Yugoslav constitutions, which recognized the “right of every nation to self-determination, including the right to secession.”<sup>15</sup> That right was interpreted—within the context of Yugoslavia—as the right of respective Yugoslav nations to national autonomy within their federal units, or republics.

Titoist Yugoslavia, therefore, was not a civic-based multiethnic state in the image of the United States but, instead, reposed on a concept of national power sharing within a multinational federal state. The Yugoslav state’s legitimacy rested on the will of the several nations to exercise their sovereignty jointly and consensually. That arrangement

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<sup>13</sup> Yugoslavia (SFRY), Antifascist Council of National Liberation of Yugoslavia (AVNOJ), “[Decision to Create Yugoslavia on Federal Principles],” 207, emphasis added in italics by the author of this study. Because Yugoslavia had several “nations,” rather than “peoples,” the word “nations” had been added within square brackets in the above citation (see also the previous reference to AVNOJ). The AVNOJ decision mentioned the five nations and six republics of future Yugoslavia, as indicated by the use of italics in the citation above (emphasis added by the author of this study). The 1943 AVNOJ decision did not mention the Bosnian Muslims, for they were considered to be either Serbs or Croats, and received recognition to separate nationhood more than twenty years later. The national wartime governments and liberation armies already operated within the federal framework (i.e., there were partisan divisions from Croatia, Bosnia, Serbia, etc.). For that reason, the AVNOJ decision cited above says that Yugoslavia “is building” along the federal principles.

<sup>14</sup> The AVNOJ’s decision of 1943 is considered the founding document of the Second (Titoist) Yugoslavia. Accordingly, the coat-of-arms of Titoist Yugoslavia bears the date of the historic AVNOJ’s session that decided on the re-establishment of Yugoslavia, and it included six torches joined together, the symbol of AVNOJ’s decision to establish the six republics of the future Yugoslavia.

<sup>15</sup> For this explicit reference to the right of national self-determination in the latest SFRY Constitution, see Yugoslavia (SFRY), *The Constitution of the Socialist Federal Republic of Yugoslavia* [hereinafter, ‘SFRY Constitution,’ 1986], in *Yugoslavia*, ed. Gisbert H. Flanz, *Constitutions of the Countries of the World*, ed. Albert P. Blaustein and Gisbert H. Flanz (Dobbs Ferry, N.Y.: Oceana Publications, 1986), 29.

was meant to increase loyalty to Yugoslavia among its alienated nations and to provide reassurance against the possibility of domination of any single nation over another.<sup>16</sup>

Though the Yugoslav communists would later try to promote the concept of a civically based Yugoslav nationhood, the concept of separate, ethnically-based nationhood remained, nevertheless, firmly engrained. That situation did not only result from the communist exploitation of nationalism during their drive to seize power, but it also reflected the awareness of separate nationhoods among the nations which composed the former Yugoslavia.<sup>17</sup>

The AVNOJ's decision did not reflect the view of all Yugoslavs, as many continued to pursue anti-Yugoslav solutions. Since the Axis powers had managed to

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<sup>16</sup> In 1970s and early 1980s, the epitome of Titoist Yugoslavia became Bosnia-Herzegovina, which used to be known as "Yugoslavia in miniature." In Titoist Bosnia, all the important posts were assigned according to the "key," ensuring the equal distribution of power among the three Bosnian nations (Serbs, Croats, and Muslims). In other words, neither Titoist Yugoslavia nor Bosnia was a multiethnic state in the idealized image of the United States, with a single nation comprised of different ethnic groups unified into a single political community. Accordingly, the term "multiethnic" is inappropriate to describe either Yugoslavia or Bosnia, for both were "multinational." Being written for the American readership, and relying on some references that use the term "multiethnic," this study, nevertheless, sometimes uses the term "multiethnic" in order to refer to "multinational" Yugoslavia or Bosnia. It should be pointed out, nevertheless, that there exists a difference between "multinational" Yugoslavia or Bosnia based on national power sharing, on one hand, and civic-based multiethnic state like the United States, on the other. "Multiethnic Yugoslavia" or "multiethnic Bosnia" is in fact the American projection of its own idealized image upon the contrasting realities of Yugoslavia or Bosnia. For that reason, this study often places "multiethnic" within quotation marks when it refers to Bosnia or Yugoslavia.

<sup>17</sup> The Yugoslav communists tried to erode the concept of ethnically based nationhood by actively promoting the idea of a political Yugoslav community, or non-ethnically-based Yugoslav nationhood. They offered considerable social and political privileges to those who declared themselves as "Yugoslavs," as opposed to "Croats," "Slovenes," "Serbs," etc. Thus, a child born to a Serb mother and a Croat father living in Croatia could choose to declare himself or herself to be a "Croat," a "Serb," or simply a "Yugoslav" by nationhood/nationality (an ethnic concept), though in all three cases he or she would be Yugoslav by citizenship (a political concept). Yugoslav nationhood became a popular choice for the children born into mixed marriages. However, decades later, Yugoslavia had only 1.2 million "Yugoslavs" out a total population of 22.4 million. Therefore, according to the 1981 census, the "Yugoslavs" constituted only 5.4 % of Yugoslavia's population. The overwhelming majority of Yugoslav citizens still declared themselves to be members of distinct nations—they considered themselves to be Serbs (36%), Croats (20%), Muslims (9%), Slovenes (8%), Albanians (8%), Macedonians (6%), Montenegrins (3%), or Hungarians (2%). Thus, just as distinctive national identities had preceded the 20<sup>th</sup> century creation of Yugoslavia so would they eventually precipitate its demise. Paul Lendvai, "Yugoslavia without Yugoslavs: The Roots of the Crisis," *International Affairs* (Royal Institute of International Affairs, London) 67, no. 2 (1991): 253, see also footnote 5 at page 253. For an indication of privileges enjoyed by the "Yugoslavs" in Croatia, see Zdravko Tomac, *The Struggle for the Croatian State...Through Hell to Democracy*, translated by Z. Kos et al. (Zagreb: Profikon, 1993), 70-72.

attract support on separatist grounds from all quarters of the former Yugoslavia—from Slovenia to Kosovo--Tito had many domestic enemies in addition to external foes (Germans, Italians, Hungarians, and Bulgarians).<sup>18</sup> Nevertheless, Tito's chief domestic opponents remained the Croat/Muslim Ustashi and the Serb Chetniks.

At first, Tito's partisans cooperated with the Serbian Chetniks against the Axis powers. However, soon major differences emerged: the Chetniks wanted to limit their movement to participation by Serbs only. They did not want to re-establish Yugoslavia, but instead demanded a new state that would, under the Serbian king, unite all Serbs throughout Yugoslavia, leaving rump Croatia and Slovenia outside. Such plans of "Greater Serbia" could not fare well with Tito, who was fighting for the reconstitution of Yugoslavia on a new, federal basis that would ensure equality for the Serbs and non-Serbs alike. Moreover, Tito's partisans favored active opposition to the Axis, while the Chetniks, in order to avoid reprisals, soon stopped fighting the Axis and began cooperating with the Italian fascists. The Chetniks even cooperated with the Croat/Muslim Ustashi, spurred by their idea that cooperation with their "temporary enemy" was in the interest of their defeating the "long-term enemy" (Tito).<sup>19</sup>

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<sup>18</sup> For more details regarding the occupation and collaboration during World War II, see Tomasevich, *War and Revolution in Yugoslavia, 1941-1945: Occupation and Collaboration*.

<sup>19</sup> For the Serb Chetniks, see Goldstein, *Croatia*, 144-147, 152, 157, 199-202. Most of the historical facts mentioned by Goldstein rely upon well-established research related to Yugoslav World War II history: e.g., Fikreta Jelić-Butić, *Četnici u Hrvatskoj, 1941-1945* (Chetniks in Croatia, 1941-1945), Plava biblioteka (Zagreb: Globus, 1986); Fikreta Jelić-Butić, *Ustaše i Nezavisna Država Hrvatska, 1941-5* (Ustashi and the Independent State of Croatia, 1941-5), Monografije-biografije, no. 5 (Zagreb: Liber, 1977); Jozo Tomasevich, *The Chetniks: War and Revolution in Yugoslavia, 1941-1945* (Stanford, Calif.: Stanford University Press, 1975). For this bibliography, see Goldstein, *Croatia*, 266-268. It should be noted that the Chetniks and the Ustashi did not disagree on this main point: that Yugoslavia should be partitioned into a Serb-free Croatia and a Croat- and Muslim-free Serbia; their only "minor" disagreement was how to draw the Serbian-Croatian border. Serbian historian Aleksa Djilas correctly argued that, through their own actions, the Serb Chetniks isolated themselves from Serb support in Croatia and Bosnia. Most of the Croatian and Bosnian Serbs were, therefore, with Tito, rather than with the Chetniks. See Djilas, *Contested Country*, p. 127, footnote 61. It should be noted, however, that many Serbs and some Western audiences believe in the myth of the Chetnik antifascist resistance, even though the Serb Chetniks cooperated with the Nazis and committed atrocities against the Croat and Muslim civilians. For this myth, see David Binder, "Momcilo Djujic, Serbian Priest and Warrior, Dies at 92," *New York Times*, 13 September 1999, available

The future obviously lay with Tito rather than the Chetniks: the latter pursued the Serbs' interests only, while Tito's multinational partisans had a larger constituency base. Furthermore, given his active opposition to the Axis, Tito soon won over the Allies, who dropped the Chetniks in favor of supporting the Yugoslav partisans in 1943.<sup>20</sup>

The prospects for a post-World War II Yugoslav unity reposed on the will of Yugoslavia's multinational elites willing to take up the arms to oppose the partitioning and fight for a Yugoslav unity during World War II. Both external powers, such as Nazi Germany and Fascist Italy, and internal forces, such as the Croat/Muslim Ustashi and Serb Chetniks, sought to divide Yugoslavia. Yet, with the Allies' support, Tito's partisans prevailed over the Axis and won the Yugoslav civil war.

In the aftermath of Tito's victory, the Yugoslav partisans took revenge on their opponents. Over tens of thousand Croats were murdered at Bleiburg, an event that would be followed, during the post-war years, by the killing of several hundred thousand more people throughout Yugoslavia as the communists solidified their hold on power.<sup>21</sup>

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from Lexis-Nexis Universe, accessed 9 December 1999; for the refutation of the myth, see Benjamin Wittes, "For an Accused War Criminal, a 50-Year Haven in America," *Washington Post*, 20 September 1999, available from Lexis-Nexis Universe, accessed 1 February 2004.

<sup>20</sup> Britain maintained close ties to the region: Britain initially supported the Serbian Chetniks, but switched its support to Tito in 1943 and then maintained close connections to the Yugoslav partisans. Thus, the British sources are the best foreign sources when examining World War II history and the Yugoslav state formation; therefore, this study sometimes cites British diplomatic sources in the later parts of this Chapter. For a Yugoslav history, particularly its World War II history, written by British authors, see Clissold's work, which was originally published by the Naval Intelligence Division of the Admiralty: Stephen Clissold, ed., *A Short History of Yugoslavia: From Early Times to 1966*, by H. C. Darby, R.W. Seton-Watson, Phyllis Auty, R.G.D. Laffan, and Stephen Clissold (Cambridge, England: Cambridge University Press, 1966); see, in particular pp. 254-235. For a shorter account explaining why Britain dropped Serbian Chetniks in favor of Tito's partisans, see Cviic, *Remaking the Balkans*, 16-21.

<sup>21</sup> Over 70,000 people (mostly Croats, but also some Muslims, Slovenes, and Serbs) were killed in the immediate aftermath of the communist victory, when Tito's partisans took revenge against their foes. Most of them were killed in the fields of Bleiburg, after the Allies turned back the exodus fleeing before the Yugoslav partisans. On that occasion the Yugoslav partisans killed between 45,000 to 55,000 Croats. After Jasenovac, where about 83,000 people were killed (see later footnote), Bleiburg was Yugoslavia's single biggest killing field. Moreover, the killings continued for several years following World War II, as the communists embarked on social reform. During World War II, the communists kept a low ideological profile, eager to attract support from different sections of society. Thus, they carried out their ruthless socialist revolution after victory, eliminating whoever was believed to be against either socialism or the

Thus, the Yugoslav state-building strategy reflected a successful combination of, on the one hand, popular support based on the appeal of national self-determination and ideological indoctrination, and, on the other hand, brutal repression.

The majority of people resigned themselves to Yugoslavia's existence. This acceptance of the common state, despite continued grievances among the former Yugoslavs, was further facilitated by the particular international political context created by the Cold War. Many Yugoslav citizens came to accept Yugoslavia because of their fear that internal chaos might provide a pretext for outside intervention and their forced incorporation into the Soviet Empire of Eastern Europe. Yugoslav citizens saw this prospect as offering them fewer liberties and lower living standards. Furthermore, the Western countries, eager to see Yugoslavia remain independent from Moscow, helped the Yugoslav regime by providing financial support for its ailing socialist economy.<sup>22</sup>

Despite the AVNOJ's promise of national autonomy and equality, the post-World War II Yugoslavia remained a highly centralized state. Only lip service was paid to the different identities and national equality.

During World War II, the communists had successfully exploited the idea of national self-determination to build their power base. For example, during this time the Yugoslav communists had recognized a separate status for the Croatian language. Preserving their language was, of course, very important to the Croats' desire to preserve the distinct identity. However, once the war ended and the communists had established themselves in power, they imposed a political, Serbianized "Serbo-Croatian language," charging that Croat insistence on preserving a separate language reflected a "bourgeois

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state of Yugoslavia. Concentration camps and gulags were set up and, in the immediate post-war years, around 250,000 people were killed throughout Yugoslavia under the banner of "squaring account with the enemy of the people." See Goldstein, *Croatia*, 155-157; Žerjavić, "Losses of Yugoslav Population," 101.

<sup>22</sup> Cviic, *Remaking the Balkans*, 52, 59-60.

mentality,” “counter-revolutionary activity,” and “chauvinist separatism.”<sup>23</sup> Moreover, the communists staged trials for “comrades” bold enough to oppose their undemocratic rule or to demand the faithful application of the AVNOJ principles.<sup>24</sup>

In centralized, post-war Titoist Yugoslavia the Serb plurality continued to dominate, given its numerical strength and diffusion throughout Yugoslavia, dominance in the Yugoslav Communist Party, and lack of political pluralism and civic freedoms. As a result, by the late 1960s, Yugoslavia was plagued by civil unrest, particularly in Kosovo, Croatia, and Bosnia. The unrest was prompted by limited liberalization that permitted the expression of grievances, particularly against the abuses of the Serb-dominated internal security police during the 1950s and 1960s.<sup>25</sup>

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<sup>23</sup> The “Serbo-Croatian language” was a political language that denied a separate status to the Croatian language. The Croatian language was officially recognized during World War II, when the communists were promoting national self-determination as a means to broadening their power base. The immediate post-World War II Yugoslavia had four official languages: Serbian, Croatian, Macedonian, and Slovenian, and all official texts and banknotes were printed in these four languages. As centralism grew, the separate status of the Croatian language was denied, leaving Yugoslavia with only three officially recognized languages: Serbo-Croatian, Slovenian, and Macedonian. The Croatian language was purged of some of its original words and grammatical constructions, which were then replaced by Serbian words, grammar, and syntax. This “Serbo-Croatian” language was also taught in the schools in Croatia, and became accepted abroad as the official language of Yugoslavia. Serbian and Croatian are very similar languages. However, recognizing the similarities and the linguistic exchanges between the two languages which have resulted from contacts between the two linguistic communities is one thing; forceful and repressive attempts to forge a single language from the two is quite another. After Croatian grammarians had produced a handbook of Croatian grammar in 1971, the entire edition was immediately denounced by the Yugoslav government as “separatist” and “chauvinist.” All 40,000 copies were publicly burnt. For the Croat grievances regarding the status of their language, see Cviic, *Remaking the Balkans*, 68-70.

<sup>24</sup> For example, Andrija Hebrang, who built the successful antifascist partisan movement in Croatia, was arrested in 1948, being accused first of siding with Stalin, then of being an “Ustasha and Gestapo spy.” He was killed in prison in 1948. His destiny confirmed in the eyes of many Croats that the Yugoslav idea was a dangerous illusion—that there was no place for the Croats and their identity within (Serb-dominated) Yugoslavia. For differences between Tito and Hebrang, as well as Hebrang’s trial, see Jill A. Irvine, “Tito, Hebrang, and the Croat Question,” *East European Politics and Societies* 5, no. 2 (Spring 1991): 306-340. See also Goldstein, *Croatia*, 165.

<sup>25</sup> The events in question concern the period known as the “Rankovic era,” marked by Aleksandar Rankovic, a Serb and the second man of Yugoslavia (the first being Tito), who strongly favored state centralism and a command economy. Under his direction, the Yugoslav Internal Security Police (UDBA) developed into an instrument of internal repression that particularly targeted the Croats, Vojvodina’s Hungarians, Bosnian Muslims, and the Albanians, all of them viewed as unreliable, anti-Serb elements who had willingly cooperated with the Axis powers during the World War II. After the fall of Rankovic, it was revealed that the UDBA spied upon 1.3 million Croatia’s citizens alone—in other words, every other adult Croat. Some of the worst abuses (beatings, murder, torture, etc.) were committed against the Kosovo Albanians. Eventually, Tito dismissed Rankovic after the latter conspired to overthrow him. Many Serbs

As civil protests engulfed Yugoslavia during the late 1960s and early 1970s, Western governments grew apprehensive about the potential impact on regional stability during an era of heightened East-West tensions, if Yugoslavia were to break up. In the end, Yugoslavia overcame its deep crisis, and Moscow's intervention, under the pretext of restoring order in Yugoslavia, was avoided.<sup>26</sup>

To calm the popular unrest in Kosovo, Croatia, and Bosnia, the Yugoslav communists introduced constitutional amendments that permitted Yugoslavia's decentralization. These changes were in accordance with the 1943 AVNOJ decision to create a federal Yugoslavia based on the autonomy of federal units. Thus, from 1971 onward Yugoslavia followed a new political direction that increased the powers of republics and autonomous provinces, actions taken in an attempt to increase loyalty among alienated Yugoslav nations and minorities and to prevent a violent break-up with possibly disastrous consequences during the Cold War.<sup>27</sup>

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viewed the Rankovic's downfall as an attack upon their position in Yugoslavia. After Rankovic's downfall in 1966, Serbs and Montenegrins began leaving Kosovo, and pace of their departure increased during the subsequent decade as Kosovo became autonomous and underwent Albanization in the public sphere. For Rankovic's era and downfall, as well as the UDBA's abuse under his leadership, see Josip Šentija, "Croatia from 1941 to 1991," in *A Short History of Croatia*, by Trpimir Macan and Josip Šentija, Special edition of *Most/The Bridge: Journal of Croatian Literature* (Zagreb: Croatian Writers' Association, 1992), 130-131; Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (New York: Columbia University Press, 1998), 162-168.

<sup>26</sup> Yugoslavia was not formally part of the Warsaw Pact, as it had already broken off relations with Stalin and the Soviets during the late 1940s. However, if it had chosen to undertake any radical pro-Western reforms or continued its descent into a chaos, then the Soviet Union would have intervened militarily on the grounds that the communist order was threatened (Brezhnev's doctrine of limited sovereignty). Fears of a Soviet intervention in 1971 were real—both within the West and inside Yugoslavia. Many Yugoslav citizens also feared that a Soviet intervention in Yugoslavia could lead to a wider armed conflict between NATO and the Warsaw Pact, in the course of which Yugoslavia was likely to have been utterly destroyed. The fear of Soviet intervention and risks of an East-West military confrontation were important reasons for both Western politicians and Yugoslav citizens to have preferred, despite various nationalist grievances, a unified Yugoslavia during the Cold War period. The fear of the Cold War's East-West confrontation as a factor encouraging Yugoslav unity also explains why Yugoslavia disintegrated in the aftermath of the Cold War, once such fears had evaporated. For some of the Western fears and an analysis of the Yugoslav crisis, see K. F. Cviic, "The Outlook for Yugoslavia," *The World Today* 27, no. 12 (December 1971): 522-530; see especially p. 522.

<sup>27</sup> Cviic, "Outlook for Yugoslavia," 523-524.

The constitutional amendments of 1971 were followed by the Constitution of 1974, whereby Yugoslavia finally became a decentralized, federalized state.<sup>28</sup> This departure from state centrism did not faithfully correspond to federalism, for it did not repose on political pluralism, but on a single-party rule. Nevertheless, despite this democratic deficit, the move towards decentralization was obvious, eroding the Serb traditional dominance. An acute observer of Yugoslavia, Chris Cviic had already noted in 1971 that this move towards decentralization—though necessary from the perspective of alienated non-Serb nations and minorities--might not resolve Yugoslavia's national problems unless it could also win the support of Yugoslavia's plurality: the Serbs.<sup>29</sup>

It would be no exaggeration to say that, even if some loss of efficiency were to occur under the complicated new constitutional set-up, it would be more than compensated for by the fact that the common Yugoslav State now appears to be far more acceptable to most of the country's nationalities than before. This is certainly true of the formerly dissatisfied Croats, Slovenes, Bosnian Muslims, and Albanians, who have in varying degrees resented Belgrade's (and thus also the Serbs') position of undue influence in the federal administration, the army, the diplomatic service, and foreign trade. The big problem of the future will be how to prevent the all too obvious disappointment of many Serbs with the new constitutional arrangements from turning into opposition to the Yugoslav state as at presently constituted... One thing is certain, however. If the present disenchantment among the Serbian intelligentsia were to spread and develop into open disaffection, Yugoslavia would be doomed: without the support, however grudging, of her largest nationality [the Serbs], comprising over 40 percent of her total population, she could not survive for long.<sup>30</sup>

As foreseen by Cviic decades ago, the Serbs did come to resent their loss of influence within a more decentralized Yugoslavia. Their particular irritant was the gradual loss of the Serbian character of the Albanian-populated Kosovo, as Albanian

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<sup>28</sup> Yugoslavia went through several constitutional changes—an indication of its continuous internal struggle and its search for a formula that would please, despite their contradictory expectations, all of its nations and important minorities. The 1971 move towards decentralization led to the 1974 Constitution, denounced by the Memorandum of the Serbian Academy of Sciences and Arts (see later references). The last Yugoslav Constitution (1986), which has been cited previously, was an equally decentralized one.

<sup>29</sup> Cviic, "Outlook for Yugoslavia," 523-525.

<sup>30</sup> *Ibid.*, 524.

language and institutions began to displace the Serbian institutions under the generous terms of autonomy granted under the 1974 Constitution.<sup>31</sup>

However, while the Serbs insisted that too much power had been given to Kosovo, the Albanians still complained about being “second or third class citizens.” Since Albanians were not a South Slavic tribe, Kosovo was denied the status of a republic, instead remaining an autonomous province of Serbia. The Albanians began rioting from 1981 onwards, demanding their own republic within Yugoslavia, “so that the region would no longer be subordinate to the Republic of Serbia, but be an equal in rank and status, from a constitutional and administrative point of view.”<sup>32</sup>

According to the Yugoslav communist ideology of nation-building, only the descendants of the South Slavic tribes were to be considered as “constitutive nations” of Yugoslavia and, therefore, be entitled to self-determination, or self-rule within their respective republics.<sup>33</sup> On the other hand, “minorities,” even though they were granted generous minority rights, including territorial and administrative autonomy where appropriate, were not entitled to self-determination, or the right to have their own republics. Such was the case of the Kosovo Albanians. They believed that their status as a “minority” within Serbia, and the refusal of their desire for Kosovo to become a “republic,” testified to their unequal position within Yugoslavia.<sup>34</sup>

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<sup>31</sup> See later discussion of the Memorandum of the Serbian Academy of Sciences and Arts.

<sup>32</sup> Peter R. Prifti, “Situation in Kosova One Year after 1981 Riots,” in *Confrontation in Kosova: The Albanian-Serb Struggle, 1969-1999*, East European Monographs, no. 537 (Boulder, Colo.: East European Monographs; New York: distributed by Columbia University Press, 1999), 53-58; for the quote, see p. 53. The quote is taken from Prifti’s speech as originally delivered at a celebration of Albania’s Independence Day, in San Francisco, 28 November 1982.

<sup>33</sup> Sometimes republics were defined as multinational states consisting of several equal nations, as in the case of Bosnia, which had three nations: Serbs, Muslims, and Croats.

<sup>34</sup> Yugoslavia’s system of several South Slavic “nations” and the non-Slavic “minorities” was designed to manage the ongoing nationalist struggles within Yugoslavia, not to make sense from the point of view of legal principles or logical consistency. The public reasoning for this system of “nations” and “minorities” argued that non-Slavic minorities (e.g., Albanians) already had their own national states elsewhere (i.e., Albania), and that Yugoslavia was a national state of the South Slavs, who had no national states elsewhere

A practical solution was found in turning Kosovo into a Serbian province with a generous autonomy that allowed Kosovo to function independently of Serbia—just like other Yugoslav republics—but without the Albanians being declared one of the “nations” of Yugoslavia, or Kosovo being declared a “republic.” For even though Kosovo was nominally a Serbian province, under the terms of the 1974 Constitution it had both its own legislative body and an independent representative in the collective Yugoslav Presidency, Yugoslavia’s most important decision-making body.<sup>35</sup>

However, that solution did not please the Kosovo Albanians. Also underlying this rebellion—which took place at the time when Kosovo enjoyed a high level of autonomy—was the Albanian objection to Kosovo’s inclusion into Yugoslavia. Kosovo’s alienation from Yugoslavia was demonstrated during World War II: the Albanians had not only welcomed the Axis occupation that detached them from Serbia but had also resisted—unlike other nations of Yugoslavia—joining the ranks of Tito’s partisans and the liberation from the Axis powers. Eventually, the Yugoslav communists had to ask Tirana for help. The forces from Albania liberated Kosovo from the Axis occupation and then

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and who had long suffered under foreign rule prior to creating their common national state. Behind this official explanation lay the Serbian resistance to the idea of an Albanian dominated Kosovo. Though a minority, particularly in Croatia, the Serbs held the position of a “constitutive nation” not only in Croatia but also in Bosnia; at the same time, they refused to give the status of a “nation” to the Albanian “minority” in Kosovo, which numbered over two million Albanians. Besides Serb nationalist reasons, Belgrade’s reluctance to give the Kosovo Albanians a status of a nation as well as to proclaim Kosovo a republic, probably lay in Belgrade’s real concerns that such a move might have strengthened the Kosovo Albanians’ separatism, eventually leading to Kosovo’s secession from Yugoslavia.

<sup>35</sup> For an analysis of Kosovo’s being a federal unit apart from Serbia, despite the communist insistence it was a Serbian province, see an article written by a Belgrade law professor: Vojin Dimitrijević, “The 1974 Constitution as a Factor in the Collapse of Yugoslavia, or as a Sign of Decaying Totalitarianism,” in *The Road to War in Serbia: Trauma and Catharsis*, ed. Nebojša Popov (Budapest, New York: Central European University Press, 2000), 399-424, see in particular p. 407.

withdrew into Albania, while the Yugoslav communists suppressed the Kosovo Albanian revolt against Kosovo's forcible incorporation into Yugoslavia.<sup>36</sup>

The 1974 constitutional changes were meant to increase the loyalty of the Kosovo Albanians to the Yugoslav state; however, the changes did not truly satisfy the Albanians, while they alienated the Serbs. In the course of the late 1970s and the early 1980s, the Serbian communists continually tried but failed to revise the 1974 Constitution and take back much of the autonomy which had been accorded to Kosovo and other republics. Their goal was to re-establish Belgrade's control over Kosovo and the rest of the country. However, such attempts routinely failed due to opposition among the communist leaderships from other Yugoslav republics, in particular from Slovenia and Croatia.

When in 1981 the Albanians of Kosovo took to the streets to demand a "Republic of Kosova," the Serb discontent with the policies of Titoist Yugoslavia boiled over. The Serbs had come to believe that the decentralized federal system had encouraged Albanian nationalism and had worsened the plight of the Kosovo Serbs. The Kosovo Serbs had already begun leaving Kosovo after the downfall of Alexander Rankovic, one of the strongmen of Yugoslavia and an advocate of state centralism. The Serb departure accelerated after Kosovo had been granted a generous autonomy under the 1974 Federal Constitution, thereby leading to the loss of Kosovo's Serbian character as it had been maintained in the previously centralized Yugoslavia.<sup>37</sup>

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<sup>36</sup> For a concise description of the Kosovo problem, refer to Cviic, *Remaking of the Balkans*, 14-16; for a more detailed analysis and the quotes from the original documents, including British diplomatic sources, see Vickers, "The Second World War," in *Between Serb and Albanian*, 121-143.

<sup>37</sup> The Serbs were leaving Kosovo for a number of reasons, ranging from poor economic prospects and the Albanian pressure, to simple unwillingness to adjust to change after the Albanian administration replaced the Serbian one. For a discussion of some of the different motives, see the interviews conducted with Serbs who had left Kosovo in the 1970s and 1980s, before the rise of Milosevic to power in Serbia: "Interviews: Serbs Who Left Kosovo," in Julie A. Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley, Los Angeles, London: University of California Press, 1999), 122-133. See also Marina Blagojević, "The Migration of Serbs from Kosovo during the 1970s and 1980s: Trauma and/or Catharsis," in *The Road to*

The expression of the Serb disaffection with Yugoslav federalism was the secretly drafted 1985 Memorandum of the Serbian Academy of Sciences and Arts. The Memorandum denounced the communist solution to the national question in Yugoslavia. It argued that Titoism had turned the principle of self-determination for nations into the self-government of nationally mixed republics and autonomous provinces and that this policy was detrimental to the Serbs, who lived within several federal units. The implication of the Memorandum was that only ethnically homogenous units could be self-governing, and that the federal arrangement could be desirable only if all the Serbs could be regrouped within the borders of one and the same republic, or Serbia.<sup>38</sup>

According to the 1985 Memorandum, the Serbian national territory had been fragmented: the 1974 Federal Constitution had “split up Serbia into three parts” and had thereby “scattered” the Serbs throughout several federal units, where the Serbs were subjected to discrimination and assimilation.<sup>39</sup> The 1985 Memorandum argued that the introduction of autonomy for the Kosovo Albanians had led to “persecution” of the Serbs and to their “physical, political, legal, and cultural genocide” within Kosovo.<sup>40</sup> The Memorandum laid the blame for the consequences it described upon those who had been responsible for introducing or defending Yugoslav federalism: Tito and the Yugoslav communists, as well as Croatia and Slovenia.<sup>41</sup>

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*War in Serbia: Trauma and Catharsis*, ed. Nebojša Popov (Budapest, New York: Central European University Press, 2000), 212-243. See also the previous text and references regarding the Ranković era.

<sup>38</sup> For the English translation of the authorized version of the Memorandum, see Yugoslavia (SFRY), Serbian Academy of Sciences and Arts, “Memorandum of the Serbian Academy of Sciences and Arts, 1986,” in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 4-44.

<sup>39</sup> *Ibid.*, 30-33.

<sup>40</sup> *Ibid.*, 33.

<sup>41</sup> *Ibid.*, 14, 28, 41.

The unity of Titoist Yugoslavia had rested on the success of Serbian-Croatian reconciliation and upon its official doctrine of Yugoslav “brotherhood and unity,” both reposing on conditions forged within Tito’s World War II multinational resistance movement. About 82,000 Serbs--alongside 46,000 Croats--had died, in Croatia and Bosnia-Herzegovina, as Tito’s anti-fascist partisans fighting together against the Axis powers and their Serb and Croat collaborators (Chetniks and Ustashi) who desired to maintain the partitioning of Yugoslavia.<sup>42</sup>

However, by 1985, with Tito now dead, and with Serbia now increasingly unhappy with the decentralized 1974 Yugoslav Constitution, Serbian scholars began to challenge the Yugoslav “brotherhood and unity” as well as what had long been the official interpretation of the World War II events within Yugoslavia. Thus, concurrent with the appearance of the Memorandum, Serbian scholars rehabilitated the Chetniks as having been Serbian freedom fighters and rejected Tito’s multinational antifascist partisans as having been “anti-Serb.” In view of the fact that the Serbian Chetniks had demanded partitioning of Yugoslavia and had committed atrocities against Croats and Bosnian Muslims during World War II, this Serbian re-interpretation of history had serious consequences.<sup>43</sup> It severely undermined the ideological bedrock that underpinned Yugoslavia’s post-World War II unity, multinational coexistence, and reconciliation.

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<sup>42</sup> The figures quoted in the text should also be seen in terms of the demographics of the Independent State of Croatia: 82,000 dead Serb partisans out of the total of 2.1 million Serbs, and 46,000 dead Croat partisans out of the total of 3.4 million Croats, who lived on the territory of the Independent State of Croatia (present-day Croatia and Bosnia-Herzegovina). Given their opposition to the Independent State of Croatia, the Serbs from Croatia and Bosnia were among the first to join Tito in large numbers. For that reason, they also bore most costs in both relative and absolute terms, far more than did Croats, Muslims, or Serbs from Serbia, respectively. For the demographics and casualties cited here see Goldstein, *Croatia*, 158; Žerjavić, “Losses of Yugoslav Population,” 100.

<sup>43</sup> For discussion of the Serb Chetniks and their terror against the Croats and Muslims, see Goldstein, *Croatia*, 144-147, 152, 157, 199-202.

Furthermore, Serbian strategic mythmaking continued as some Serbian scholars began to exploit history to inflame old wounds, arguing that the Serbs had always been victimized by the “evil” Croats.<sup>44</sup> These scholars focused on the Ustashi camp of Jasenovac, where altogether 83,000 people had been killed in the 1941-1945 period: Serbs, Jews, Croats, and Gypsies. Focusing almost uniquely on the Serb casualties, the new Serbian historiography would now enlarge the numbers already inflated by the Yugoslav communists, claiming that more than 1 million Serbs had been killed at Jasenovac.<sup>45</sup>

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<sup>44</sup> For “strategic mythmaking” that perpetuates “enemy images,” with some reference to Serbo-Croatian relations, see Janice Gross Stein, “Image, Identity, and Conflict Resolution,” in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 93-111, see p. 105 in particular. “Mirror images” refer to the tendency of both sides to see themselves in terms of “virtuous self-images,” and to see the opponent in terms of “demonic enemy images.” For “mirror images” and their influence on “escalatory, self-perpetuating dynamic” of identity disputes, Herbert C. Kelman, “The Interactive Problem-Solving Approach,” in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 503-505.

<sup>45</sup> The Serbian claims that several hundred thousand to over a million Serbs had been killed at Jasenovac constitute a virtual impossibility in view of the Serb demographic data (prewar and postwar Serb census, birth and death rates, etc.). If half a million Serbs had been killed at Jasenovac, then not a single Serb, military or civilian, could have died elsewhere, for the research—conducted by both Croatian and Serbian scholars, respectively—shows that, during World War II, altogether half a million Serbs were killed throughout the territory of the former Yugoslavia (i.e., including Serb casualties in Serbia as well). The problem, however, did not start with revisionist Serb scholars, but with opportunistic leaders of Titoist era. Communist Yugoslavia used to claim that 600,000–700,000 people, mostly Serbs, were killed at Jasenovac. That figure was the result of the manipulation intended to extract higher reparations from Germany. The Yugoslav communists turned the total demographic loss of 1.7 million (including, e.g., those who fled Yugoslavia) into direct war losses, while knowing that the total war losses were around 1 million. The difference between the two figures was then ascribed to Jasenovac. An exhaustive official inquiry (1960s) came up with 59,000 names of the victims; however, the results were suppressed because the Yugoslav authorities were unwilling to admit the previous gross exaggeration of the Jasenovac victims. After the downfall of communism, Croatian demographer Zerjavic established that around 83,000 people were killed at Jasenovac. Zerjavic reached his figure by adding to those known to have been sent to Jasenovac all those who were missing or whose records could not be found elsewhere (e.g., those whose records could not be found in the partisan records of dead fighters or dead civilians). Jasenovac was not a death camp like those established by Nazi Germany for the purpose of the massive extermination of the unwanted minorities. It was an internment and labor camp where people were killed selectively; they also died from abuses committed by the guards or because of harsh conditions. Some of the inmates were killed for political reasons only; about 19,000 Croats were killed in the Ustashi camps and prisons, Jasenovac included. Nevertheless, though the actual number of the Serb casualties was a fraction of what was claimed by the Yugoslav communists and the Serbian revisionist scholars, and though Jasenovac was not a death camp, the place, understandably, does remain a symbol of the Serb trauma. For references, see Goldstein, *Croatia*, 199-202; Zerjavic, “Losses of Yugoslav Population,” 83-107. See also the previous references to the Yugoslav casualties and Serbian scholar Kocovic, as well as a letter written by Vuk-Pavlovich, an

Against this backdrop of a resurgent Serbian nationalism, in 1987 Serbia got a new communist leader: Slobodan Milosevic. The following year, Milosevic launched the “Anti-Bureaucratic Revolution:” official sponsorship of mass “meetings of truth” that sometimes attracted over one million people. These massive, unruly demonstrations would eventually overthrow the “bureaucrats” in Vojvodina and Montenegro, replacing their legitimate leaderships puppets loyal to Milosevic. Finally, in 1990, surrounded by the Serbian tanks and police, the Kosovo Assembly was forced to pass the constitutional amendments that effectively allowed for the re-absorption of Kosovo into Serbia. Thus, Milosevic’s Anti-Bureaucratic Revolution had succeeded in addressing some of the main grievances mentioned in the Memorandum: it brought Montenegro under Serbia’s wing and erased the two constitutionally guaranteed autonomies (Vojvodina and Kosovo), thereby imposing direct Belgrade rule upon the Kosovo Albanians.<sup>46</sup>

One of the most detrimental results of the Anti-Bureaucratic Revolution was that Serbia now dominated the collective Yugoslav Presidency, Yugoslavia’s highest decision-making body after Tito’s death, in which each federal unit had one

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American scholar of Serbian descent, who cites Kocovic: Stanimir Vuk-Pavlovic, Letter to the Editor, *Foreign Affairs* 72, no. 4 (September/October 1993), 192. See also Tomasevich (also relies on Kocovic), “Alleged and True Population Losses,” in *War and Revolution*, 718-750. This study relies on Zerjavic or else quotes Ivo Goldstein, who himself relies on Zerjavic. Ivo Goldstein is professor of history at the University of Zagreb and son of Slavko Goldstein, formerly the head of the Zagreb Jewish Community Center. The Croatian Jewish community, which considers the research by Zerjavic as the most reliable and has partly funded his research, maintains a specialized library at its center in Zagreb. The figures of Zerjavic also correspond roughly to those of Serbian scholar Kocovic, the author most quoted by serious scholars with ties to Serbia. Before deciding which figures to quote, the author of this study conducted a lengthy conversation with the librarian of the Zagreb Jewish Community Center regarding the appropriate sources and figures on Jasenovac and World War II history in general: Julia Koš, Librarian of Zagreb Jewish Community Center, conversation with author, 26 August 1996, Library, Zagreb Jewish Community Center, Zagreb, Croatia.

<sup>46</sup> For Anti-Bureaucratic Revolution, see Christopher Cviic, “Yugoslavia: The Unmaking of a Federation,” in *Volatile Powder Keg: Balkan Security After the Cold War*, ed. F. Stephen Larrabee (Washington, D.C.: American University Press, 1994; distributed by University Publishers Associates, Lanham, Md.), 96-97. See also portraits of Milosevic and his actions in the late 1980s offered by Serbian authors: Aleksa Djilas, “A Profile of Slobodan Milosevic,” *Foreign Affairs* 72, no. 3 (Summer 1993): 81-96; Mihailo Crnobrnja, “The New Wave of Serbian Nationalism,” in *The Yugoslav Drama*, (Montreal [Quebec]: McGill-Queen’s University, 1994), 93-106; Susan L. Woodward, *The Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings, 1995), 96-97.

representative and one voice. Having abolished autonomy for Kosovo and Vojvodina, as well as having orchestrated a coup in Montenegro, Serbia now controlled four voices in the collective Presidency, often paralyzing the work of the eight-member body. The combined voices of the non-Serb republics--Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia--totaled four, the same number of voices that Serbia was then controlling: those of Serbia proper, Vojvodina, Kosovo, and Montenegro.<sup>47</sup>

This Serbian takeover of the Federal Presidency alienated the non-Serb republics, in particular Slovenia and Croatia, which already harbored their own longtime grievances against Belgrade and Yugoslavia. However, it was the “Anti-Bureaucratic Revolution” that evoked the traumatic memories of the Serb-dominated Royalist Yugoslavia and ultimately drove Slovenia and Croatia towards seeking independence.<sup>48</sup>

At first, Slovenia and Croatia insisted on the re-establishment of the Yugoslav constitutional order and criticized Serbia over its actions in Kosovo, Vojvodina, and Montenegro. However, Serbia resisted the re-establishment of Yugoslavia’s decentralized, constitutional order, warning the two northern republics that Yugoslav unity had to be defended on the issue of Serbian control over Kosovo. Serbia thus suggested that, unless Belgrade could keep the rebellious province under its wing, Serbia

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<sup>47</sup> As Cviic has pointed out, the proper course of action would have been that--with the absorption of Kosovo and Vojvodina into Serbia--the voices of these former federal units be removed from the Federal Presidency. Serbia, however, did not wish to remove their voices from the Federal Presidency, for it liked the idea of having three voices, rather than one, to which it was entitled as any other Yugoslav republic. See Cviic, “Yugoslavia: The Unmaking of a Federation,” 97. The Serbian control over the Presidency was a serious issue, since this body was making most decisions by a simple majority, rather than by a consensus. The veto power of the republics, introduced in 1971, was later rescinded, and the central decision-making process was strengthened in the 1980s in order to enable Yugoslavia to deal better with the growing economic crisis. See Eric Bourne, “Yugoslavia’s Regional Rivals Wrangle,” *The Christian Science Monitor*, 17 December 1986, available from Lexis-Nexis Universe, accessed 8 January 2000.

<sup>48</sup> Titoist Yugoslavia, even when decentralized and federalized, did not fully satisfy Slovenes or Croats. For more, see Cviic’s passages “An Auction of Grievances,” in his article “Yugoslavia: The Unmaking of a Federation,” 91-93. Nevertheless, it was the Serbian Anti-Bureaucratic Revolution and mythmaking of the late 1980s that finally pushed Slovenes and Croats to seek separation from Belgrade.

would lose interest in a common Yugoslav state in which it was expected to subordinate its own national interests to those of the other republics.<sup>49</sup>

As the Serbs pressed for the “strengthening” of Yugoslavia at the expense of the autonomy enjoyed by the other republics and Serbian provinces, Slovenia and Croatia increasingly argued that Serbia’s actions had “destroyed” Yugoslavia and made life in the common state no longer possible. It was the position of the Slovenes and the Croats that the Serbian Anti-Bureaucratic Revolution had undermined the core of the 1943 consensus on the re-establishment of Yugoslavia, a union portrayed by Slovenia and Croatia as “voluntary,” and from which these northern republics now wanted to “disassociate.”<sup>50</sup>

All of this in turn worsened the crisis; Croatia’s move towards “disassociation” highlighted the problem of the Croatian Serbs, most of who were loyal to Belgrade rather than Zagreb, and whose feelings of insecurity were increased by Croatia’s new policy. President Franjo Tudjman advocated the “national reconciliation of all Croats,” a policy designed to soothe memories of the Croat civil war during World War II, a time when a large numbers of Croats had died on the two opposing sides.<sup>51</sup> A result of this policy

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<sup>49</sup> Borisav Jović, *Последњи Дани СФРЈ* (Last Days of SFRY), 2<sup>nd</sup> ed. (Kragujevac, Serbia: Prizma, 1996); see Jovic’s diary entries for 20 June 1989 (p. 25) and 31 January 1990 (p. 101). Jovic was the Serbian representative in the Federal Presidency and a close ally of Serbian President Slobodan Milosevic. His diary, which concerns the 1989-1992 period, is currently used by the officials of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

<sup>50</sup> The Yugoslav parties negotiated for several months prior to the outbreak of the war; however, negotiations reached an impasse because of the parties’ irreconcilable positions. Serbia argued for greater centralization, while Slovenia and Croatia demanded the loosening of ties in a Yugoslav confederation, while Bosnia and Macedonia tried to reconcile the two positions in a proposal for an “asymmetrical confederation.” For republics’ different positions and failed pre-war negotiations, see Yugoslavia (SFRY), “Communiqué from the Meeting of the Presidents of the Yugoslav Republics Concerning the Constitutional Reorganization of Yugoslavia,” Brdo near Kranj, 11 April 1991, Document no. 88 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 281-285. For the description, in secondary literature, of fruitless negotiations among the republics which had preceded the declarations of independence and the outbreak of the high-intensity war, see Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. and updated ed. (New York: Penguin Books, 1997), 147-148.

<sup>51</sup> Out of 3.4 million of Croats who lived within the territory of the Independent State of Croatia (ISC), about 110,000 died as victims of fascism: 46,000 died as Tito’s antifascist partisans, 46,000 as civilians in

aimed at encouraging “reconciliation” was that Croatia now began to repress its anti-fascist tradition. More “neutral” names were given to public places formerly associated with Croatia’s World War II anti-fascist history: for example, the “Square of the Victims of Fascism” became the “Square of the Great Men of Croatia.” Needless to say, the policy of “national reconciliation” provoked bitter polemics among the Croats, while also offending the Croatian Jews. It also increased apprehension among the Croatian Serbs as they saw sudden changes sweeping through Croatia absent any policy of reassurance, a necessary action in view of the Serbs’ traumatic World War II memories.<sup>52</sup>

From mid-1990, Serbian leaders and Yugoslavia’s top military officers began holding consultations on how to create a new, rump Yugoslavia. The Serbian plan was to “expel” Slovenes and Croats from Yugoslavia; all of Bosnia-Herzegovina would be included into this rump Yugoslavia, as would the areas inhabited by the Croatian Serbs, who would join “new Yugoslavia” on the basis of a referendum. To fulfill their goals, the Serbian decision-makers decided to “create the atmosphere” among the Serb population by encouraging the political mobilization of the Serb communities outside of Serbia, for example, by “strengthening Serbian Krajina politically and institutionally” and

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the places where they lived, and 19,000 in the Ustashi-run prisons and camps, Jasenovac included. At the same time, about 70,000 Croats (military and civilians) died on the side of the Independent State of Croatia: most of them were killed at the end of the World War II, when the partisans took their revenge (see the note on Bleiburg). See Goldstein, *Croatia*, 158.

<sup>52</sup> Another offensive example of the policy of “national reconciliation” was the proposal for “skeleton-mixing:” Jasenovac was to become the commemorative site not only for the victims of fascism but also for the victims of anti-fascist Yugoslav partisans, who had unlawfully killed anywhere between 45,000 to 55,000 Croats out of revenge in the aftermath of the war, mostly the refugees fleeing from Yugoslavia and turned back by the Allies at Bleiburg (for the figures of the killed, see Zerjavic, “Losses of Yugoslav Population,” 101; Goldstein, *Croatia*, 155). However, the proposal for “skeleton-mixing” was abandoned following protests by the Croatian Jewish community. For other examples of “national reconciliation” policy and its influence on Croatia’s public life and interethnic relations, see Goldstein, *Croatia*, 211-212. See also Danica Kirka, “Profile: Serb Makes Himself Heard in Croatia; Milorad Pupovac Fights for Minority Rights in the War-Torn Land.[sic] He’s Gaining Influence by Working Behind the Scenes,” *Los Angeles Times*, 5 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. Since the change of power in Croatia, some of Tudjman’s changes have been reversed: e.g., The Square of the Great Men of Croatia once again became the Square of the Victims of Fascism.

“encouraging its secession from Croatia.” This newly planned state, or “new Yugoslavia” as it was referred to by Serbian leaders, was, in fact, “Greater Serbia.”<sup>53</sup>

During 1990-1991 the Croatian and Bosnian Serbs engaged in “log revolutions”: various municipalities with Serbs would declare themselves to be self-governing and would band together into self-proclaimed autonomous Serb regions within Croatia and Bosnia.<sup>54</sup> On 19 February 1991—almost four months before Croatia proclaimed its independence—the Serbs in rural areas cut all their links to Zagreb and proclaimed their own state within Croatia: the Republic of Serbian Krajina (RSK).<sup>55</sup>

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<sup>53</sup> As evident from Jovic’s diary, these planning meetings involved Serbian President Milosevic, his closest associate Borisav Jovic, and Yugoslav Defense Secretary and Army Chief Veljko Kadijevic. Occasionally, the leaders of Croatian and Bosnian Serbs, Jovan Raskovic and Radovan Karadzic, were consulted as well. This Serbian planning started in mid-1990, therefore, one year before Slovenia and Croatia declared independence and a high-intensity armed conflict broke out in Yugoslavia. Soon after the initial planning meeting of June 1990, the Croatian Serbs, and later the Bosnian Serbs as well, began holding referenda and proclaiming autonomous regions on the territories of Croatia and Bosnia-Herzegovina. The expressions such as “new Yugoslavia,” “expulsion” of Slovenes and Croats, “strengthening of Krajina,” and other phrases placed within quotation marks in the text above are the English translations of the original phrases used by the Serbian leaders (Milosevic, Jovic, or Kadijevic), phrases that keep repeating throughout Jovic’s diary. They have been translated into English from Serbian (Cyrillic) by the author of this study. The only phrase not found in Jovic’s diary and found within the quotation marks in the text above is “Greater Serbia,” which is the term used by the author of this study. See Jovic’s diary entries for 27 June 1990 (p. 159), 28 June 1990 (p. 161), 30 June 1990 (p. 161), 20 February 1991 (pp. 272-274), 21 February 1991 (pp. 274-275), and 25 February 1991 (p. 276-278).

<sup>54</sup> The Serb “log revolution” started in Croatia during the summer of 1990, two months after the initial Serbian meeting about creating “new Yugoslavia,” as previously described above (Jovic’s diary entry for 27, 28, and 30 June 1990, pp. 159-161). In mid-August 1990, the Croatian Serbs conducted a referendum on autonomy and then cut off railroad and communication links from the rest of Croatia by felling heavy logs—hence, the name “log revolution.” For more details, see Goldstein, *Croatia*, 212-221.

<sup>55</sup> In February 1991, Croatian Serbs declared “the Serbian Autonomous Region of Krajina” (SAO Krajina) but in 1992 this event was presented as the proclamation of the “Republic of Serbian Krajina” (RSK). That renaming was done in anticipation of the arrival of the UN force (see Chapter Four), and its constitution was published in early 1992 in the Serbian official gazette. The RSK was defined as “National State of the Serbian People” (Art. 1), which was supposed to have its own government responsible for foreign affairs, defense, and national security (Art. 67). According to its constitution, the RSK government could also decide to “annex other Serbian territories.” For its constitution, see Croatian Serbs, “Constitution for the Republic of Serbian Krajina,” 19 February 1991, in *Yugoslavia (Former): Republic of Serbian Krajina*, ed. Albert P. Blaustein, translated by Philadelphia Constitution Foundation, *Constitutions of Dependencies and Special Sovereignties*, ed. Albert P. Blaustein (Dobbs Ferry, N.Y.: Oceana Publications, 1994), 1-41. See also David Binder, “Serbian Official Declares Part of Croatia Separate,” *New York Times*, 18 March 1991, available from Lexis-Nexis Universe, accessed 9 December 1999. It has often been stated that the Serbs mobilized in response to the European involvement, and that Germany provoked the Yugoslav wars over new borders by its premature recognition policy (see, e.g., Woodward, *Balkan Tragedy*, 169, 183-189, 198). That claim, however, does not repose on historical facts as mentioned in this Chapter: the Serbs began mobilizing already in 1980s and proclaimed their own state in Croatia in February 1991—several

Thus, by the spring of 1991 a low-intensity conflict was already destroying the order within Croatia and Bosnia-Herzegovina, while governments in Zagreb and Sarajevo were gradually losing effective control over parts of their respective republics' territories. Furthermore, the Yugoslav constitutional, political, and economic systems had largely crumbled: Serbia, Slovenia, and Croatia were already behaving like states at war.<sup>56</sup>

Worse still, Serbia blocked the routine rotation of the Head of the Yugoslav Presidency, scheduled to change from the Serbian to the Croatian representative. Consequently, Yugoslavia entered its worst crisis: non-election of the Head of the Presidency meant that the Yugoslav Federal Army (YFA) was left without its constitutional commander-in-chief.<sup>57</sup>

Serbia refused to yield to intense American and European pressures urging it to allow the Croatian representative to assume his position as the Head of the Yugoslav Presidency. Slovenia and Croatia then announced, in the spring of 1991, that they would not remain as part of a "Serboslavia," a state that did not have the constitutional commander-in-chief of the armed forces and was, thereby, providing the YFA officers with a pretext for initiating an intervention on their own.<sup>58</sup> Slovenia and Croatia

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months before both the Croatian declaration of independence and any European involvement (June 1991) and about a year before Croatia received recognition (January 1992).

<sup>56</sup> For example, Serbia decided to introduce taxes on the imports from the "enemy republics" and confiscate their public property on the territory of Serbia. Slovenia and Croatia responded in kind, and the Yugoslav common economic space disintegrated. See Michele Ledic, "Yugoslavia II: The Costs of Divorce," *The World Today* 47, nos. 8-9 (August/September 1991): 127-129. See also David Binder, "Evolution in Europe: Yugoslavia Seen Breaking Up Soon," *New York Times*, 28 November 1990, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>57</sup> According to Article 313 of the SFRY Constitution, the Yugoslav Presidency is the "supreme body in charge of the administration and command of the Armed Forces...in war and peace." Article 328 also says, "The President of the S.F.R.Y. Presidency shall, on behalf of the S.F.R.Y. Presidency, be in charge of the command of the Armed Forces of the Socialist Federal Republic of Yugoslavia." Non-election of the Head of the Presidency, or the President, meant that the Army was without its constitutional commander-in-chief. See SFRY Constitution, 1986, pp. 164, 170. See also Goldstein, *Croatia*, 221-222.

<sup>58</sup> When Jovic published his diary excerpts in 1995, it became clear that the Croatian and Slovenian fears were fully justified: Jovic described in detail how he and Milosevic tried to exploit the constitutional crisis of 1991 to prod the Army into intervening (see, e.g., Jovic's diary entries for 12-22 March 1991, pp. 286-311). For the English-language sources regarding the events in question, see Silber and Little, *Yugoslavia*,

threatened to declare their independence within three months if Serbia continued to oppose the election of the Head of the Yugoslav Presidency. As Serbia continued with its opposition, Slovenia and Croatia eventually proclaimed their independence on 25 June 1991.<sup>59</sup> These declarations led to the YFA intervention and the outbreak of the high-intensity armed conflict, followed by an almost immediate European involvement.

Several points should be taken from the history of political complexities that have, over generations, bound together the disputants within the former Yugoslavia. These points help to explain why it has been difficult to manage these disputes, and also why coercive peacemaking, when attempted in the former Yugoslavia, would inevitably display the limits, risks, and costs inherent in coercive peacemaking when applied to identity disputes.

First, underlying these disputes are long-standing and very divergent, almost irreconcilable, perspectives on issues such as borders and nationhood; these conflicts were worsened rather than resolved by the actions of the Yugoslav communist government. The irreconcilability of these disputes renders it difficult for any outside party to come up with any principled, negotiated solution that would please all disputants.

Second, not only have the disputes involved struggles for power and privilege, but they have also been driven by the disputants' feelings of insecurity, experienced at an

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105-133. See also memoirs written by the last American Ambassador to the former Yugoslavia; Warren Zimmermann, *Origins of a Catastrophe: Yugoslavia and its Destroyers*, with updated preface and epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999), 83-110.

<sup>59</sup> Assembly of the Republic of Slovenia, "Republic of Slovenia Assembly Declaration of Independence," Ljubljana, 25 June 1991, Document no. 91 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 286-290; Parliament of the Republic of Croatia (Sabor), "Declaration on the Establishment of Sovereign and Independent Republic of Croatia," Zagreb, 25 June 1991, Document no. 91 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 301-304.

individual level, while expressed at the group (i.e. societal) level.<sup>60</sup> The presence of insecure identities introduces an element of inflexibility, and, thus, makes it very hard for the outside parties to impose peaceful, negotiated outcomes. The disputants tend to be strongly motivated to resist being pushed into accepting options they might perceive as leading to the destruction of their national identity--regardless of whether third parties see the proposed solutions as having the same negative impact which the disputants see.

Third, proceeding from the above two points—divergent perspectives and insecure identities--is the fact that these disputes involve the respective societies. Because people throughout the society, top to bottom, feel personally affected by the terms of agreements that might be imposed, the leaders who are negotiating on behalf of these societies would be unable to impose unpopular agreements upon their respective citizenries--even if the nations' leaders themselves could be pressured to accept the terms of the externally imposed agreements. This societal dimension helps explain why it is difficult to manage, and even less resolve, these disputes through coercing top leaders into internationally endorsed proposals and why, also, forceful solutions tend only to reinforce ethnic polarization, rather than create, for example, a "multiethnic" Kosovo.

The argument in favor of coercive peacemaking has often reposed upon the assumption that the conflicts on the territory of the former Yugoslavia involve undemocratic leaders, as best exemplified by the Western claim that the NATO war over Kosovo was directed against President Milosevic, not the Serbian people.<sup>61</sup> Underlying this pro-interventionist argument is the idea that conflict management involves the

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<sup>60</sup> For more on identity groups and the idea that "protracted social conflicts" are driven by unmet needs, such as the need for security and recognition of identity, see Edward E. Azar, "Protracted International Conflicts: Ten Propositions," in *International Conflict Resolution: Theory and Practice*, ed. Edward E. Azar and John W. Burton (Brighton, Sussex, England: Wheatsheaf Books; Boulder, Colo.: Lynne Rienner Publishers, 1986), 28-39; see p. 31 for an idea of "societal needs of the individual."

<sup>61</sup> For details, see Kosovo Chapter.

coercing of “dictators” and “villains” in order to uphold what are regarded by many as international principles: the territorial integrity of newly independent states and the preservation of “multiethnic” societies. According to interventionists motivated by moral considerations, conflict prevention and management have failed because the democracies were, despite their overwhelming military capabilities, unwilling to confront “warlords” and “tyrants” with principled political demands that were backed up by credible threats.<sup>62</sup>

A good example of this train of thought has been Warren Zimmermann, the last American Ambassador to Titoist Yugoslavia and a staunch advocate of a military intervention against Serbia in order to defend “multiethnic” Bosnia and bring peace to Kosovo. Zimmermann argued that Yugoslavia was destroyed “top down” by “villains” who had scant notion of Western values and liberal democracy:

My thesis is that the Yugoslav catastrophe was not mainly the result of ancient ethnic or religious hostilities, nor of the collapse of communism at the end of the cold war, nor even of the failures of the Western countries. Those factors undeniably made things worse. But Yugoslavia’s death and the violence that followed resulted from the conscious actions of nationalist leaders who coopted, intimidated, circumvented, or eliminated all opposition to their demagogic designs. Yugoslavia was destroyed from the top down.<sup>63</sup>

However, Zimmermann’s own account contradicts this indictment of Yugoslavia’s top leadership as being responsible for its break-up. His description of the encounter with Serbian society in 1989 suggests that the problem did not involve just Milosevic. During his “first few weeks” Zimmermann found out that “Milosevic’s

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<sup>62</sup> Such explicitly stated ideas or unstated assumptions underpin the works of Noel Malcolm, *Bosnia: A Short History*, new updated ed. (Washington Square, N.Y.: New York University Press, 1996), particularly 213-271 (especially pp. 251, 267); William Pfaff, “Invitation to War,” *Foreign Affairs* 72, no. 3 (Summer 1993): 97-109; Zimmermann, *Origins of a Catastrophe*, see in particular pp. 137-138, 241-242; Silber and Little, *Yugoslavia*, see in particular Introduction, pp. 25-30.

<sup>63</sup> Zimmermann, Preface to *Origins of a Catastrophe*, p. vii ; see also p. 117, 138. See also Silber and Little, Introduction to *Yugoslavia*, 25.

trampling on Albanian rights was almost universally popular among Serbs, and not just among those with a limited grasp of political issues.”<sup>64</sup>

The Anti-Bureaucratic Revolution of 1988-1990 involved the Serbian society at large. Even Susan Woodward, who dismissed the event as “Milosevic’s political use of crowds,” recognized the massive Serb attendance.<sup>65</sup>

The demonstrations began with small groups of protesters from Kosovo, but expanded to crowds numbering from 10,000 to as many as 1 million. The demonstrators were often paid by their employers to attend, but increasingly came from among the unemployed, who needed a handout or had nothing else to do.<sup>66</sup>

A demonstration attracting a million Serbs could have involved roughly every eighth Serb throughout Yugoslavia, whether young or elderly, male or female.<sup>67</sup> For all Milosevic’s political skills and his party’s sponsorship of the “meetings of truth” (e.g., organized mass transportation, lunches, and stipends for demonstrators), the Anti-Bureaucratic Revolution would not have attracted such large crowds if the issues at stake were irrelevant to the feelings of ordinary Serbs. Instead, the Revolution swept through most Serb households because its central ideas—reestablishing Belgrade’s control over Serbian provinces and the rest of Yugoslavia—were important issues to most Serbs.

Central to Zimmermann’s and Woodward’s opinions about Milosevic’s “misuse of politics” is a misunderstanding of the nature of communism in Yugoslavia: as well pointed out by some scholars, Yugoslavia’s communism marched hand in hand with

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<sup>64</sup> Zimmermann, *Origins of a Catastrophe*, 17.

<sup>65</sup> Woodward, *Balkan Tragedy*, 96-97.

<sup>66</sup> *Ibid.*, 96.

<sup>67</sup> According to the 1981 census, Yugoslavia had about 22 million inhabitants, out of which more than 8 million were Serbs; more than 6 million Serbs lived in Serbia, Kosovo, and Vojvodina. One should also consider that most demonstrators were adult males, not children or elderly. For the 1981 census figures (rounded off, in the text above, by the author of this study), see A. Sellier and J. Sellier, *Atlas des peuples d’Europe centrale* (Atlas of the People of Central Europe) (Paris: La Découverte, 1991), 164; quoted in Jean-Luc Pierson, *La Yougoslavie Désintégrée* (Disintegrated Yugoslavia), Les Dossiers du GRIP, no. 166 (Brussels: GRIP, Institut européen de recherche et d’information sur la paix et la sécurité, 1992), 24-26.

nationalism. In contrast to Eastern Europe, most of Yugoslavia had not been liberated by the Red Army during World War II, but instead by its own communist-led resistance movement that had been propelled by the power of nationalism. Hence, the sentiments leading to the rejection of communism in Yugoslavia differed from those that had been the main driving forces in Eastern Europe. The 1989 democratic revolutions in other Eastern European countries represented the repudiation of an inefficient economic model, low-living standards, a lack of civic liberties, and Soviet rule. On the other hand, the rejection of communism by the masses throughout Yugoslavia was also intertwined with denunciation of what had been the communist solution to Yugoslavia's national question: the 1943 AVNOJ's decision to create a federal Yugoslavia combined with the dogma of the Yugoslav "brotherhood and unity."<sup>68</sup>

Therefore, the anti-communist revolutions in Yugoslavia during the 1988-1990 period rode on top of nationalist sentiments and represented, in fact, a uniquely Yugoslav version of the democratic revolutions that swept through Eastern Europe in 1989. As correctly viewed by historian William Hagen, "exclusivist nationalism triumphed in Yugoslavia because it expressed the deepest yearnings and values of most of those who were most disaffected from the communist regime."<sup>69</sup>

Instead of relying upon the "top-down" and "ethno-political" views of the Balkan conflicts, it would be more correct to think of identity disputes in terms of their societal,

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<sup>68</sup> Understanding the nationalist dimension of Yugoslav communism is crucial to the understanding of Yugoslav state-making and state-breaking as well as to the understanding of why Yugoslavia (unlike the rest of Eastern Europe) went through an upheaval with the downfall of communism. Besides Hagen ('Balkans' Lethal Nationalisms,' 52-64, see especially p. 55), who tends to focus on Serbia, the best account on the relationship between communism and nationalism is Cviic's *Remaking the Balkans*, particularly its Chapter Two, "Communists as Nationalists," 3-26. Cviic has argued that nationalism and identity grievances explain the difference between Yugoslavia's somewhat autoctone, nationalist communism, on one hand, and the communism as an imported ideology that characterized the rest of Eastern Europe, on the other. Cviic has also rightfully pointed out that by exploiting nationalism in order to install communism, the Yugoslav communists had in fact nationalized communism and worsened, rather than resolved, the dispute.

<sup>69</sup> Hagen, "Balkans' Lethal Nationalisms," 55.

bottom-up processes, or even their cultural sources. It is in fact the societal pressures from below that brought to power “villains,” permitting the success of their “top-down” strategies to pull Yugoslavia apart. To varying degrees, all Balkan societies have played the role of “willing accomplice” to those Balkan leaders whom Western observers have described as “ethnic entrepreneurs,” dubbed also as “dictators” and “war criminals.”<sup>70</sup>

Within this context, it is worthwhile to recall the words of Anthony Smith, a noted authority on nationalism, who argued that instrumentalist authors tend to “underplay the explosive power of ...loyalties.”<sup>71</sup> Smith rightfully argued against focusing excessively on politics and political mobilization:

It is not easy to see why so many people should die, or kill each other, for small pieces of territory or the right to influence state policies or run their own affairs, if...ethnic communities and nations are just so many ‘sites’ for mass mobilization....<sup>72</sup>

There are several reasons why societies have been the “willing accomplice” to their “ethnic entrepreneurs.”

One obvious explanation lies with insecure national identities, as evident from the difficult history of the South Slavs: the centuries of domination by a variety of imperial powers, negative experiences during the times of the two Yugoslavias, and a brutally devastating civil war taking place during World War II. Feelings of insecurity are more relevant and influential than the instrumentalists are willing to acknowledge, even though

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<sup>70</sup> The expression “willing accomplice” comes from Jacques Rupnik’s perceptive book review of Silber and Little’s well-known book focused on the Balkan leaders and the international failure to save Bosnia. Rupnik correctly noted that Silber and Little, both journalists, were overemphasizing the “ethnopolitical” thesis while ignoring that society was a “willing accomplice” to entrepreneurial leadership. See Jacques Rupnik, review of *The Death of Yugoslavia*, by Laura Silber and Alan Little, *Survival* 37, no. 4 (Winter 1995-96): 168-169; for quote, see p. 169. For an account that pays more attention to the societal dimension, see Mertus, *Kosovo: How Myths and Truths Started a War*, in particular, pp. 229, 232-233.

<sup>71</sup> Anthony Smith, “Conflict and Collective Identity: Class, *Ethnie* and Nation,” in *International Conflict Resolution: Theory and Practice*, ed. Edward E. Azar and John W. Burton (Brighton, Sussex, England: Wheatsheaf Books; Boulder, Colo.: Lynne Rienner Publishers, 1986), 67.

<sup>72</sup> *Ibid.*

less important than believed by the primordialists, who overemphasize “ancient hatreds.”<sup>73</sup> Insecurity feelings constitute a potent force driving identity conflicts, even if it can be argued that the effective incitement of these insecurities has been largely made possible by the strategic mythmaking of entrepreneurial elites who have exploited historic grievances and rewritten history in order to justify their nationalist aspirations.

Besides insecure identities, one other reason why society becomes a “willing accomplice” of “dictators” and “tyrants” lies in power politics. For example, the Serbs’ rejection of Croatian and Bosnian independence cannot be viewed only in terms of the Serbs’ psychological needs for more security, but must also be contemplated within the context of a drive for power. Almost overnight, the most powerful nation of Yugoslavia (i.e., Serbs) had been turned into a minority brushed onto the margins of the Croatian and Bosnian societies, a minority beyond any influence from Belgrade. The Serbs were bound to resist this loss of individual and group power and influence.<sup>74</sup>

This problem has been well presented by Benjamin Schwarz, who recalls America’s own past conflicts over identity and sovereignty:

“When considering other countries’ internal conflicts, Americans should keep in mind what their own Civil War and Indian wars have proved: embattled minorities--nations within nations--don’t just want respect; they want not to be treated as appendages of the majority’s state.”<sup>75</sup>

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<sup>73</sup> Zimmermann (*Origins of a Catastrophe*) provides a good example of an “instrumentalist,” ascribing Yugoslavia’s break-up to leaders. On the other hand, Kaplan is a good example of a “primordialist,” for he dwells excessively on history and “ancient hatreds.” See Robert D. Kaplan, *Balkan Ghosts: A Journey Through History* (New York: St. Martin’s Press, 1993).

<sup>74</sup> Even as a twelve-percent minority, the Serbs enjoyed the position of the dominant “nation” in Croatia, exerting a disproportionate influence over Croatia’s politics, economy, and public affairs. According to a study done by Vjeran Katunaric in 1984, about 17.7% of all Croatian Serbs were political leaders, 12.5% were in leadership positions in Croatian economy, 12.5% were members of “system’s intelligence” (e.g., an editor of a major newspaper), while only 7.5% held highly qualified jobs without any leadership position; the rest were more or less qualified workers, farmers, or those who owned small businesses. This social stratification of the Serbs in Croatia indicates that more than 42% of all Croatian Serbs were in a position of leadership or influence. For the Katunaric study, see Drago Roksandić, *Srbi u Hrvatskoj* (Serbs in Croatia) (Zagreb: Vjesnik, 1991), 156-157. For the Serb privileged position in Croatia, see also Tomac, *Struggle for Croatian State*, 70-72.

<sup>75</sup> Benjamin Schwarz, “The Diversity Myth: America’s Leading Export,” *Atlantic Monthly*, May 1995, 65.

Furthermore, the Balkan societies have been the “willing accomplice” because of their mutually conflicting ideas about nationhood, statehood, justice, and borders, shared by the members of their respective societies.<sup>76</sup> As evident from the history of the dispute, such conflicting nationalist perspectives had preceded the creation of Yugoslavia and had underpinned Yugoslavia’s constant inner struggles. Moreover, they have been the main source of frustration for coercive peacemakers involved in the former Yugoslavia: the irreconcilability of the disputants’ perspectives has often precluded the existence of sustainable, negotiated compromises that could be effectively imposed from the outside.

Yugoslavia’s nations have always held mutually exclusive notions of what their common state should be. For the Serbs, there has never been enough of Yugoslavia; for the Croats, there has always been too much of Yugoslavia. While the former demanded a centralized state, the latter had always viewed Yugoslavia as a loose union in which they would preserve their own distinct identity, rather than melting it into a single Yugoslav nation. And while the Croats, the Slovenes, and the Bosnian Muslims viewed the borders among the republics as real and just, the Serbs had accepted these “AVNOJ borders” on the premise that internal borders within the common, preferably centralized, state would not matter.

Because of divergent perspectives on borders, nationhood, and history, disputants often affirm their unilateral, high-stake, maximal demands in disregard for the needs or views of the other side. Thus, one of the key ideas of the Memorandum of the Serbian Academy of Arts and Sciences was that Serbia had never actually consented to the

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<sup>76</sup> Few authors pay attention to the disputants’ divergent perspectives as much as this study does, since the predominant idea is that the conflicts are due to either bad leadership or “ancient hatreds.” However, there are some works that—though of different scope, focus, and conclusion—do pay more attention to the divergent perspectives involved in identity disputes. One of them is Mertus, *Kosovo: How Myths and Truths Started a War*; see, in particular, some of Mertus’ conclusions at p. 229, as well as pp. 232-233.

AVNOJ-based Yugoslavia, or to the borders among the Yugoslav republics, and that Titoist federalism had been unjustly imposed upon the Serbs.<sup>77</sup> Such beliefs sustained the Serbian Anti-Bureaucratic Revolution of late 1980s, which aimed to right the alleged wrongs of “unequal” and “unjust” 1974 Constitution, and fueled the subsequent wars of 1990s, when Serbia argued that, with the break-up of Yugoslavia, the boundaries between Serbia, Croatia, and Bosnia-Herzegovina had to be readjusted because they were “administrative,” drawn “arbitrarily” by the “undemocratic” government—Marshall Tito, who was a Croat and who allegedly imposed the solution favorable to Croatia.<sup>78</sup>

In reality, the Titoist policy that allegedly favored Croatia at the expense of Serbia created more or less the same problems for the Croats as for the Serbs. The “AVNOJ borders” left roughly the same percentage of Serbs and the Croats outside the boundaries of Serbia and Croatia, respectively.<sup>79</sup> They disrupted Croatia’s territorial continuity: Bosnia-Herzegovina got “the exit to the sea” in the area inhabited by the Croat majority (Western Herzegovina), thereby cutting off Dubrovnik, the most powerful symbol for the Croats, from the Croatian mainland. One need not look beyond the realities of the Bosnian war: if the boundaries had been cut to please the Croats, as alleged by Serbia,

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<sup>77</sup> “Memorandum of the Serbian Academy of Sciences and Arts,” 28-30.

<sup>78</sup> For the official Serbian position on borders among the republics, see SFRY Presidency, “Position of the SFRY Presidency,” 30 December 1991, Document No. 153a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 481-485.

<sup>79</sup> According to the 1981 census, 24% of all Serbs and 22% of all Croats were left outside the boundaries of Serbia and Croatia, respectively, most of them in neighboring Bosnia-Herzegovina. Given that the Serbs were more numerous than the Croats, the absolute numbers involved close to 2 million Serbs, as opposed to 1 million Croats, even though in relative terms the numbers of Serb and Croat “displacement” were almost equal. For the Serb demographics, see “Memorandum of the Serbian Academy of Sciences and Arts,” 37; for the Croat demographics, see Zlatko Pepeonik, “Postwar Changes of the Ethnic Composition in Croatia and Impact of Encirclement,” in *Geopolitical and Demographic Issues of Croatia*, ed. Ivan Crkvenčić and Mladen Klemenčić, translated by Ellen Elias-Bursač et al., *Geographic Papers*, ed. Andrija Bogonar, no. 8 (Zagreb: University of Zagreb, Department of Geography, 1991), 39-41. The figures are rounded off by the author of this study.

then one should wonder why the Bosnian Croats—not just the Bosnian Serbs—fought against their inclusion into an independent Bosnia under the authority of Sarajevo.

The essence of the Yugoslav arrangement under Tito was that both the Croats and the Serbs—the latter being the largest and most “scattered” nation of Yugoslavia—had to subordinate their respective national interests and allow disproportionate benefit to the smaller nations and minorities within their respective borders in return for being able to live united within a single state that was Yugoslavia. That solution did not target the Serbs, nor did it seek to punish the Croats, but was made against the great difficulty of redrawing ethnic boundaries amicably in the mixed areas in order to accommodate the needs of everybody. That problem was particularly evident in the case of the highly mixed Bosnia-Herzegovina, reconstituted, by the Yugoslav communists, along the historic boundary between the Ottomans and the Habsburgs, as its division could not be accomplished peacefully.<sup>80</sup>

Nowhere is this divergence of disputants’ perspectives—and the resultant international frustration—more visible than in the Serbs’ utter repudiation of the term “Greater Serbia.” The Serbs rejected the claim they were creating “Greater Serbia,” because they did not think that they were claiming anybody else’s land when they raised territorial demands on Bosnia and Croatia. In the Serb view, there is only “new Yugoslavia” or Serbia, a state in which, following the breakup of Yugoslavia, all the Serbs should live and which should also include “Serbian territories” within Croatia and Bosnia, as well Kosovo, the cradle of Serbian medieval statehood.<sup>81</sup>

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<sup>80</sup> See later discussion of Bosnia, with particular reference to British diplomatic documents.

<sup>81</sup> See, e.g., the previous excerpts quoted from Jovic’s, where both Jovic and Milosevic argue for the need to create “new Yugoslavia”—which they never call “Greater Serbia.” See also Kusturica’s rejection of the term “Great Serbia” without the rejection of the idea that Serbia should extend beyond the borders of the former Yugoslav Republic of Serbia. Emir Kusturica, a famous filmmaker and a winner of the Golden Palm at the Cannes Film Festival, was born and raised in Sarajevo, but he does not consider himself

For that reason, while the Croats and Bosnian Muslims charged that the Serbs wanted to grab their land in order to create “Greater Serbia,” the Serbs replied that they were only trying to hold onto land that was rightfully theirs. Bosnia and Croatia disagreed: they argued that Serbia had carried out an act of “aggression” against their internationally recognized territories. The Serbs, however, did not believe they were violating any international boundaries for, in their view, Croatian or Bosnian boundaries could not be determined by an international community that had decided to recognize these two states against Serb wishes. Dismissing the charge of “Greater Serbia,” the Serbs thus argued that they had simply wanted to incorporate the “Serbian territories” into a single state and to protect Serbs from Croat or Bosnian Muslim “aggression.”

The Serbian view was evident, for example, from the editorial written by John Zametica, Bosnian Serb spokesman in 1993, at the time when the Bosnian Serbs rejected the Vance-Owen Peace Plan. Given that the Bosnian Serbs had constituted only 30 percent of Bosnia’s pre-war population, the plan was to the Serb advantage, having offered them 45 percent of Bosnia. Still, Zametica argued that the international community wanted to “destroy” the Serbs with this peace plan and “squeeze them off the map” of Bosnia. He affirmed that the Bosnian Serbs—who at the time of his writing held more than two-thirds of Bosnia, while pushing the majority of Bosnia’s population (Muslims and Croats) onto less than a third of Bosnia—had not unjustly seized anybody’s land, but had only tried to hold onto their own territories:

Bosnian Serbs do not imagine they are conquering anything. Most of the land of Bosnia is theirs, legally, farm by farm. They have tried to secure its possession—

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Bosnian at all. David Binder, “Conversations: Emir Kusturica: A Bosnian Movie Maker Laments the Death of the Yugoslav Nation,” *New York Times*, 25 October 1992, available from Lexis-Nexis Universe, accessed 9 December 1999. See also Alain Finkielkraut, “The Kusturica Imposture,” in *Dispatches from the Balkan War and Other Writings*, translated by Peter S. Rogers and Richard Golsan, with an introduction and chronology by Richard Golsan, European Horizon Series (Lincoln: University of Nebraska Press, 1999), 182-184; originally published by *Le Monde* (Paris), 2 June 1995.

within some sort of Serbian state, statelet or set of cantons. In their own estimation, they are not fighting to get more of Bosnia but to force surrender on pockets of futile resistance.<sup>82</sup>

Many Western observers might have been surprised by this affirmation of intra-Yugoslav differences in the course of the 1990s, blaming the post-communist leaders for “whipping up the fears” or for having “territorial appetites.” However, these leaders negotiated on behalf of constituencies whose nationalist perspectives had preceded the leaders’ rise to power. The history of the dispute within the former Yugoslavia shows that deep-seated differences had always been present, albeit buried underneath the façade of the all-Yugoslav “brotherhood and unity.” Moreover, the common stand on the Yugoslav unity in the past might not have been the result of any real agreement; instead, it might have been the outcome of the Yugoslav inability to resolve, during World War II and in its aftermath, the underlying differences over borders, identity, and sovereignty.

Such was the case of Bosnia, whose autonomy did not derive, as some advocating the use of force to restore “multiethnic Bosnia” have argued, from an idealized view of either the “Bosnian nation” or mutual accommodation of differences within Bosnia.<sup>83</sup> Instead, the Bosnian unity was made possible by a World War II consensus between the Serb and Croat elites to re-establish Yugoslavia, and, given the absence of any better alternative, to maintain a separate republic between Serbia and Croatia. In other words, the common stand on the Bosnian unity was the result of a great difficulty of reaching a decision on its partitioning in view of the existing national mixing and conflicting

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<sup>82</sup> John Zametica, “Squeezed Off the Map: Bosnian Serbs Refuse To Be Fobbed Off With a Settlement Which Leaves Them Worse Off Than Before the War,” *The Guardian*, 11 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000. John Zametica, initially with the Institute for International Strategic Studies in London and later with the University of Westminster, briefly served as the spokesman of Bosnian Serb leader Radovan Karadzic in 1993, when the Bosnian Serbs rejected Vance-Owen Peace Plan (VOPP).

<sup>83</sup> For such advocacy, see the following works: Robert J. Donia and John V.A. Fine, Jr., *Bosnia and Hercegovina: A Tradition Betrayed* (New York: Columbia University Press, 1994), particularly pp. 220-221, 280; Malcolm, *Bosnia*, particularly pp. 234, 251.

nationalist claims. Accordingly, British diplomatic sources, writing at the time the decision on Bosnian unity was reached, suggested that Bosnian autonomy was the result of a necessary compromise to avoid further bloodshed, given that it would have been difficult to redraw borders amicably, and that the partitioning of Bosnia would have required being forcefully imposed by the Allies.<sup>84</sup>

A view that suggests that a unified Bosnia resulted out of a painful World War II compromise seems consistent with Bosnian state-forming documents, such as the proclamation of the Bosnian Antifascist Council in 1943. Bosnia was considered nobody's and everybody's land and, as a highly mixed area, the best option seemed to lie in creating a separate federal unit with national power-sharing to ensure the equality of the Serbs, Muslims, and Croats in Bosnia. In any case, Bosnia's borders did not seem to matter at the time since Bosnia was to be kept within Yugoslavia:

Today, the nations of Bosnia and Herzegovina, through their sole representative body, the National Anti-Fascist Council of the People's Liberation of Bosnia and Herzegovina, wish their country, which is neither Serbian, nor Croatian, nor Muslim, but is equally Serbian and Muslim and Croatian, to be free and brotherly Bosnia and Herzegovina, which will ensure full equality of all Serbs, Muslims, and Croats. The nations of Bosnia and Herzegovina shall participate on an equal footing with our other nations in the development of the people's democratic federal Yugoslavia.<sup>85</sup>

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<sup>84</sup> FO 371/37601 Great Britain, Foreign Office, "Foreign Office Paper on Bosnia-Herzegovina, Printed 31 July 1944, Relating to Boundaries, Geography, Ethnic Distribution and History, Suggesting Possible Solutions for Conflict of Interests, Including a Partition of Bosnia and part of Serb Croatia on a Plebiscite Basis or the Restoration of Historic Partition [FO 371/37601]," in *The Historical Boundaries Between Bosnia, Croatia, Serbia, 1985-1945*, ed. Anita L. P. Burdett ([England]: Archive Editions, 1995), 786. Since Britain had close ties to Tito, its diplomats had a good insight into Yugoslav state-building.

<sup>85</sup> Yugoslavia (SFRY), National Antifascist Council of the National Liberation of Bosnia and Herzegovina, "[The Resolution of the First Session of the National Antifascist Council of the National Liberation of Bosnia and Herzegovina]," 25-26 November 1943; quoted in "Position of the SFRY Presidency," 18 December 1991, Document No. 152a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 477. The Bosnian Council was quoted in the Serbian opinion that otherwise argues that the Serbs had the position of a nation in Bosnia and Croatia and could therefore secede from Bosnia and Croatia. The Bosnian Council was the Bosnian equivalent of Croatian ZAVNOH and was, like ZAVNOH, part of Yugoslav AVNOJ. Led by (communist) Serbs, Croats, and Muslims, the Council represented the Bosnian supreme body during World War II.

However, with the break-up of Yugoslavia years later, the past compromises—which in fact had papered over deep disagreements—were gone, and the question becomes what the outside world should do when faced with such divergent and mutually incompatible perspectives. How should one intervene when the disputants cannot agree that their nations should share a common existence within a single state, nor can they agree how to separate: whether separation should be along existing borders, which are strongly disputed by the Serbs, or along newly redrawn borders, which are rejected most emphatically by the Bosnian Muslims.

One option for a third party is to do nothing: to limit one's interference to humanitarian aid, let the Yugoslav parties fight it out, and then recognize the victors as newly independent states. There is no legal obligation to intervene and help any disputant. In fact, international law would suggest that outside powers should remain unconcerned by Yugoslavia's internal dispute unless the dispute were to have repercussions for international peace and security, thus justifying the interest of the UN Security Council.<sup>86</sup> After all, third parties' doing nothing has been the destiny of many violent conflicts that have not attracted the media attention and/or that have not affected the interests of powerful states willing to intervene in other people's civil wars.

The second option is the approach initially taken in 1991: to help parties remain in a new, reformed Yugoslavia. However, that approach failed because the differences among the disputants were too big to permit Yugoslavia's survival: Europe eventually turned its efforts towards helping the republics separate from Belgrade.

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<sup>86</sup> Art. 2(7) of the UN Charter forbids interference into Yugoslavia's internal affairs unless the UN Security Council feels concerned. However, under Chapter VII, the Council should be concerned with international peace and security—e.g., if the Kosovo dispute leads to a war between Yugoslavia and Albania, but not if it involves Serbian-Albanian clashes within Yugoslavia, or if the Bosnian dispute leads to a war between Croatia and Serbia, two republics within Yugoslavia.

The third option is what Europe attempted in the fall of 1991 and the spring of 1992. Following its failure to hold Yugoslavia together, Europe tried to sponsor a negotiated break-up along the existing internal borders, coupled with minority rights regimes. Nonetheless, that option failed as well: the Serbs, for whom the Croatian and Bosnian borders had no legitimacy, waged the wars in order to redraw new borders.

Hence, some have questioned the legality and wisdom of the Badinter opinions that upheld the existing borders (*uti possidetis*), believing that there would have been less bloodshed if the Western powers had immediately embarked upon the negotiations regarding new, ethnically redrawn borders (fourth option).<sup>87</sup>

The fourth option would be to draw new borders and promote an early ethnic partitioning. This option is particularly appealing in view of the insecure identities and the absence of harmony among the disputants. Yet, even this option failed, most notably in Bosnia, as a means of conflict prevention, instead precipitating the war between the Bosnian Muslims and the Bosnian Croats. Mixed Bosnia could not to be divided by means other than violence and ethnic cleansing, even though some recognition of its internal partitioning eventually brought stability to this troubled, contested land.

The fifth option is coercive nation building along a model of a Western multiethnic democracy after a lasting ceasefire and the legitimacy of the new, internationally recognized borders have been imposed. This option is a combination of reworked second and third options mentioned above. Its effectiveness has been tested in post-Dayton Bosnia, where the international community has been engaged in building a

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<sup>87</sup> David Owen, *Balkan Odyssey* (New York, San Diego, London: Harcourt Brace, 1995); Hurst Hannum, "Self-determination, Yugoslavia, and Europe: Old Wine in New Bottles?" *Transnational Law and Contemporary Problems* 3, no. 1 (1993): 58-69; Peter Radan, "Post-Secession International Borders: A Critical Analysis of the Opinions of the Badinter Arbitration Commission," *Melbourne University Law Review* 24 (April 2000), available from Lexis-Nexis Universe, accessed 3 December 2002.

single, “multiethnic” Bosnia for close to ten years now, trying to displace nationalist politicians from power and to erode Bosnia’s national power-sharing in favor of building civic institutions and multiethnic coalitions. However, as demonstrated by this study, that option seems unviable in view of deeply entrenched national identities and the irreconcilability of demands between ruling majorities and dissatisfied minorities. Regrettably, post-Dayton Bosnia and post-1999 Kosovo have demonstrated the limits of coercive nation-building out of disputed identities, and that some separation may be necessary to peace and stability.

### **Conclusion**

The proponents of coercion have typically presented the break-up of Yugoslavia as the Serbian conspiracy to create “Greater Serbia,” and the break-up of Bosnia, as the Serbian-Croatian conspiracy to divide “multiethnic” Bosnia.<sup>88</sup> Such intentions most likely did exist and helped shape at least some of the events that transpired. However, the existence of such plans does not mean that Yugoslavia broke up because of the Serbian planning to create “Greater Serbia;” nor does it mean that Bosnia ended up divided because Milosevic and Tudjman were discussing its division. To carry out such plans, “ethnic entrepreneurs” required, which they had, “willing” constituencies with insecure identities and mutually contradictory nationalist perspectives. Such perspectives had predated the creation of Yugoslavia. They had laid the groundwork for Yugoslavia’s precarious 20<sup>th</sup> century existence, eventually bringing about its demise. Moreover, they have survived to become the major sources of frustration for coercive nation-builders.

Thus, underlying Yugoslav disputes over identity have been long-standing, divergent perspectives regarding borders, nationhood, statehood, history, and justice. As

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<sup>88</sup> See, e.g., Silber and Little, *Yugoslavia*.

it will be demonstrated by this study, the irreconcilability of these perspectives precludes the existence of a common framework within which disputants can freely negotiate their differences or that would enable outside parties to impose self-sustaining solutions. At best coercive peacemaking can mitigate these conflicts, but disputants' underlying irreconcilable perspectives and objectives remain; so do the disputes as they shift, accompanied by low-intensity violence, into the political realm.

## CHAPTER THREE

### EARLY INVOLVEMENT FAILS TO PREVENT A VIOLENT BREAK-UP

(June-September 1991)

#### **Introduction**

This Chapter outlines and analyzes third parties' objectives and policy at the early stage of the Yugoslav crisis, with an emphasis on Europe's insistence on peaceful conflict resolution and its slight, but often-stated, preference for preserving Yugoslavia. It focuses on how the disputants viewed the outside involvement and how they tried to manipulate it to their benefit. It provides an evaluation of Europe's early coercive involvement, arguing that it displayed not only limits but also detrimental effects, particularly for the weaker disputants. Europe failed to arrest the growing violence or to save Yugoslavia, while rendering the weaker Croats more vulnerable. Its coercive diplomacy "solved" the easy case of Slovenia, while aggravating the conflict in Croatia: it allowed the Serbs to regroup and divide Croatia, while encouraging the Croats to pursue independence at all costs. In other words, its involvement played into the disputants' objectives, such as independence for Slovenia, and Croatia's division for Belgrade.

#### **European Peacemakers and Peaceful Conflict Resolution**

Throughout the spring of 1991, Slovenia and Croatia urged a greater outside involvement in order to mediate their dispute with the stronger Serbia. However, Europeans and Americans routinely rebuffed their proposals, despite the CIA's warning about the upcoming violent break-up of Yugoslavia.<sup>1</sup> They felt that an early high-profile

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<sup>1</sup> For the CIA warning, see David Binder, "Evolution in Europe: Yugoslavia Seen Breaking Up Soon," *New York Times*, 28 November 1990, available from Lexis-Nexis Universe, accessed 9 December 1999.

involvement--which would have taken different republics as negotiating partners--would have played into the hands of those republics wishing to break away from Yugoslavia. According to Michael Libal, a German official closely involved in the Yugoslav crisis, the Europeans were cautious of initiating any action that could be interpreted as support for the breakaway republics (i.e., Slovenia and Croatia):

To discuss the Yugoslav crisis in an international forum was a delicate matter, as it was still considered an internal Yugoslav affair, and it was feared that any open or blatant internationalization of the situation might play into the hands of the separatist forces. For that reason, Foreign Minister Genscher refrained from introducing the question at any plenary meetings; instead, it was debated during a working lunch restricted to the ministers and their political directors. By opening this debate with a report of his own, the Yugoslav foreign minister avoided the impression of being forced to accept international meddling in the affairs of his own country. At the end of the meal, a carefully drafted declaration was approved for publication, which balanced support for the unity and territorial integrity of Yugoslavia with emphasis on a continued dialogue and a peaceful solution.<sup>2</sup>

Nor was the American position regarding the Yugoslav political and constitutional crisis of 1990-1991 any different from that of Europe. In the spring of 1991, or several months before the outbreak of the war, America flatly refused to mediate the growing Yugoslav crisis:

We doubt that the offer of the third party mediation services would be helpful except under very specific circumstances, such as the case of the collapse of the central authority and functioning capacity of the Yugoslav Federal Government or the case of the consensus of all Yugoslav republics on the need for the third party involvement. Under any other circumstances, international mediation would not be helpful and would have most likely strengthen centrifugal forces.<sup>3</sup>

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<sup>2</sup> Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992* (Westport, Conn.; London: Praeger Publishers, Greenwood Publishing Group, 1997), 8. Michael Libal was the Head of the Southeast European Department at the German Foreign Ministry and was responsible for the daily handling of German and, where appropriate, EC policy towards the former Yugoslavia during the 1991-1995 period.

<sup>3</sup> See an informal paper used by American diplomats for the purpose of consulting foreign governments regarding the growing Yugoslav crisis, cited in Borisav Jović, *Последњи Дани СФРЈ* (Last Days of SFRY), 2<sup>nd</sup> ed. (Kragujevac, Serbia: Prizma, 1996), 285; for the entire American paper, see Jovic's diary entry for 9 March 1991, pp. 283-285. Borisav Jovic was one of the key Serbian decision-makers in 1991, and he published his diary in 1995. Unless otherwise noted, all citations from Jovic—usually identified as “Jovic’s diary entry”—are translated from Serbian and Cyrillic into English by the author of this study.

Moreover, the goal of upholding Yugoslavia's unity and the attitude of non-involvement were consistent with customary international law. The UN Charter prohibits the outside interference into the internal affairs of other states, in particular actions that might undermine the sovereignty and territorial integrity of the UN member states.<sup>4</sup> Furthermore, the low level of violence does not justify the interest of the UN Security Council, an interest that would make intervention into Yugoslavia's internal affairs legal for the international body and its member states.<sup>5</sup>

Under such circumstances, the early American and European policy of the 1990-1991 period should not be a surprise: emphasis on a reformed, unified Yugoslav state; insistence on non-use of force by disputants in order to solve their growing differences; and demands for political negotiations among the Yugoslav parties to resolve the growing crisis on their own in a peaceful manner.

Accordingly, in the months preceding the outbreak of the armed conflict, European ministers decided that neither would they recognize Slovenian or Croatian unilateral declarations of independence nor would they approve of the Serbian resort to the use of force against the two northern republics. In their statement of 8 May 1991, European Ministers stated "their firm opposition to the use of force" and argued that "only dialogue between all the parties concerned [would] provide a lasting solution to the present grave crisis and ensure a future for a democratic and united Yugoslavia."<sup>6</sup>

<sup>4</sup> See, in particular, Article 2(4) and 2(7) of the UN Charter.

<sup>5</sup> In the view of the Article 2(7) and the Chapter VII of the UN Charter, the UN Security Council can decide to intervene in the internal affairs of its sovereign member states if there is a threat to international peace and security. Low level of violence, or a political crisis, as well as the absence of any threat of a larger regional confrontation involving Yugoslavia's neighbors, do not suggest there was any threat to international peace and security.

<sup>6</sup> European Communities (EC), [Council of Ministers], "[EC] Statement on Yugoslavia," Brussels, 8 May 1991, Document No. 89 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 285; emphasis in the quote above added in underlying by the author of this study. See also Libal, *Limits of Persuasion*, 11-12.

Furthermore, Europe offered significant economic and political incentives, reviving the idea of closer ties and possibly an association agreement between the European Community (EC) and a restructured, single Yugoslav state (but not with any separate Yugoslav republics, whose leaders Europe rebuffed). Thus, in their statement of 8 June 1991, the European ministers stated that the republics' successful negotiations on the future constitutional arrangements, democratization, respect for human rights, and economic reform would "permit a new dimension to the relations between the Community and Yugoslavia in accordance with the traditional ties that unite them."<sup>7</sup>

Therefore, despite the growing crisis, Western politicians waited to get involved until violence had actually erupted in the former Yugoslavia. The event that prompted the outside involvement was the intervention by the Yugoslav Federal Army (YFA) in Slovenia in the late June of 1991. The YFA intervened after Ljubljana had declared an intention to seize the control of the border posts in accordance with its declaration of independence.<sup>8</sup> Slovenia and Croatia had proclaimed independence following a lengthy constitutional crisis, having issued a warning to Belgrade that they would proclaim independence should Serbia continue to obstruct the work of the Federal Presidency, Yugoslavia's supreme decision-making body.<sup>9</sup>

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<sup>7</sup> European Communities (EC), [Council of Ministers], "[EC] Statement on Yugoslavia," Brussels, 8 June 1991, Document No. 90 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 286. See also Libal, *Limits of Persuasion*, 7-8.

<sup>8</sup> It should be noted that Slovenia, unlike Croatia, wanted to seize the border posts and that the conflict, therefore, first erupted in Slovenia and, later on, spread to Croatia.

<sup>9</sup> After the Serbian Anti-Bureaucratic Revolution, Serbia held four out of eight voices in the Presidency—instead of one, to which it was entitled as any other republic. Belgrade could, therefore, block the routine change of the Head of the Presidency from the Serbian to the Croatian representative, leaving Yugoslavia without its Head of the State, and the YFA without its constitutional Commander-in-Chief. The details and references regarding this constitutional crisis are given extensively in Chapter Two. For the declarations of independence, see Assembly of the Republic of Slovenia, "Republic of Slovenia Assembly Declaration of Independence," Ljubljana, 25 June 1991, Document no. 91 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 286-290; Parliament of the Republic of Croatia (Sabor), "Declaration on the Establishment of Sovereign and Independent Republic of

Thus, with the outbreak of the high-intensity armed conflict in Yugoslavia, the Western powers finally decided to get involved. The EC diplomats rushed to Belgrade, having declined the American offer of help by saying, “This is the hour of Europe, not the hour of the Americans.”<sup>10</sup>

The EC involvement was stimulated by its ambition to deepen its integration process. Europe was an economic giant with aspirations for a political and monetary union. The Treaty on the European Union was negotiated just as the armed conflict erupted in the former Yugoslavia in the summer of 1991. Thus, Europe aspired to exert influence in its “backyard” and took on the management of the Yugoslav crisis.

Furthermore, projecting its own post-World War II experience, Europe was also eager to induce the Yugoslav disputants to embrace a peace settlement that reflected values of the European societies: peaceful negotiations, democracy and human rights, and commitment to free markets. Above all, Europe’s hope was to uphold the new principles of peaceful change of borders (Helsinki Final Act) in order to set a positive precedent for the looming crisis in the Soviet Union. Europe feared that a similar Russian attempt to use force to prevent the Soviet break-up could have serious consequences, in view of the nuclear weapons stationed on the territories of several Soviet republics.<sup>11</sup>

Two days after the outbreak of the high-intensity conflict in Slovenia, the EC Ministerial Troika arrived to Yugoslavia. They urged Slovenia and Croatia to suspend

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Croatia,” Zagreb, 25 June 1991, Document no. 91 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 301-304.

<sup>10</sup> Luxembourg’s Foreign Minister, a member of the EC mission to Yugoslavia, quoted in “War in Europe,” *The Economist*, 6 July 1991, p. 13, available from Lexis-Nexis Universe, accessed 3 January 2004.

<sup>11</sup> “War in Europe,” p. 13. For Western worries over the disintegrating Soviet Union, see James A. Baker, III, with Thomas M. DeFrank, *Politics of Diplomacy: Revolution, War and Peace, 1989-1992* (New York: Putnam, 1995), Chapters 28 and 32, pp. 514-539 and pp. 614-633, respectively. For the American focus on “managing the peaceful dissolution of the USSR” during the outbreak of the war in the former Yugoslavia, see p. 637. Later portions of this Chapter will also cite European diplomats who expressed concerns over violent disintegration of post-communist states and argue for the need to establish positive precedents of peaceful conflict resolution.

their declarations of independence for three months, and for their representatives to return to the Yugoslav institutions and negotiate the resolution of the crisis. The Troika also asked Serbia to unblock the work of the Yugoslav institutions by permitting the election of the President of Yugoslavia (Head of the Federal Presidency), since non-election was the formal reason for the declarations of independence. Having sponsored a ceasefire, the Troika also urged the deployment of an EC monitoring mission to Slovenia.<sup>12</sup>

Thus, Europe was not eager to recognize the break-up of Yugoslavia. Instead it tried to re-establish the *status quo ante* and convince the disputing parties to respect Yugoslavia's constitutional order and use its framework to reach a negotiated, peaceful solution on their future relations. The main idea underlying this European policy was that, with the help of the European mediators, the Yugoslav parties would now be able to conduct more productive negotiations on the future of their country and resolve the crisis peacefully.<sup>13</sup> Furthermore, since the European view of the crisis coincided with that of

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<sup>12</sup> The European Troika included the representatives of the present, past, and future EC presidencies. In the second half of 1991, the Netherlands held the EC presidency; therefore, the European Troika was led by Dutch Foreign Minister Hans Van Der Broek. For its mission in Yugoslavia, see Libal, *Limits of Persuasion*, 14-15; "[Joint Declaration of the EC Troika and the Parties Directly Concerned with the Yugoslav Crisis the so-called 'Brioni Accord']", Brioni, 7 July 1991, Document No. 100 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 311-315; European Communities (EC), [Council of Ministers], "[EC] Declaration on Yugoslavia Adopted at the 82<sup>nd</sup> EPC Ministerial Meeting," The Hague, 10 July 1991, Document No. 101 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 315-316; Yugoslavia (SFRY), SFRY Presidency, "[Decision of the SFRY Presidency]," Belgrade, 12 July 1991, Document No. 102 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 316-317; "Memorandum of Understanding on the Monitor Mission to Yugoslavia," 13 July 1991, Document No. 103 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 317-322. The monitoring mission was supposed to focus its activities on Slovenia, where the armed conflict broke out first; the conflict spread on to Croatia, and the monitoring mission would be eventually extended to Croatia, several months later.

<sup>13</sup> For the failure of pre-war negotiations, conducted by the Yugoslav parties without outside assistance, see Yugoslavia (SFRY), "Communiqué from the Meeting of the Presidents of the Yugoslav Republics Concerning the Constitutional Reorganization of Yugoslavia," Brdo near Kranj, 11 April 1991, Document no. 88 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska

the United States, the EC position was reconfirmed by the Conference for the Security and Cooperation in Europe (CSCE).<sup>14</sup>

On 5 July 1991, the EC Ministers adopted their first important statement on Yugoslavia:

[The Community and its member States] call for a peaceful solution to the current crisis in the country. They stress again that it is only for the peoples of Yugoslavia themselves to decide on the country's future. They restate therefore their firm opposition to any use of force.

The Community and its member States call for a dialogue without preconditions between all parties on the future of Yugoslavia, which should be based on the principles enshrined in the Helsinki Final Act and the Paris Charter for a New Europe, in particular respect for human rights, including rights of minorities and the right of peoples to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States (The Charter of Paris). The Community and its member States take note of the fact that in Yugoslavia all parties concerned accept the reality that a new situation has arisen. The Community and its member States for their part will do their utmost to help them find a solution.<sup>15</sup>

This carefully balanced statement indicates that Europe was not eager to endorse the Yugoslav break-up; rather, it was willing to acknowledge that all the Yugoslav parties themselves had accepted the reality of a "new situation" in Yugoslavia, which called for new relationships among the Yugoslav parties, whether the parties decided to stay in a single state or to split away. The European preference for peaceful conflict resolution and a willingness to help the Yugoslav parties reach a solution on their own led to a European

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(Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 281-285. See also the forthcoming EC citation (5 July 1991), expressing Europe's expectation it could help the ex-Yugoslav republics conduct more productive negotiations.

<sup>14</sup> Conference for Security and Cooperation in Europe (CSCE), "[Documents Adopted by the Committee of Senior Officials in the Framework of the CSCE Mechanisms]," Prague, 3-4 July 1991, Document No. 98 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 308-310. Also available as UN Doc. S/22785, Annex I, II and III.

<sup>15</sup> European Communities (EC), [Council of Ministers], "[EC] Declaration on the Situation in Yugoslavia Adopted at the Extraordinary EPC Ministerial Meeting," The Hague, 5 July 1991, Document No. 99 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 310-311; for quote, see p. 310.

facilitative mediation which lacked any strongly stated substantive input. Though Europe would have preferred a united Yugoslavia, it was willing to accept any outcome, even Yugoslavia's dissolution, as long as the process could be reached peacefully.

Consistent with its emphasis on peace, European greatest threats were addressed at the Serbian leadership, which had influence over the YFA. In case of a deteriorated situation, the EC Ministers threatened to review their position of non-recognition of the unilateral declarations of independence and preference for the negotiated outcome involving all the parties concerned. According to the EC statement of 5 July 1991,

The Community and its member States will have to consider again their position in the event of any further breach of the cease-fire, in particular should unilateral military action be taken.<sup>16</sup>

Given the essentially political and economic nature of Europe's power, the EC tools of peacemaking were non-military, or limited to diplomatic and economic measures in which the threat of recognition played a major role. As pointed out by Jacques Delors, President of the EC Commission, the EC is "like an adolescent facing the crisis of an adult," having only "the weapons of recognition and economic aid" at its disposal.<sup>17</sup>

Dutch Foreign Minister Hans van der Broek, whose country then held the EC Presidency, went to Belgrade to explain the European position to the Serbian leadership. In his meeting with Serbian President Slobodan Milosevic and Serbian representative in the Yugoslav Federal Presidency Borisav Jovic, the Dutch Minister emphasized that Europe was interested in the peaceful negotiations on the preservation of Yugoslavia, but that its position might change if the YFA did not end its military operations:

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<sup>16</sup> Ibid., 310.

<sup>17</sup> Delors, the first man of united Europe, quoted in William Drozdiak, "Lack of an Armed Option Limits EC's Yugoslav Peace Initiative," *Washington Post*, 5 September 1991, available from Lexis-Nexis Universe, accessed 8 December 1999.

This would certainly lead to a serious situation that does not exclude a possibility that one after another [European] state would recognize that the Croatian and Slovenian aspirations for self-determination could no longer be denied.<sup>18</sup>

Yet, though Europe had threatened unilateral recognition already in its statement of 5 July 1991, it remained reluctant to take this decisive step despite the escalating violence: Europe still hoped for a negotiated, peaceful solution that would preserve Yugoslavia. Even though it was clear that behind the YFA stood the Serbian leadership--rather than the Federal Presidency, its constitutional commander-in-chief--the EC Ministers called upon the Presidency to reign in what were supposedly renegade YFA "elements," out of desire not to diminish the legitimacy of the Yugoslav institutions:

The European Community and its member States are dismayed at the increasing violence in Croatia...It is even more disconcerting that it can no longer be denied that elements of the Yugoslav People's Army [YFA] are lending their active support to the Serbian side. The Community and its member States call on the [Yugoslav] Federal Presidency to put an immediate end to this illegal use of the forces under its command.<sup>19</sup>

Furthermore, hoping to discourage Serbia, the EC Ministers stated they would never recognize the new borders redrawn in blood:

The European Community and its member States will never accept a policy of *fait accompli*. They are determined not to recognize changes of borders by force and will encourage others not to do so either. Territorial conquests, not recognized by the international community, will never produce the kind of legitimate protection sought by all in the new Yugoslavia. Such protection can be brought about only by negotiations based on the principle of the fullest protection of the rights of all, wherever they may live in Yugoslavia.<sup>20</sup>

In its statement of 27 August 1991, the EC Ministers urged the extension of the

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<sup>18</sup> Dutch Minister quoted in Jovic's diary, which includes in full the transcription of the meeting between the Serbian leaders and the European Troika: see Jovic's diary entry for 7 July 1991, pp. 350-359; for the quote, see p. 351.

<sup>19</sup> European Communities (EC), [Council of Ministers], "Declaration on Yugoslavia, Adopted at EPC Extraordinary Ministerial Meeting," Brussels, 27 August 1991, Document No. 111 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 333-334; for the quote, see p. 333.

<sup>20</sup> Ibid.

EC monitoring mission from Slovenia to Croatia, and demanded the convening of a peace conference with binding arbitration by European lawyers. Thus, after two months of its involvement, which failed to arrest the growing violence, Europe had become ready to embrace a more coercive, intrusive approach to the Yugoslav crisis, being willing to propose solutions and expecting that the Yugoslav parties would accept the outcome of such European quasi-legalistic procedures.<sup>21</sup> Finally the EC called explicitly on Serbia “to lift its objections” in a new statement (27 August 1991) which reiterated the threat of European unilateral recognition:

In the absence, by 1 September 1991, of an agreement on the monitoring of the cease-fire and its maintenance and on the peace conference, the Community and its member States will consider additional measures, including *international action*. To this effect they will convene a meeting to which they will invite the Presidents and the representatives on the Federal Presidency of the Republics which support these two steps.<sup>22</sup>

The Dutch Foreign Minister went again to Belgrade in order to explain the EC threats of “international action”: isolation of Serbia and recognition of Slovenia and Croatia.<sup>23</sup> At the top-level all-Yugoslav meeting, Yugoslav Foreign Minister Budimir Loncar informed the members of the Federal Presidency about the basic intention of the EC Declaration of 27 July 1991:

Its basic intention is the preservation of the Yugoslav institutional framework, despite [Europe’s] obvious doubts in the capacity of the Yugoslav actors to accomplish this.

It is only in the case of our refusal to concede before the European demands regarding the EC monitoring mission and the conference that the second scenario would take place: this would signify a move towards dismemberment of

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<sup>21</sup> *Ibid.*, 334; Libal, *Limits of Persuasion*, 40-41. Since France originated the idea of arbitration, the Arbitration Commission was headed by Robert Badinter, President of the French Constitutional Court. The opinions of the Commission are cited in Chapter Four and Five.

<sup>22</sup> EC, “Declaration on Yugoslavia,” 27 August 1991, p. 334. Emphasis for “international action” added in italics in the quote above by the author of this study.

<sup>23</sup> For the media reports on the European pressures placed on Serbia to accept the EC monitoring mission, conference, and binding arbitration, coupled with the threats of unilateral recognition of Slovenia and Croatia if it fails to do so, see David Gardner and Laura Silber, “EC Begins to Isolate Serbia; Foreign Ministers Threaten to Exclude Republic from Peace Conference,” *Financial Times* (London), 31 August 1991, available from Lexis-Nexis Universe, accessed 8 December 1999.

Yugoslavia, with, of course, international participation. A selective resolution of the crisis is being announced, with the participation of only those republics that accept the EC proposal, while the others would be isolated.<sup>24</sup>

In conclusion, from the very outset of its involvement, Europe hoped to support negotiations on a newly restructured Yugoslavia. At the same time, it contemplated the unilateral recognition of Slovenia and Croatia against the Serbian wishes only as a measure of last resort: its rather weak threats of unilateral recognition directed against Serbia were mainly connected to the overriding European preference for peaceful conflict resolution. Europe's real interest was that neither Slovenia and Croatia separated unilaterally, nor Serbia used force to compel these republics to remain within Yugoslavia. Yet the policy had few positive effects on the ground, as evident from the subsequent sections, which focus on how the disputants perceived the EC involvement and the strategies they adopted vis-à-vis European coercive diplomacy.

### **Serbian Response to the EC: Change of Tactics, But Not of Objective**

While Europe sought to preserve Yugoslavia in some form, the Serbian leadership had already made up its mind that Yugoslavia could not survive. Its main focus was how to create a "new Yugoslavia"—or "Greater Serbia"—which would exclude Slovenia and rump Croatia. Accordingly, the Serbian leaders pressed the YFA Chief to disengage from Slovenia as soon as possible, and focus instead on Croatia, or on "defending" what Milosevic called the "*future* boundaries of Yugoslavia."<sup>25</sup> Given such Serbian designs,

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<sup>24</sup> Yugoslav Foreign Minister Loncar spoke on behalf of the Federal Government of Ante Markovic, the only Yugoslav actor truly committed to a democratic and unified Yugoslavia; his speech was quoted in Jovic's diary entry for 28 August 1991, p. 374.

<sup>25</sup> Milosevic cited in Jovic's diary entry for 27 June 1991, p. 343. It should be noted that this "future Yugoslavia" was in fact "Greater Serbia," a state that would exclude Slovenia and rump Croatia. "New Yugoslavia" is a synonym for "Greater Serbia." The Serbs have normally rejected the term "Greater Serbia" as anti-Serb propaganda initiated by Zagreb and Sarajevo. In the Serbs' understanding, Serbia cannot be "Greater" if it were to include the territories wherever the Serbs have lived. Belgrade viewed such territories in Croatia, Bosnia, and Kosovo, as the "Serbian territories." See Chapter Two for this

the EC policy would be able to influence Serbian behavior only marginally--only to the degree its policy could correspond to Belgrade's goal of creating "Greater Serbia."

After the YFA intervened in Slovenia on the orders of the Federal Government, Serbian President Slobodan Milosevic and Borisav Jovic, the Serbian representative in the Yugoslav Presidency, arranged a meeting with General Veljko Kadijevic, Yugoslav Defense Minister and the YFA Chief. As recorded by Jovic in his diary, the Serbian leaders demanded the following from Kadijevic:

- 1) To strike back at the Slovenes with all possible means, including the air force, and to prevent any further ill-treatment of the YFA. Then withdraw from Slovenia.... This will boost the YFA confidence, frighten Croatia, and reassure the Serbs.
- 2) To concentrate the main forces of the YFA along the line Karlovac-Plitvice in the west [along the line of Serb-populated areas known as 'Krajina']; Baranja, Osijek, Vinkovci--the Sava River in the east [eastern Croatia, or Slavonia region], and the Neretva River in the south [southern part of Bosnia, or Herzegovina]. To cover thereby all the areas where the Serbs live until the final resolution--that is, the [Serb] free exercise of self-determination through a referendum.
- 3) To eliminate completely all Croats and Slovenes from the YFA.<sup>26</sup>

Milosevic and Jovic demanded a swift action, arguing that any delay could bring a disaster. Their major fear was that the Serb dominated YFA--which still included non-Serb officers and was composed of conscripts from all over Yugoslavia--would not be able to withstand the pressure of a civil war and would disintegrate before it could

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Serbian perspective, and the Serbs' disagreement with Croatian, Bosnian, and Kosovo Albanian views. For an English-language source describing the Serbian orders to the YFA, see the account written by the two Western journalists who also interviewed former Yugoslav decision-makers concerning the events in question: Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. and updated ed. (New York: Penguin Books, 1997), 154-168; see, in particular, p. 161.

<sup>26</sup> The Serbian planning indicates that Belgrade intended to incorporate anywhere between one-half to two-thirds of Croatia and almost all of Bosnia-Herzegovina. For the quote that cites Milosevic and Jovic's orders to the YFA, see Jovic's diary entry for 5 July 1991, p. 349. Jovic's diary, which concerns the 1989-1992 period, is used by the officials of the International Criminal Tribunal for the Former Yugoslavia in the proceedings against Slobodan Milosevic. As in all other citations from Jovic, this citation was also translated, from Serbian and Cyrillic, into English by the author of this study; for a comparable translation, see excerpts from Jovic's diary published in English by a journal of the Institute for International Relations of Zagreb: Dušan. Bilandžić, review of *The Last Days of the SFR Yugoslavia: Extracts from a Diary*, by Borisav Jović, *Croatian International Relations Review* (Zagreb) 2, no. 3 (April-June 1996): 31-35, for the relevant quotes, see p. 34.

impose the solution desired by the Serbian leadership. Thus, they warned the YFA Chief, “Unless we take action in Slovenia immediately, we shall lose power in Serbia and the Army [YFA] will then disintegrate, too.”<sup>27</sup>

How, if at all, did the European coercive diplomacy, as outlined in the previous section, moderate these Serbian plans, conceived in the early July of 1991?

It appears that European coercive diplomacy influenced Serbia only in the case where Belgrade had no motivation to resist. Belgrade was not interested in keeping Slovenia in Yugoslavia, so it would prove accommodating on the issue of Slovenia, permitting its peaceful separation from Yugoslavia. However, Europe could not moderate the Serbian behavior towards Croatia in any significant manner.

When the European Troika visited Belgrade, Jovic supported the Slovenian negotiated move to independence, but he vehemently opposed the notion that Croatia could become independent without a change of the borders between Croatia and Serbia.<sup>28</sup> He argued that the Serbs had already borne enormous costs in order to live in a “single state” and could not now permit the loss of “their” state (i.e., Yugoslavia) and become “national minorities in other states” (i.e., Croatia). Jovic argued that this position reflected not only the attitude of Serbia and the Belgrade leadership but also the stand of the “Serbs outside of Serbia,” who, traumatized by their historic experiences, would take up arms to fight against their forcible inclusion into other independent states.<sup>29</sup>

Instead of carrying out, as originally planned, a swift action of retaliation against Slovenia, the quick YFA redeployment to the boundaries of “new Yugoslavia,” and the immediate YFA transformation into a Serbian army, the Belgrade leadership appeared to

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<sup>27</sup> Milosevic and Jovic cited in Jovic’s diary entry for 5 July 1991, p. 349.

<sup>28</sup> Jovic’s diary entry for 7 July 1991, pp. 349-359.

<sup>29</sup> For Jovic’s words said during the talks with the European Troika, see Jovic’s diary entry for 7 July 1991, pp. 358-359; see also 355.

back away from some of its original plans once Europe had threatened the unilateral recognition of the breakaway republics in case of the resumption of hostilities. Instead, the Serbian leadership decided to pursue their plan of dividing Croatia in stages through a low-key, secretive strategy, while accommodating Europe on the issue of Slovenia about which Serbia did not care at all.<sup>30</sup>

Following this EC intervention, the conflict subsided in Slovenia and, shortly thereafter, the Serb-dominated Yugoslav Presidency—now joined by the Slovenian representative—outvoted Croatia and Bosnia-Herzegovina to permit the YFA withdrawal from Slovenia. Though this decision of the Federal Presidency did not give Slovenia an explicit permission to secede, it nevertheless sent a strong signal that Ljubljana would eventually be allowed to leave Yugoslavia. At the same time the decision frightened Croatia, on which the increasingly Serbianized YFA could now focus its attention.<sup>31</sup>

As the high-intensity conflict subsided in Slovenia, Croatia was descending into civil war. In contrast to the flashy confrontation between the YFA and the Slovenian territorial forces, which had caught CNN and, therefore, world attention and prompted immediate high-level European involvement, Croatia would soon be engulfed in a vicious low-intensity war. That conflict engaged the irregular forces of the local Serbs against the Croatian police and guardsmen, while the YFA—under the pretext of fulfilling the neutral, interposition role—provided active support to the Serb side.

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<sup>30</sup> There is no explicit proof in Jovic's diary that the Serbian change of the original plan was caused by European threats to recognize Croatia and Slovenia in case the YFA continue with its military operations (see the EC statement of 5 July 1991 and the subsequent Troika visit, which were analyzed in the preceding section). Instead, that Belgrade changed its original plan under EC pressure is the conclusion of the author of this study, based upon an analysis of Jovic's excerpts detailing the previously cited Serbian plan, on one hand, and the subsequent events that followed, on the other, as described in detail in this Chapter. Jovic published excerpts only, and his book omits some important events; however, overall the diary reveals more than Jovic had probably intended.

<sup>31</sup> See Jovic's diary entry for 15 July 1991, p. 366. Since Serbia controlled four out of eight voices in the Presidency, it could easily outvote Croatia, Bosnia, and Macedonia, if Slovenia voted with Serbia.

Furthermore, in contrast to the relatively impersonal armed conflict between the YFA and Slovenian territorial forces, the war in Croatia was increasingly appearing to be a “dirty war” against Croat civilians. Already on 8 July 1991, about two hundred Croat villagers were forced out their homes in Celije, a village near Vukovar, while their homes were set on fire. A week later, or about three weeks since the outbreak of the Yugoslav civil war, the Croatian authorities reported of having to care for 6,070 displaced persons, mostly Croats, in addition to Hungarians and some Serbs.<sup>32</sup>

Though not involving large-scale military operations that would have caught the international attention, these low-intensity operations conducted by local Serbs succeeded, nevertheless, in creating new realities. Under the protection of the supposedly neutral YFA, the local Serbs were securing territories for their self-proclaimed Republic of Serbian Krajina (RSK), while the non-Serb population was forced from their homes. By the end of August 1991, or after two months of this “dirty war” that went on in parallel to the EC peacemaking efforts, Zagreb had lost control over a quarter of Croatia and had to care for over 125,000 refugees.<sup>33</sup>

The YFA claimed to be an impartial arbiter in the Serbian-Croatian dispute, fulfilling a buffer role to prevent greater interethnic violence. Consistent with this proclaimed role, it would have been expected that the YFA would also have intervened to protect the Croat population fleeing from Serb attacks. Yet there was not a single occasion on which the YFA intervened against Serbs, or with the aim of protecting Croats. Instead, the YFA always intervened against the Croatian police and guardsmen

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<sup>32</sup> See entries for July 8 and 17 in “Documents: Chronology: 1991: Croatia 1991: July through September,” *Croatian International Relations Review* (Zagreb) 2, no. 4-5 (July-December 1996): 41, 42. “Dirty war” was the Croatian expression for a war that the Serbs began to wage against the Croat populace in early July 1991; later, this special kind of warfare was renamed “ethnic cleansing.” Celije was the first example of ethnic cleansing that set a pattern for similar large-scale operations later in Croatia and Bosnia.

<sup>33</sup> For refugee numbers, see the entry for August 25 in “Documents: Chronology: 1991: Croatia 1991: July through September,” p. 44.

under the pretext of protecting Serbs from Croatian attacks, even though the proclaimed cease-fires were frequently violated by the Serbs, while the number of Croat refugees from Serb-held territories was on a steady rise. Rather than being a neutral buffer force, YFA was securing Serbian control over the parts of Croatia cleansed of the local Croat populace, with the aim that these parts should eventually hold referenda and join Serbia.<sup>34</sup>

That goal was pursued with the support of Serb YFA officers, strategically positioned in the areas with the Serbs, such as Colonel Ratko Mladic in Knin, the capital of self-proclaimed RSK. Thus began the YFA's gradual transformation into a Serbian army, which was focused on defending the borders of "new Yugoslavia" (i.e., 'Greater Serbia') rather than protecting the territorial integrity of Titoist Yugoslavia and all of its citizens. In view of the fact that Serbs and Montenegrins were dominant among YFA officers and professional soldiers, such a turn of the events was not a big surprise.<sup>35</sup>

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<sup>34</sup> See the previous quote in the text above taken from Jovic's diary entry for 5 July 1991.

<sup>35</sup> Serbs and Montenegrins were over-represented among YFA officers and professional soldiers, particularly in the higher ranks. While the Serbs represented only 36% of Yugoslavia's population, and the Montenegrins only 2.6%, about 60% of YFA officers were Serbs, while 6.2% were Montenegrins. For example, the Serbs had 77 generals, 1,511 colonels, and 3,896 lieutenant-colonels, while the Croats had only 22 generals, 219 colonels, and 561 lieutenant-colonels. The most under-represented were Albanians, with only 1 general, 5 colonels, and 15 lieutenant-colonels. The YFA's national composition mirrored the overall Serb domination in Yugoslavia's political and economic institutions; it was also partly the result of the Serb disproportionate numbers among the Yugoslav communists, who were assigned top positions in Yugoslav society. For the YFA's national composition see *Revija Obramba* (Defense Journal) (April 1991) [no page], quoted in James Gow, "Deconstructing Yugoslavia," *Survival* 33, no. 4 (July-August 1991): 302. One should not assume that, though dominated by Serb officers, the entire YFA immediately, openly, and unequivocally took the side of Milosevic's Serbia. First, the EC convinced Croatia and Slovenia to suspend their declarations of independence for three months; as a result, Slovenes and Croats remained in the Yugoslav federal institutions, the YFA included. Second, the EC threatened Serbia with unilateral recognition of the breakaway republics in case of a resumption of violence, and the Serbian leaders backed away, apparently, from the originally anticipated decisive operations and the expulsion of Slovenes and Croats from the YFA, resorting instead to low-intensity operations by supporting the local Serbs in their fight to separate from Zagreb. Third, some Serb officers were poorly motivated to fight for "Greater Serbia" and would have preferred the preservation of Yugoslavia. Because of these circumstances, the transformation of the YFA into a Serbian army was a gradual process. The key steps in this process were the discharge of some non-Serb YFA officers and the relocation of trusted Serb YFA officers in line with Milosevic and Jovic. For example, Antun Tus (a Croat) had been discharged from his position of the Commander of the YFA Air Force one month before the YFA intervened in Slovenia, while, in the early summer of 1991, Colonel Ratko Mladic was dispatched to Knin, the capital of the self-proclaimed Republic of Serbian Krajina, where YFA supported the local Serbs in their attempt to break away from Croatia. After the Croatian war of 1991, Mladic became the chief of the Bosnian Serb Army. For the process of the YFA's transformation into a Serbian army, including the role of Ratko Mladic in the process, see Silber and

In short, European threats did not succeed in moderating Serbian behavior in any important way, as Belgrade did not give up on its goal of creating “Greater Serbia.” Instead, the Serbian leadership adjusted its strategy to that of a low-intensity conflict, hoping that such a low-key strategy would not catch the attention of the Europeans who had threatened to recognize Croatia unilaterally should YFA operations resume.

However, after two months of this strategy, the Serbian goals became clear, and the YFA’s role in the escalating violence, irrefutable. Having visited the cities of Osijek and Vukovar, the EC Envoy and Dutch Diplomat Ambassador Henry Wijnaendts said:

The level of violence, which included heavy-caliber fire, rocket launchers, artillery fire and air force attacks being flown, all demonstrated the involvement of the Yugoslav Army... Given the light armaments we saw on the Croatian side, the level of force apparently used by the federal army seems difficult to reconcile with the role they claim, namely that of an interposition force between fighting factions.<sup>36</sup>

It was in light of this situation that Europe issued its ultimatum of 27 August 1991, threatening “international action” if Belgrade refused to resolve differences peacefully through a proposed peace conference with a European arbitration procedure and an EC cease-fire monitoring mission.<sup>37</sup>

The Serbian leaders were outraged by this ultimatum, saying that Europe was treating Yugoslavia as a “colony” and was taking the side of the “destroyers of Yugoslavia.” They nevertheless accepted the EC proposal because they believed that the threatened international isolation of Serbia would make matters worse, while Serbian

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Little, *Yugoslavia*, in particular pp. 171-172, 187. For a first-hand account of the YFA transformation and its problems, see Jovic’s diary (e.g., Jovic’s diary entry for September 12, 20, and 24, pp. 383-387); some relevant portions are cited in Chapter Four. For some of the dilemmas faced by pro-Yugoslav Serb YFA officers, see David Binder, “Ethnic Conflict in Yugoslavia Tearing Apart its Army, Too,” *New York Times*, 1 October 1991, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>36</sup> EC Envoy quoted in John Tagliabue, “Envoy Accuses Army of Aiding Serbs,” *New York Times*, 30 August 1991 available from Lexis-Nexis Universe, accessed 8 December 1999. Also quoted in “Envoy Faults Army in Yugoslav Clash,” *St. Louis Post-Dispatch*, 30 August 1991, available from Lexis-Nexis Universe, accessed 8 December 1999.

<sup>37</sup> EC, “Declaration on Yugoslavia,” 27 August 1991, pp. 333-334. Extracts from this European ultimatum were cited in the previous section in this Chapter.

participation in peace talks held at least a promise of influencing future proposals for the resolution of the Yugoslav crisis.<sup>38</sup> Thus, Serbia eventually gave in to the EC demands, and on 1 September 1991 the Serbian-controlled Yugoslav Presidency approved the EC peace proposal regarding the cease-fire, the extension of the monitoring mission to Croatia, and the organization of a peace conference with European arbitration.<sup>39</sup>

In other words, on the surface, Europe seemed to have prevailed over Serbia. In reality, however, nothing changed because the formal agreement did not reflect Serbia's commitment but only represented its tactical move to ward off the most immediate European threats of Croatian recognition and Serbian isolation.

For that reason, instead of abating, the conflict only escalated and took a sharp turn for the worse as Serbia now hurried to finish its operations before the peace conference. The conflict was now spreading from mixed villages into towns with Croat majorities, which now came under the YFA fire. The number of Croat refugees from the Serb-held areas increased again.<sup>40</sup> The cease-fire of 1 September 1991 never truly came into effect, and the toll of dead dramatically rose within a few days of the European threats that had pressured Serbia into submitting itself to a peace conference.<sup>41</sup>

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<sup>38</sup> See Jovic's diary entry for 28 and 29 August 1991, pp. 372- 380.

<sup>39</sup> "Memorandum of Understanding on the Extension of Monitoring Activities of the Monitor Mission to Yugoslavia," Belgrade, 1 September 1991, Document No. 113 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 336-342. See also Libal, *Limits of Persuasion*, 42-43. For the media reports on this European success, see David Gardner, "EC Forces the Pace of Yugoslav Peace Process," *Financial Times* (London), 4 September 1991, available from Lexis-Nexis Universe, accessed 8 December 1999.

<sup>40</sup> For this conflict escalation and a growing refugee crisis, see entry for 3 September 1991 in "Documents: Chronology: 1991: Croatia 1991: July through September," p. 45.

<sup>41</sup> A year-long low-intensity conflict before the first Europe-sponsored ceasefire agreement (Brioni agreement) had led to several hundred dead and wounded in Croatia. Thus, the Croatian sources record that, between 18 August 1990 and 7 July 1991, Croatia had 149 dead and 392 wounded. Several weeks later, on 25 August 1991, Croatia had 255 dead and 814 wounded. After the cease-fire of 1 September 1991, the toll dramatically increased within a few days: by 4 September 1991, Croatia had 382 dead and 1743 wounded, out of which 148 and 658 were civilians, respectively. For figures, see Miloš Judaš et al., "Chronology of Civilian Suffering in the War against Croatia," *Croatian Medical Journal* (Zagreb) 33, War Supplement No. 1 (1992): 15.

Thus, while accepting the EC peace proposal, Serbia was preparing to seize a few more Croatian towns in preparation for the European-sponsored peace negotiations. In that respect, open threats directed against Serbia, most vocally by Germany, did not moderate Serbian behavior but instead seemed to have increased the pace of the Serbian war against Croatia. Within hours of the German warning that it would re-examine its policy of non-recognition in the case of increased violence, the YFA began to shell the Croatian city of Vukovar from the air, land, and the river Danube, while accusing Germany of promoting the Yugoslav break-up in order to establish the "Fourth Reich."<sup>42</sup>

In short, with respect to Croatia, Europe could moderate Belgrade only slightly and insignificantly, leading to Serbia's change of strategy, but not its objective. Belgrade shifted from high-intensity military operations conducted by the YFA to low-intensity operations carried out by the local Serb forces in Croatia, armed and protected by the "neutral" YFA in its role of an "interposition" force. Serbia never renounced its goal of dividing Croatia and eventually managed, with its low-key strategy, to place over a quarter of Croatia under its control. Thus, overall, Europe's use of coercive diplomacy failed to induce Belgrade to give up on its goal of redrawing new borders through use of force. The only case where Europe managed to "coerce" Serbia was the case of Slovenia, about whose destiny Serbia did not care at all.

### **Slovenes and Croats: Pursuit of Independence, Despite the Costs**

Neither Slovenia nor Croatia had any interest in, or hopes for, the preservation of Yugoslavia. From their perspectives, the Serbian Anti-Bureaucratic Revolution and, in particular, the Serbian take-over of the Yugoslav Presidency demonstrated to the two

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<sup>42</sup> Chuck Sudetic, "New Croatia Strife After Bonn Warning," *New York Times*, 26 August 1991, available from Lexis-Nexis Universe, accessed on 8 December 1999.

northern republics that the Serbs would not accept an arrangement based on national equality but, instead, looked back with nostalgia to the days of a centralized Royalist Yugoslavia—a nightmare for Slovenes, Croats, Macedonians, and Albanians. The two republics held referenda that confirmed that an overwhelming majority of Slovenes and Croats wanted independence.<sup>43</sup>

However, though both Slovenia and Croatia shared the same goal of breaking away from Yugoslavia, their respective situations and relationships with the Serbs were different; thus, their respective strategies differed as well.

Slovenia did not have any significant Serb minorities on its territory and did not have a relationship with the Serbs characterized by feelings of insecurity. The end of the Cold War had raised the aspirations of the Slovenes to join Europe, and many believed that it would have been easier to do so on their own, rather than entering Europe with the rest of Yugoslavia, which was troubled by deep economic and national problems. Also, it made sense for the Slovenes to demonstrate a willingness to use force with the Serbs in order to precipitate their separation from Yugoslavia since the Serbian leaders had no interest in keeping any part of Slovenia within their “new Yugoslavia.” This is what eventually happened: given the Slovenian resistance, Belgrade was eager to settle with Slovenia, and the EC mediators negotiated the YFA withdrawal from Slovenia barely three weeks after the outbreak of the war in Slovenia.<sup>44</sup>

In contrast to Slovenia, Croatia had a Serb minority and a problematic relationship with its Serbs and Belgrade, characterized by a security dilemma. Unlike the

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<sup>43</sup> Slovenia held a referendum in December 1990, and Croatia, in May 1991. For their mention, see Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, “Opinion No. 1 of the Arbitration Commission of the Peace Conference on Yugoslavia,” 29 November 1991, Document No. 137 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 416.

<sup>44</sup> See Silber and Little, *Yugoslavia*, 164-167.

Slovenes, the Croats felt insecure towards the Serbs in view of the two nations' linguistic similarities and Yugoslavia's history of forceful attempts to assimilate Croats by measures designed to deny the Croat distinct cultural identity. Furthermore, while the Slovenes enjoyed linguistic barriers and geographic distances from Belgrade, the Croats lived next to, or intermixed with, Serbs, who declared they would split away from Croatia should Zagreb seek independence. Moreover, the history of the Ustashi-run Independent State of Croatia had not only left the Serbs with traumatic memories, but also had created European and American caution regarding Zagreb's move towards independence.<sup>45</sup>

Given its more difficult set of circumstances, Croatia was more cautious than and, at times, displeased by the radical Slovenian move towards independence. Zagreb had no illusion that Yugoslavia was collapsing, but it preferred that independence be pursued in stages, in order to avoid an all-out war against the stronger Serbia, as well as to win the support of Europe. Croatian politicians hoped that an "anti-Milosevic coalition" would emerge—that Kosovo Albanians, Bosnian Muslims, and Macedonians would have joined Croats and Slovenes in their bid for independence and thereby would have made Serbia more vulnerable to the combined pressures of the non-Serb republics. The end result would have been, so hoped Croatia, independence achieved with less bloodshed, with some ties among the former republics preserved within a loosely organized regional framework, a framework that would blend, eventually, into a Europe without borders.<sup>46</sup>

Thus, though both Slovenia and Croatia declared their independence simultaneously, there existed profound differences in the strategies pursued by the two

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<sup>45</sup> See Chapter Two, which deals with history, including the problematic Serbo-Croatian relationship.

<sup>46</sup> For Croatian strategy, see Zdravko Tomac, *Iza zatvorenih vrata: Tako se stvarala hrvatska država* (Behind the Closed Doors: This Is How the Croatian State Was Established) (Zagreb: Organizator, 1992), 55-58. See also Zdravko Tomac, *The Struggle for the Croatian State...Through Hell to Democracy*, translated by Kos et al. (Zagreb, Croatia: Profikon, 1993), 128-129. The works cited are memoirs by Zdravko Tomac, Vice-President of Croatia's Social Democrats and Vice President of the Croatian Government of Democratic Unity until the summer of 1992.

republics. Unlike Croatia, Slovenia declared independence outright on 25 June 1991, announced it would seize control of its border posts, and immediately treated the YFA as an enemy force. It arrested YFA officers in their homes; cut the YFA facilities in Slovenia from water, electricity, and communications; and attacked the YFA units outside of their barracks in Slovenia. On the other hand, Croatia, which could not afford the radical Slovenian moves in view of its greater vulnerability, proclaimed independence simultaneously with its announcement that it would be willing to negotiate new ties among the Yugoslav republics. Furthermore, Zagreb refrained from attacking YFA units or blockading YFA facilities, though such actions would have procured Croats with heavy weapons that Croatia needed in order to resist the Serb takeover of Croatia's territories. From Croatian perspective, such attacks would have made sense because the confused, disintegrating YFA—still composed of the Yugoslav conscripts—would have found it hard to resist the determined attacks by the lightly armed Croatian police.<sup>47</sup>

However, led by President Franjo Tudjman, the Zagreb politicians rejected the domestic calls to attack the YFA in order for Croatia to gain weapons it lacked and thereby frustrate the Serb attempts to take over parts of Croatia. Though of various political affiliations and attitudes towards Bosnia, the common trait of these politicians was that they did not wish to rely on Croatia's military readiness in order to win independence, but believed instead in the power of international diplomacy, thus

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<sup>47</sup> For some of the Western media reports outlining the differences between the Croatian and the Slovenian strategy, see Marcus Tanner, "Croatia Blunders to Defeat," *Independent* (London), 8 September 1991, Lexis-Nexis Universe, accessed 8 December 1999. See also Chapters 12 and 13 of Silber and Little's *Yugoslavia*, pp. 154-189; the entries for 23-28 June 1991 in "Documents: Chronology: 1991: Croatia 1991: April through June," *Croatian International Relations Review* (Zagreb) 2, no. 3 (April-June 1996): 26-27.

demanding greater outside involvement to help Croatia resist the designs of the militarily stronger Serbia.<sup>48</sup>

On the other side stood the proponents of Croatia's military readiness, who argued that Croatia could not separate from Serbia peacefully and needed to prepare for the inevitability of the war. Their best-known proponent was Marting Spegelj, Croatia's first Minister of Defense. He demanded close coordination with Slovenia, arguing that Croatia should have attacked the YFA facilities on its territory from the very beginning in order to get weapons needed to defend its independence. Spegelj had previously established contacts with YFA officers sympathetic to the Croatian cause in order to ensure that the surrender of YFA facilities could be done with as little violence as possible. Following the Serbian decision to withdraw the YFA from Slovenia in mid July 1991, Minister Spegelj argued, for the third time, in favor of attacking the YFA, which was believed to be planning to regroup and attack Croatia. The Serbian decision, reached with the help of the EC mediators, clearly demonstrated that neither Belgrade nor Europe was interested in the preservation of Yugoslavia. On this occasion, Spegelj's plan had the support of Stipe Mesic, in addition to the vast majority of Tudjman's Ministers.<sup>49</sup>

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<sup>48</sup> The Croatian proponents of international diplomacy included politicians of different political orientations and attitudes towards Bosnia. Some of these politicians were strong supporters of Bosnia. For example, Zdravko Tomac advocated a limited war against Serbia, but gave preference to the European-sponsored negotiations, hoping that Europe could force Serbia to accept the existing borders of Croatia and Bosnia. Other proponents of international diplomacy believed that Croatia had no military strength to defeat Serbia and that the outside world was not favorable to Croatia's independence; given such circumstances, these politicians believed that Croatia could resolve its problem with Serbia only by acquiescing in Bosnia's division to the Serb benefit. Croatian President Tudjman belonged to this latter group: he believed that, since Bosnia could not survive the Yugoslav break-up and since Croatia had slight chances against militarily stronger Serbia, the best solution would have been to allow the Serbs to take most of Bosnia and, in return, maintain Croatia intact. For the Croatian divisions regarding the best strategy towards Serbia and the attitudes towards Bosnia, see Tomac, *Iza zatvorenih vrata*, in particular pp. 55-58. For Tudjman's belief in "winning international goodwill" rather than relying on military solutions, see Silber and Little, *Yugoslavia*, 170.

<sup>49</sup> Proponents of military solutions were of different political affiliations. Included here were some liberal-minded politicians and friends of Bosnia, for whom the use of force was a necessary element to ensure territorial integrity of both Croatia and Bosnia. Rejecting negotiations on dividing Bosnia, they argued for Croatia's military alliance with Bosnia in order to defeat Serbia. Well-known proponents of Croatia's

However, the Croatian President rejected Špegelj's plan, arguing he could not risk the wrath of a Europe bent on peaceful conflict resolution.<sup>50</sup> It is also possible that Tudjman's acquiescence to European wishes was reinforced by his personal designs with respect to Bosnia-Herzegovina, as several prominent European states were apparently involved in secret negotiations that hoped to resolve the Serbo-Croatian dispute by dividing Bosnia-Herzegovina.<sup>51</sup>

Nevertheless, the Croatian President was eventually brought to heel by the realities on the ground and pressures from his dissatisfied constituencies. The two months of European diplomacy, even when used forcefully to threaten Serbia with the unilateral recognition of Croatia in case of the resumption of high-intensity violence, did not stop the Serb advance nor did it bring Zagreb international recognition. Instead, under the YFA protection, the Serbs were gaining new territories every day—a turn of events that the Croatian police and the newly formed National Guard were unable to resist throughout the summer of 1991, given the military disadvantage created by their lack of heavy weapons. However, the Croatian policy was to change in the face of the new realities: by the end of August 1991, the Serbs controlled about a quarter of Croatia's territory, while Zagreb had about 125,000 refugees, mainly Croats from the Serb-held

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military readiness were Martin Špegelj (an ethnic Slovene), Croatia's first minister of defense, and Stipe Mesić, now the current President of Croatia. In 1991 Mesić was Croatian representative in the Yugoslav Federal Presidency; he spent most of his time in Belgrade and sensed the climate among the top YFA officers, who ridiculed him to his face as their (constitutional) Commander-in-Chief. In addition, some liberal politicians (e.g., Zdravko Tomac) switched from advocating international diplomacy and a limited war in 1991, to arguing for an all out war and a military alliance with Bosnia, from 1992 onwards, after Croatia had been recognized, had secured some weapons, and the world opinion had switched against the Serbs. See Tomac, *Iza zatvorenih vrata*, 55-58; Silber and Little, *Yugoslavia*, 105-118, 152, 169-170; Tanner, "Croatia Blunders to Defeat;" Martin Špegelj, "Memoari generala Špegelja" (General Špegelj's memoirs), *Nacional* (Zagreb), no. 259, 2 November 2000, available from <http://www.nacional.hr/html/259016.hr.htm>, accessed 2 November 2000; Zdravko Tomac, *Tko je ubio Bosnu? Iza zatvorenih vrata (drugi dio)* (Who killed Bosnia? Behind closed doors, Second part) (Zagreb: Birotisak, 1994), 333-336.

<sup>50</sup> Špegelj's memoirs reconstruct the ten-hour session when Tudjman rejected his plan: Špegelj, "Memoari generala Špegelja" (General Špegelj's memoirs). See also Silber and Little, *Yugoslavia*, 109, 169-170.

<sup>51</sup> Warren Zimmermann, *Origins of a Catastrophe: Yugoslavia and its Destroyers*, with updated preface and epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999), 182-183.

areas.<sup>52</sup> Furthermore, already during the summer of 1991, there had been a series of Serb massacres in which the Croat civilians, mostly elderly, had been found tortured, mutilated, executed with axes, or shot at close range.<sup>53</sup>

The Croatian President was faced by rising anger among his guardsmen, police, and ordinary Croats. Some radical voices, including those from within Tudjman's own party (HDZ), were demanding the overthrow of the Croatian President and an all-out war against Serbia.<sup>54</sup> In August 1991 President Tudjman was so politically weakened that he was forced to form a new "Government of Democratic Unity," consisting of moderates coming from different Croatian parties, in addition to the representatives of different national communities in Croatia.<sup>55</sup>

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<sup>52</sup> For refugee numbers, see the entry for August 25 in "Documents: Chronology: 1991: Croatia 1991: July through September," p. 44.

<sup>53</sup> The well-known examples of such brutal massacres of civilians were carried out during the summer and early fall of 1991 in Dalj, Lovinac, Cetekovac, Kraljevcani, and Pecki. A special supplement of the *Croatian Medical Journal* gives a detailed forensic analysis together with photos of the victims. See, e.g., Mladen Marcikić, Zorislav Kraus, and Ana Marušić, "Civilian Massacre in Dalj," *Croatian Medical Journal* (Zagreb) 33, War Supplement No. 1 (1992): 29-33.

<sup>54</sup> For a glimpse of the growing divide between Tudjman and the general populace, as well as the growing radicalization of Croatia, see Charles Richards, "Tudjman Faces Verbal Fire From Nationalists; Croatia's Leadership is Faced with Dissent and Rising Extremism, Charles Richard Writes from Zagreb," *Independent* (London), 19 October 1991, available from Lexis-Nexis Universe, accessed 12 December 1999; Judy Dempsey, "Tudjman's Grip Loosens as He Rides Nationalist Tiger," *Financial Times* (London), 19 October 1991, available from Lexis-Nexis Universe, accessed 12 December 1999; Robin Lodge, "Hatred Rules a Betrayed People," *Sunday Telegraph* (London), 17 November 1991, available from Lexis-Nexis Universe, accessed 16 January 2000. See also Silber and Little, *Yugoslavia*, 186.

<sup>55</sup> The new government was headed by Prime Minister Franjo Greguric, while its Vice Prime Ministers were Zdravko Tomac and Mate Granic, who later became the Croatian Foreign Minister. This Government led Croatia during the war of 1991, and its Inner Cabinet took some of the most important decisions, sometimes without seeking President Tudjman's prior approval, given his difficulty making decisions and the intense international pressure that increased his indecisiveness even more (see the decision to attack YFA facilities later in the text above). Besides nine political parties of differing ideological orientation, the new Croatian Government included members of different ethnic minorities in Croatia: one of the Deputy Foreign Ministers was chosen with the agreement of the Zagreb Jewish Community, and there were Italian, Bosnian Muslim, and Croatian Serb ministers. For details on the new Croatian government, see Tomac, *Iza zatvorenih vrata*, 72-82; Tomac, *Struggle for the Croatian State*, 106-118. The fact that Croatia changed a government and was led by a multi-party coalition despite the previous electoral victory for Tudjman's HDZ has a two-fold significance. First, as the result of the government change, the Croatian policy would change: Croatia would now attack some YFA facilities on its territory—a course of action that Tudjman had initially resisted because he had wanted to attract international goodwill or else had hoped, in case of international failure, to strike a deal with Serbia on Bosnia's division. Second, the change of the Zagreb government does not support the authoritarian-entrepreneurial interpretation that asserts that Yugoslavia was destroyed by the undemocratic "dictators" who eliminated all the opposition and masterminded the masses into ethnic hatreds. Rather, it supports the interpretation offered by this study: a conflict of disputed

This new political rearrangement enabled Croatia to modify its policy in response to the evolving military circumstances. The turning point came on 12 September 1991, when the YFA destroyed the Maslenica Bridge, crucial to Croatia as its vital communication link between its continental and northern littoral parts, on the one hand, and the Adriatic Coast with major towns (i.e., Zadar, Split, and Dubrovnik), on the other. As a result of this Serbian action, Croatia lost control over its crucial communication routes, while the Croatian mainland was sliced into two disconnected parts. The day after the Serb seizure of the Maslenica Bridge, Croatia cut the oil pipelines to Serbia and blockaded YFA facilities. It also called upon all Croats to leave the Yugoslav federal institutions, the YFA included, which was now considered by Zagreb to be an “occupation” force.<sup>56</sup>

The decision to shift Croatian policy was taken by the Inner Cabinet of the Croatian Government of Democratic Unity. The Cabinet took many risky decisions during the Croatian war of 1991, sometimes without seeking the explicit approval of President Tudjman. The rationale for this policy shift lay in the Croatian idea of pursuing a limited war to obtain heavy weapons that would help Zagreb resist further territorial losses, while securing the international goodwill by limiting military actions and combining them with international diplomacy. In his memoirs, Zdravko Tomac, then Croatian Vice Prime Minister, shed light on how and why these decisions were made:

The decision to blockade the barracks on Croatia’s entire territory was made at the session of the Crisis Headquarters of the Republic of Croatia, at the suggestion of Prime Minister Greguric, and with President Tudjman’s prior approval. It was one of the most difficult decisions we ever had to take, a decision as difficult as our later decisions to attack some of the [YFA] military barracks. It was necessary

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identities involving large segments of respective societies with mutually conflicting interests. It was bottom-up pressures that forced the change of government because Tudjman could not ignore the will of Croatia’s citizens for too long (see criticism of Zimmermann in Chapter Two).

<sup>56</sup> For the chronology of events, see “Documents: Chronology: 1991: Croatia 1991: July through September,” 43-46.

to balance military and political options. We knew that the international community would not help us if we were to be defeated militarily, and yet, we were also aware that without its help, we could not win militarily either. Since President Tudjman was under the extreme international pressure, the Inner Cabinet and the Crisis Headquarters sometimes resorted to risky actions. We took some decisions and initiated certain actions without hesitation and without seeking [Tudjman's] approval, especially if we believed the situation was urgent and there was no time to wait.<sup>57</sup>

In the few days following the decision to place YFA facilities under the blockade, the Croatian police and guardsmen captured weapons from several smaller arms depots and took control of some important command centers. A considerable number of YFA facilities surrendered through negotiations, including the entire Varazdin Corps, thereby allowing Croats to gain their first heavy weapons. The YFA, which still included non-Serb officers, was in a state of confusion, for it had not trained to fight against a determined local populace. The speed and relative ease with which Croats gained control over some of YFA facilities confirmed the validity of Spigelj's advice, who had been advocating, against the politicians in power, that Zagreb should attack the YFA as soon as possible, before it disintegrated completely and transformed itself into a Serb army. By the end of September 1991, Zagreb gained control over 70 YFA facilities in Croatia.<sup>58</sup>

This new situation represented a watershed in the Yugoslav crisis and the Croatian struggle for independence. The speed of the YFA's disintegration accelerated, as the flight of the conscripts, which had started a few months earlier, at the time of the

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<sup>57</sup> Tomac, *Iza zatvorenih vrata*, 91-92; the translation from Croatian into English done by the author of this study. For the published English translation, which missed some of the important points available in the Croatian original, see Tomac, *Struggle for the Croatian State*, 131; see also pp. 130-132. The Government was granted special powers (to pass resolutions with legal authority) due to the war circumstances, but it still had to act beyond its authority because of the sense of urgency and because "others" (i.e., Tudjman) were reluctant to take such decisions. Needless to say, Tudjman was unhappy and criticized the Government for acting beyond the scope of its authority. See Tomac, *Struggle for the Croatian State*, 170.

<sup>58</sup> For the events of September 1991, see "Documents: Chronology: 1991: Croatia 1991: July through September," 46-47; Silber and Little, *Yugoslavia*, Chapter 13, pp. 169-189.

Slovenian war, now dramatically increased.<sup>59</sup> Croatia obtained its first heavy weapons and was thereby better able to resist the Serb takeover of Croatia's territory. Zagreb started to form a unified Croatian army out of the isolated, local groups fighting the irregular Serb forces and the YFA, while the arrival of Croat officers from the disintegrating YFA greatly improved the Croatian defense.<sup>60</sup>

Though Croatia would have preferred to delay independence until Kosovo Albanians and Bosnian Muslims felt ready to join Slovenes and Croats in a so-called "anti-Milosevic coalition," Zagreb was forced to make radical choices rather early, under the pressure of the events in Slovenia. European involvement had precipitated Ljubljana's separation from Belgrade, and Croatia was faced with the choice of either following in Slovenia's footsteps or remaining in Yugoslavia, now even more dominated by Belgrade following Slovenia's departure. Thus, Croatia decided it had to take the offensive if it wanted to realize the goal of independence, even though the Zagreb politicians had not originally envisaged such radical moves. According to Tomac:

We knew that we would have to fight alone and that there were no chances to establish any anti-Milosevic coalition. We also knew that Serbia and the JNA [YFA] would try to overrun Croatia. In spite of all this, we were aware that this was our historical chance to gain independence and to establish our independent state. To succeed we had to follow the model of the Slovenian radical policy regardless of the consequences. If Croatia had failed to do that and had let Slovenia win its independence from Yugoslavia alone, Croatia's last chance to join Europe would have been wasted... The international community did not support Croatian plans for independence. They supported Slovenia to abandon the Moratorium [on independence] and yet [wanted to force] Croatia to extend it. Therefore, the months of August and September, 1991, were the time of the most forceful Croatian diplomatic offensive in the world... We sought and used every

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<sup>59</sup> The YFA conscripts, who came from all over Yugoslavia, had begun fleeing as soon as the conflict began in Slovenia in June 1991, but their flight reached massive proportions in the fall of 1991. Croatia claimed that 11,467 soldiers defected to its side in the course of September alone. For the figure, see Binder, "Ethnic Conflict in Yugoslavia Tearing Apart Its Army, Too."

<sup>60</sup> As a result of the European-sponsored three-month moratorium on declarations of independence, most of the Croat officers remained in the YFA during the summer of 1991; now they would leave the YFA and help organize the nascent Croatian Army. See the previous footnote on the YFA's composition and disintegration. See also Silber and Little, 187-188.

chance, even the smallest, to change the international attitude towards the Croatian policy of following the Slovenian model.<sup>61</sup>

In short, the Croatian decision-makers decided to follow the “Slovenian train for Europe,” no matter what the consequences. Herein lies one more reason why, in mid September, Croatia switched to an offensive strategy. Having a quarter of its territory under the Serb control, and given the international support for Slovenian--but not Croatian--independence, Zagreb understood well it would be more vulnerable to the pressure to remain in Yugoslavia—or else be faced with the prospect of independence at the expense of the permanent loss of some territory.

Since the territories in question included the vital communication links between continental and maritime Croatia, the territorial loss was unacceptable to Zagreb and would have, in fact, defeated the very idea of Croatian independence: without these territories, Croatia is hardly a viable state. Though the Croatian offensive, being of limited scope, did not return the lost areas, it had nevertheless accomplished, perhaps inadvertently, another important political goal besides providing the Croats with some weapons: Europe now accepted that Croatia should follow the Slovenian bid for independence, because it was concluded that Yugoslavia had no chance of survival.<sup>62</sup>

The Slovenian and Croatian cases demonstrate the perspective and strategy of weaker, but strongly motivated, disputants who welcomed the outside involvement. Both Ljubljana and Zagreb had demanded intervention long before Europe actually became involved. However, their goal was not reconciliation or a compromise; they were motivated by a search for a powerful ally in their struggles with the militarily stronger Serbs. And because they were more dependent on the outside party than the Serbs, they

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<sup>61</sup> Tomac, *Struggle for the Croatian State*, 129.

<sup>62</sup> This European acceptance will be presented in the next section of this Chapter, as well as in Chapter Four.

proved more accommodating to third parties' preferences—sometimes to their detriment. Yet, even these weaker disputants proved to be accommodating only up to a certain point: as long as there remained a chance that their most important objectives—which might not correspond to those of the third parties--could be reached eventually.

Thus, both Slovenia and Croatia suspended their declarations of independence, as demanded by the European negotiators, and both called on their nationals to remain in the Yugoslav institutions for several more months, during the Europe-imposed moratorium on independence. Their desire to please Europe was not unreasonable. After all, Europe did not entirely exclude the possibility of independence: it only demanded that independence be reached through negotiations, while expressing a preference for a united and reformed Yugoslavia. This policy soon reaped benefits for Slovenia, whose separation from Belgrade was sped up, with few costs, by the European involvement. However, the situation was different in case of Croatia because big disagreements persisted between Belgrade and Zagreb regarding the question of Croatia's independence.

The Croats, even more than the Slovenes, would prove amenable to Europe's influence, by virtue of their greater vulnerability vis-à-vis the Serbs. While both Zagreb and Ljubljana met the European demands by suspending their declarations of independence, the Slovenes had been more ready to pursue radical, military options from the outset. In contrast, Zagreb had avoided attacking the YFA throughout the summer of 1991, seeking to please a Europe bent on peace and negotiations. Zagreb sustained this policy for several months, even though the Serbs continued to gain control of Croatia's territory. Thus, the European insistence on peaceful solutions and its rhetorical rejection of a violent change of borders, in addition to its threats of unilateral recognition addressed at Belgrade, substantially moderated Zagreb's actions by suggesting that the

Croats could pursue a less bloody separation from Serbia with a support of Europe. Moreover, the Slovenian precedent reinforced the Croatian hopes that Europe would support its independence since European involvement had facilitated the separation between Ljubljana and Belgrade.

The Croatian case displays two important points. The first is the danger that coercive peacemaking has for weaker disputants when they choose to place their trust in outside powers whose commitment may prove to be more rhetorical than practical. The second is the fact that a third party can have only a limited leverage over disputants, even over weaker parties who have sought outside involvement and may appear more conciliatory because of their relative weakness. The European threats of the unilateral recognition did not deter the Serbs, while European insistence on peaceful solutions tied the hands of the weaker Croats, who could not resist Serb attacks until they changed the strategy—attacked YFA facilities to gain some weapons, even at the risk of alienating Europe. The Croatian policy radically changed as soon as it became clear that the outside involvement could not help the goal of Croatian independence but, instead, assisted, unintentionally, the Serbian objective of redrawing new borders by creating new realities.

After giving more than two months to European diplomacy and its goal of peaceful, negotiated solutions, Croatia switched to an offensive, limited military strategy. The Croatian change of policy was not done without regard for the European preferences for peaceful conflict resolution: after all, Croatia did not attack all of the YFA facilities, but only selected ones. The offensive, nevertheless, did accomplish some of Croatia's goals. First, it enabled Croatia to secure some weapons crucial to its ability to resist the Serbian designs in a limited war. Second, even though Croatia did not regain control over its lost territories, its limited offensive had accomplished, inadvertently, an important

political goal: Europe would accept the break-up of Yugoslavia, and Serbia would now seek a peace settlement and welcome the European involvement to this end.<sup>63</sup>

It became clear, after the publication of Jovic's diary, in 1995, that Croatia had switched its strategy at the very last opportunity, and that any further reliance on Europe and delays in attacking YFA facilities would have had disastrous consequences for Croatia. According to the Serbian plan, the YFA forces positioned in the Serb-held areas would have joined with the YFA units retreating from Slovenia and cut Croatia's bird-shaped territory into several disconnected parts. Had it succeeded, the Serbian plan would have left the Croatian government with effective control only over a larger Zagreb area.<sup>64</sup>

Far from its unstated assumption that its participation was benevolent and desirable from the perspectives of weaker disputants, the European peacemaking had some detrimental effects and bore perils for the weaker disputants. The European insistence on peaceful resolution—in the situation where that was not possible because of disputants' irreconcilable positions—had the effect of tying the hands of the weaker Croats, while doing nothing substantial towards moderating the stronger and, therefore, more uncompromising Serbs.

### **Conflict Escalation and Europe's Willingness to Accept Yugoslavia's End**

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<sup>63</sup> These two points are dealt in detail in the next Chapter. Regarding the Serbs' newly found will for peace, it should be noted that the Croatian offensive had placed a considerable strain on the YFA at a time of disarray, thereby creating additional incentives for the Belgrade leadership to settle with Croatia as soon as possible. Serbia would now look towards the EC involvement in the hope it could restrain Croatia and impose a quick solution that would preserve the Serbian gains from the summer of 1991 and get the YFA with its weaponry out of Croatia. For the details, see Chapter Four.

<sup>64</sup> On 20 September 1991, or about 7 days after Croatia started offensive, the YFA Chief reported to President Milosevic and his close associate Jovic that the plan had failed. General Kadijevic included the details of the failed plan, such as the points where Croatia had to be intersected and that the YFA units retreating from Slovenia should join the YFA units already stationed in Croatia in their fight against Croatia. See Jovic's diary entry for 20 September 1991, p. 386.

Following the limited Croat actions against YFA facilities, top Serb officers issued an ultimatum to Croatia, threatening civilian retaliation for any Croatian actions against YFA military facilities.<sup>65</sup> Furthermore, the four members of the Serbian-controlled Yugoslav Presidency (Serbia, Montenegro, Vojvodina, and Kosovo) met in Belgrade without the representatives from Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia. The rump Yugoslav Presidency endorsed the YFA ultimatum to Croatia, expressing “its full support” for the way the YFA was handling the conflict in Croatia.<sup>66</sup>

Zagreb rejected this ultimatum, accusing the top YFA officers of expressing criminal intent by threatening civilian retaliation.<sup>67</sup> Immediately upon this rejection, the YFA launched its first attacks against Dubrovnik, despite the presence of EC monitors, and even though this indisputably Croatian city had neither Serbs nor YFA facilities, the two reasons which Belgrade had alleged were the basis for its the war against Croatia.<sup>68</sup>

Furthermore, the YFA attacked the medieval center of Zagreb, the seat of the Croatian Government. The YFA Air Force attacked the very room in which, only a few minutes earlier, Croatian President Tudjman had met with Stipe Mesic, the YFA Commander-in-Chief according to the Yugoslav Constitution, and with Yugoslav Prime

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<sup>65</sup> The YFA's ultimatum was published in full, in Serbian, in Tomac, *Iza zatvorenih vrata*, 93-94. It was also published in English (Tomac, *Struggle for the Croatian State*, 133-134); however, the translation misses some points that transpire from the Serbian original. For Western media reports, which partially cite the text of the YFA ultimatum, see “Army Warns Croatia of Major Reprisals,” *Agence France Presse*, 1 October 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. See also Libal, *Limits of Persuasion*, 58.

<sup>66</sup> “Four members of SFRY Presidency Declare War Conditions Assumed No 'State Coup,’” *BBC Summary of World Broadcasts*, 5 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000. See also “Documents: Chronology: 1991: Croatia 1991: October through December,” *Croatian International Relations Review* (Zagreb) 3, no. 6/7 (January-June 1997): 41-42.

<sup>67</sup> For the text of the Croatian letter rejecting the YFA's ultimatum, published in English, see Tomac, *Struggle for the Croatian State*, 134-135. For the Western media reports, which partially publish the text of the Croatian rejection, see “Croatian Government Condemns Threats of JNA [YFA] Supreme Command Staff as War Crimes,” *BBC Summary of World Broadcasts*, 4 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000.

<sup>68</sup> For the first-hand media reports of the YFA attacks upon Dubrovnik, see David Botbol [Dateline: Dubrovnik], “Ancient Dubrovnik Feels the Heat of Modern Warfare,” *Agence France Presse*, 4 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000.

Minister Ante Markovic. Following the attack, Prime Minister Markovic, who enjoyed the trust of Western powers, demanded the resignation of General Veljko Kadijevic; however, the YFA Chief (Kadijevic) refused to resign.<sup>69</sup>

The YFA attacks against civilian targets and the Serb takeover of the Yugoslav Federal Presidency had several important consequences, all of which dealt decisive blows to Yugoslavia.

The Croat resolve to break away stiffened as they saw the YFA attack Dubrovnik, one of their most powerful cultural identity symbols. On 8 October 1991—which also marked the end of the three-month moratorium on declarations of independence—the Croatian Parliament proclaimed independence.<sup>70</sup>

Furthermore, the YFA attacks and the Serb takeover of the Yugoslav institutions pushed Bosnia-Herzegovina and Macedonia to join Slovenia and Croatia in repudiating the federal institutions and pursuing independence. All four non-Serb republics now refused to recognize the decisions of the rump, Serb-dominated Yugoslav Presidency, considering the Presidency and its decisions to be unconstitutional.<sup>71</sup> In September 1991 Macedonia proclaimed its independence following a nation-wide referendum, while the Bosnian Parliament passed its sovereignty resolution in mid October 1991.<sup>72</sup>

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<sup>69</sup> Judy Dempsey, "Yugoslav Air Force Bombs Zagreb," *Financial Times* (London), 8 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000. See also "Documents: Chronology: 1991: Croatia 1991: October through December," 43.

<sup>70</sup> "Documents: Chronology: 1991: Croatia 1991: October through December," 43-44.

<sup>71</sup> "Bosnia-Herzegovina and Macedonia Refuse to Recognise SFRY Presidency Decisions," *BBC Summary of World Broadcasts*, 5 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000. See also "Documents: Chronology: 1991: Croatia 1991: October through December," 41-42.

<sup>72</sup> For the Macedonian referendum and the declaration of independence, see Yugoslavia (SFRY), Assembly of the Republic of Macedonia, "Declaration on the Sovereignty and Independence of the Republic of Macedonia," Skopje, 17 September 1991, Document No. 117 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 345-347. See also "Bosnia-Herzegovina and Macedonia Refuse to Recognise SFRY Presidency Decisions." For the Bosnian sovereignty decision, which was rejected by the Bosnian Serb deputies, see Tim Judah and Anne McElvoy, "Bosnian Sovereignty Vote Widens Rift," *Times* (London), 16 October 1991, available from Lexis-Nexis Universe, accessed 20 January 2000.

Finally, Europe sharply reacted to this turn of the events. The attack on the presidential palace in Zagreb, as previously on Dubrovnik, and the YFA Chief's public refusal to turn in his resignation to Prime Minister Markovic, put to shame any argument that the YFA was under the legitimate control of the central Yugoslav authorities or fulfilling its constitutional obligation to defend Yugoslavia's territorial integrity and prevent inter-ethnic violence. In their statement of 5 October 1991, the EC Ministers indicated they were abandoning their initial preference for the Yugoslav unity, by refusing to recognize the legitimacy of the Yugoslav institutions:

The Community and its member States are deeply concerned at the situation caused by the announcement of a few members of the Yugoslav collective Federal Presidency that it will henceforth take decisions on the basis solely of the votes of four members [Serbia, Kosovo, Vojvodina, and Montenegro]....

They reject this seizure of the Presidency by Montenegro and Serbia, which has already been condemned by other Republics of Yugoslavia. The Community and its member States condemn this illegal action against the Constitution of Yugoslavia and the Charter of Paris. They are not prepared to acknowledge any decisions taken by a body which can no longer pretend to speak for the whole of Yugoslavia.<sup>73</sup>

Besides making the Yugoslav institutions appear to have lost their legitimacy, the YFA's attacks on Dubrovnik and Zagreb caused widespread condemnation in Europe and led to the calls to recognize breakaway republics. They convinced Europeans that Yugoslavia could no longer be saved, leading to a change of European strategy: Europe accepted the end of the moratorium on declarations of independence and was now ready to embrace the break-up of Yugoslavia. This was no longer the position of just Germany, where public opinion was pro-Croatian, but also of many other European countries, including the European capitals traditionally allied with Belgrade, but now outraged by

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<sup>73</sup> European Communities (EC), [Council of Ministers], "[EC Declaration Concerning the SFRY Presidency] Adopted at the Informal Meeting of Ministers for Foreign Affairs," Haarzuilens, 5 October 1991, Document No. 120 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 351. Also available as UN Doc. S/23114, Annex I.

the Serb attacks against Dubrovnik and Zagreb.<sup>74</sup> Speaking in front of the French National Assembly, Foreign Minister Roland Dumas said that the Yugoslav nations should be helped in their “pursuit of liberty and sovereignty.”<sup>75</sup> Distinguished European personalities and some European institutions began calling upon the European governments to recognize Croatia and suggested an autonomy status for its Serbs.<sup>76</sup>

Though America did not share the European view regarding the Yugoslav crisis, Washington was clearly dismayed by the events in the former Yugoslavia. Being a big supporter of “multiethnic” Yugoslavia and the Federal Government of Ante Markovic, who had initially ordered the YFA intervention against Slovenia with America’s approval, the United States now seemed equally disappointed by the YFA’s inability to behave as an army of all Yugoslavs and play a constructive role in the conflict.<sup>77</sup>

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<sup>74</sup> “France Condemns Zagreb Bombing: Politicians Urge Recognition of Croatia,” *Agence France Presse*, 8 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000; “French Politicians Want Recognition for Croatia, Slovenia,” *Agence France Presse*, 8 October 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

<sup>75</sup> “Yougoslavie M. Roland Dumas: ‘Sous nos yeux, s’opere unepartition [sic] de fait’,” *Le Monde* (Paris), 11 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999. See also George Brock, “Yugoslavia No Longer Exists, Says France,” *Times* (London), 10 October 1991, available from Lexis-Nexis Universe, accessed on 12 December 1999.

<sup>76</sup> During an international meeting held in Spain on 7 and 8 October 1991, an appeal for recognizing Croatia and Slovenia was signed by a number of European dignitaries, including Italian Ambassador Luigi Vittorio Ferris, Spanish Ambassador Eduardo Fonsillas, and Karl Heinz Narjes, former Vice President of the European Commission. See “Un appel de personalites europeenes,” *Le Monde* (Paris), 10 October 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. See also “Euro-deputies to Vote on Independence for Slovenia, Croatia,” *Agence France Presse*, 10 October 1991, available from Lexis-Nexis Universe, accessed on 14 December 1999.

<sup>77</sup> Many believe that Prime Minister Markovic initiated this intervention at the encouragement of America, and that Secretary Baker hinted that America would not object to the use of force initiated by the Federal Government (as opposed to Serbia), provided the intervention could lead to a quick, relatively bloodless solution. According to Branko Mamula, one of the former YFA chiefs and advisors to the YFA Chief Kadjevic in 1991, Secretary Baker told Prime Minister Markovic to “wrap the Slovenes gently on the knuckles” (Mamula quoted in Silber and Little, *Yugoslavia*, 151). However, both Baker and Zimmermann denied that America had given a “green light” for the YFA’s intervention against Slovenia; Zimmermann argued that the problem was that America did not issue a “red light,” or a strong warning against the use of force (see Zimmermann, *Origins of a Catastrophe*, 137). Nonetheless, Baker’s memoirs give an impression that American warnings to Markovic against the use of force were weak, if not ambiguous: Baker, *Politics of Diplomacy*, 482-483. All these European and American warnings against the use of force cited here might seem contradictory to the American (alleged) agreement on the intervention against Slovenia. In reality, there is no contradiction. America (tacitly) agreed on the use of force by the Yugoslav Federal Government headed by Ante Markovic because its stated goal was, indeed, the preservation of Yugoslavia. However, America did not agree on the use of force by one republic against another (i.e., by Serbia against

Speaking before the UN Security Council on the occasion of the introduction of the arms embargo against Yugoslavia, U.S. Secretary of State James Baker said:

The Government of Serbia and the Yugoslav federal military bear a special and indeed growing responsibility for the grim future which awaits the peoples of Yugoslavia if they do not stop the bloodshed...Clearly, the Yugoslav Federal military is not serving as an impartial guarantor of a cease-fire in Croatia...On the contrary, it has actively supported local Serbian forces in violating the cease-fire, causing deaths to the citizens it is constitutionally supposed to protect. The military has initiated what can only be described as outright military intervention against Croatia, while repudiating the authority of Yugoslav Government institutions which have sought to control it.<sup>78</sup>

Thus, by the early fall of 1991, Europe was ready to abandon its insistence upon a united, reformed Yugoslavia when faced by a major conflict escalation and the acceptance throughout Yugoslavia that the Titoist legacy was dead.

### **Appraisal of the Early Coercive Involvement**

Europe's most important goal during its early involvement, in the summer of 1991, was to establish a positive precedent for the peaceful resolution of looming conflicts within the Soviet Union. Europe's second, though less important, goal was to help preserve Yugoslavia in some form and support negotiations on its future. As it turned out, neither goal was achieved by the end of the three-month moratorium on declarations of independence, which had been imposed by Europe in order to negotiate a new, reformed Yugoslavia. The conflict dangerously escalated, while the future of Yugoslavia seemed doomed in the eyes of the disputants and Europe alike.

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Slovenia). The general warnings against the use of force were prompted by the American concern that, in a situation of a weak central authority, one republic (Serbia) would take advantage of the situation created by the intervention to alter Yugoslavia's internal borders and trigger the Yugoslav civil war—which is, indeed, what happened: Markovic ordered the YFA intervention against Slovenia, but Serbia took over the YFA and the war, pulling the YFA out of Slovenia and then redirecting it to fight Croatia and later Bosnia. For an English-language source describing the outbreak of the Yugoslav civil war and the international diplomatic efforts surrounding the event, see Silber and Little, *Yugoslavia*, 154-168.

<sup>78</sup> Secretary Baker quoted in Thomas L. Friedman [Dateline: United Nations], "U.S. Policy on Yugoslavia Shifts to Curbing Serbs," *New York Times*, 27 September 1991, available from Lexis-Nexis Universe, accessed 10 December 1999.

Moreover, it seems that the European involvement contributed to this outcome, partly because it subordinated all traditional concerns to the perceived imperative of establishing a positive precedent of a peaceful, negotiated solution.

Europe's stated intention was to promote negotiations on the future of Yugoslavia, urging the suspension of independence declarations. Yet, no sooner had the breakaway republics agreed to suspend these declarations than Europe decided to pursue a selective approach that substantially eroded its stated objective of negotiations on a future Yugoslavia. The EC negotiated the YFA withdrawal from Slovenia, done without any consultation of the other republics concerned, most importantly Croatia and Bosnia.

The YFA withdrawal from Slovenia had important military implications for both republics for it would shift the balance of power to their own detriment and to the favor of Belgrade. Moreover, the European move also brought into question why Slovenia and other republics would be interested in negotiating the Yugoslav future, and why Croatia would not seek its independence despite the costs involved, if Europe had already set a precedent by precipitating the Slovenian separation from Belgrade.

It is ironic that while conventional knowledge insists on the German nefarious role in the Yugoslav break-up, it was precisely Germany that tried to oppose the YFA's premature withdrawal from Slovenia and that insisted on a comprehensive solution to the Yugoslav crisis. That German opposition was not due to a lack of sympathy for Slovenia, but instead to its justified concern that the move might not help the resolution of the Yugoslav crisis but only render Croatia and Bosnia more vulnerable. According to the German official closely involved in the EC policy towards the former Yugoslavia, Bonn resisted that Slovenia should be given the signal it could leave Yugoslavia in disregard for the fate of the other non-Serb republics:

On 18 July [1991], in a surprise decision that, logically enough, was opposed by the Croatian representative, the Federal Presidency decided to withdraw the JNA [YFA] from Slovenia. In the long term this had a fateful consequence: although the Slovenes continued to fear a return of the army for some time, and for that reason, if for no other, remained involved in the search for a political solution, their interest in the fate of the rest of Yugoslavia inexorably waned. Had the JNA [YFA] remained in Slovenia, the Slovene leadership would have been forced into a closer alliance with the other non-Serb republics and into a more active role in the search for a truly comprehensive, all-Yugoslav solution. Most certainly this was just the development Milosevic wanted to avoid, the more so since the Serbian leadership was no longer interested in the Federal Government holding on to that part of Yugoslavia.

Those who, like myself, were afraid of the consequences of this decision for Croatia and Bosnia were at least able to prevent a blanket endorsement by the EC. In a declaration on 19 July the EC did welcome this decision [withdrawal from Slovenia], but only "insofar as it expresses the commitment of *all* [emphasis by Libal] parties to refrain from the use of force."<sup>79</sup>

Another important European goal was peaceful conflict resolution. To this end, Europe threatened unilateral recognition of Slovenia and Croatia if YFA did not end its military operations. Superficially Serbia complied, but the conflict did not end, as Belgrade switched from high-intensity operations conducted by the YFA to low-key support for the local Serbs receiving the YFA's support. On the surface the conflict de-escalated, but only in intensity and not for long. Two months later, as the Serbs came to control a quarter of Croatia and Europe prepared for a peace conference in which Slovenia would be freed from Yugoslavia while Croatia would either be forced to remain within Yugoslavia or be faced with accepting independence at the cost of territorial loss, Zagreb launched limited attacks against YFA facilities to prevent a political solution contrary to its objective of independence on Croatia's entire territory.

It must be concluded from this outcome that European threats of unilateral recognition should violence resume did not help the realization of European objectives of

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<sup>79</sup> Libal, *Limits of Persuasion*, 24. For the full text of the EC decision partially quoted by Libal, see European Communities (EC), [Council of Ministers], "[EC] Statement on Yugoslavia," Brussels, 19 July 1991, Document No. 104 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 322.

reaching a peaceful, negotiated solution. The threats failed to deter the Serbs, while they encouraged misplaced hopes on the part of the Croats, providing a false sense of security and reinforcing the Croatian idea that independence could be achieved with fewer costs thanks to international support. Croatia never gave up on its goal of independence: it only delayed its decision to use military force, a decision which in the end proved necessary for the realization of its independence objective.

One of the assumptions of the European policy was the idea of an important norm being established, which in this case appears to be the “norm” of a peaceful conflict resolution. The idea that this is a norm was created by references to the Helsinki principles and the peaceful change of borders, as evident from the EC statements and its approval of the peaceful separation between Belgrade and Ljubljana.<sup>80</sup> After the Serbian leaders told the European Troika that they did not object to Slovenia’s independence through peaceful negotiations, Dutch Minister van der Broek expressed his satisfaction:

I am very pleased to hear yesterday from Mr. Milosevic that he accepts the right to self-determination and the possibility that eventually some republics could separate from Yugoslavia. I am happy to hear that he does not deny the principle of self-determination but only demands that separation be pursued through dialogue and negotiations—in other words, that the future of Yugoslavia be decided on the basis of peaceful negotiations.<sup>81</sup>

But it is doubtful that peaceful conflict resolution and the negotiated change of borders is some international or regional norm in a legal sense. International law and the UN Charter do not prescribe how internal conflicts should be solved. In addition, the Helsinki principles on peaceful change of borders, originally conceived to enshrine the division of Germany, apply to recognized states (e.g., Yugoslavia and Hungary) rather than to sub-state entities (i.e., the Yugoslav republics in 1991). Furthermore, the stability

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<sup>80</sup> See, e.g., “[EC] Declaration on the Situation in Yugoslavia,” 5 July 1991.

<sup>81</sup> The Dutch Minister quoted in Jovic’s diary, which includes in full the transcription of his meeting with the European Troika on 7 July 1991. See Jovic’s diary entry for 7 July 1991, p. 351.

of the international system—which is, despite many claims to the contrary, state-centered—reposes on the ability of states to maintain order and, to this effect, repress those who challenge their territorial integrity. Moreover, the borders of the present-day stable democracies are often the result of states having, when necessary, resorted to force to preserve their territorial integrity against the claims of rebellious minorities.<sup>82</sup>

What Europe demanded is neither any international or regional norm, but rather reflected politically desirable solutions and concerns with establishing a positive precedent for the looming conflicts in the Soviet Union and elsewhere that could have serious implications for Europe's stability. As expressed by one of the European diplomats at the time, the EC involvement was led by larger security policy concerns:

If we can't bring the Yugoslavs to their senses, how will we be able to persuade the Russians and the Ukrainians, the Hungarians and the Romanians and other nationalities to avoid force and listen to reason?...The nightmare scenarios are endless.<sup>83</sup>

However, that European goal, no matter how praiseworthy, was an impossibility given the fact that the disputants could not resolve their dispute peacefully and that, from their perspective, peace is not an absolute value in the absence of the attainment of certain goals that are perceived vital to the members of given communities.

One could wonder whether a different outcome would have been possible if Europe had been more decisive. Ultimately, its threats of unilateral recognition were weak and did not go beyond moral, rhetorical suasion. Europe did not follow up with

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<sup>82</sup> Mohammed Ayoob has argued, "What are currently considered in the West to be norms of civilized state behavior—including those pertaining to human rights of individuals and groups—are, in the Third World, often in contradiction with the imperatives of state making." Ayoob has argued that Third World countries cannot meet such standards and maintain their territorial integrity and ensure internal order and stability. See Mohammed Ayoob, "State Making, State Breaking, and State Failure," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 37-51; for the quote, see p. 43.

<sup>83</sup> Anonymous European diplomat quoted in Drozdiak, "Lack of an Armed Option Limits EC's Yugoslav Peace Initiative."

action, or took decisive steps towards recognition, when it appeared that the Serbs were not ending their war to forcefully redraw new borders.

This study believes that even if the EC had been more decisive—proceeding with an immediate unilateral recognition and threatening or actually using force—their stated goals would not have been realized. After all, that scenario was tested later in Bosnia, where early recognition precipitated, rather than prevented, the Bosnian war.<sup>84</sup> Moreover, forceful solutions have limits in the Yugoslav situation of 1991, and they cannot render neat solutions supportive of the Yugoslav unity, which was the initial Western objective.

The argument for saving Yugoslavia forcefully with international support has been advanced by two different schools of thought, one supporting the use of force against Slovenia and Croatia, and the other, against Serbia. Yet, both schools are equally wrong because the use of force, in this case, could only precipitate partitioning.

Some have claimed that Europe contributed to the break-up of Yugoslavia and the subsequent Bosnian tragedy because it insisted on non-use of force and opposed the YFA intervention in Slovenia and Croatia, allegedly intended to preserve Yugoslavia's territorial integrity.<sup>85</sup> However, a close examination of primary documents, as done in this Chapter, does not support the idea that the YFA wanted the preservation of Yugoslavia, nor did the vast majority of Yugoslavia's citizens, who had voted for nationalists; hence, the option of preserving Yugoslavia forcefully seems non-viable.

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<sup>84</sup> See Chapter Five.

<sup>85</sup> For the argument that the EC contributed to the break-up of Yugoslavia by opposing the YFA intervention against Slovenia and Croatia, see Susan L. Woodward, *The Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings, 1995); see Chapter 6, "Western Intervention," pp. 146-198, and in particular "Conclusion," p. 198. See also Saadia Touval's argument that the EC got its priorities wrong when it insisted on "democratic unity," because "the promotion of democracy encouraged disintegration." Instead, Touval suggests that the EC should have insisted on Yugoslavia's territorial integrity, which necessitated, admits Touval, the "undemocratic" use of force. Saadia Touval, "Lessons of Preventive Diplomacy in Yugoslavia," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. Chester A. Crocker and Fen Osler Hampson with Pamela Aall (Washington, D.C.: United States Institute of Peace, 1996), 403-417; see, in particular, "Flawed Policies," pp. 405-407; for the quote, see p. 406.

The YFA could not have resurrected Titoist legacy as a multinational federal state; the only thing the YFA could have done is to conquer more territories for the Serbs. The use of force can more easily promote division than enforce the disputed national unity in a state with a disintegrating central authority and without a clear national majority, or in a state with several major players who could not agree on the most basic issues pertaining to statehood and sovereignty.

In order to preserve Titoist Yugoslavia, the YFA would have needed the backing of an all Yugoslav political force supported by constituencies across the Yugoslav society. In other words, Yugoslavia would have needed a force reminiscent of Tito's partisans and AVNOJ, both of which reflected the consensus among Yugoslavia's multinational elites not willing to endorse Yugoslavia's partitioning during World War II.<sup>86</sup> Since these conditions were lacking in the case of Yugoslavia of 1991, it is misguided to blame the EC for the Yugoslav break-up because its politicians opposed the YFA intervention against Slovenia and Croatia.<sup>87</sup>

In the light of the above, one should also critically examine Warren Zimmermann's assertion that America could have prevented the violent break-up of Yugoslavia by issuing strong threats to Serbia. According to the last American Ambassador, "short of a credible threat of force, the United States and its allies lacked decisive leverage" that could have prevented the war and the violent break-up.<sup>88</sup>

The American threats could have provided leverage, and the use of force could have imposed the end of violence sooner than 1995. Yet third party's use of force could

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<sup>86</sup> See history in Chapter Two, particularly a citation from the AVNOJ's proclamation that it would never accept the partitioning of Yugoslavia.

<sup>87</sup> See the previous footnote criticizing the arguments advanced by Woodward and Touval.

<sup>88</sup> Zimmermann, *Origins of a Catastrophe*, 139 (quote); see also pp. 133-140, in particular p. 137, for the argument of the failure of prevention. For similar arguments among other scholars, see Michael S. Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy* (Washington, D.C.: United States Institute of Peace, 1996), 86-93, in particular p. 90 and p. 93.

not have advanced the goal of the Yugoslav unity or peaceful conflict resolution, the apparent initial concerns in both Europe and America at that time. Using force means making a choice about which disputant to support, because the use of force risks speeding up the processes of division and precipitating violence. That lesson applies as much to Yugoslavia in 1991, as to Bosnia and Kosovo later, where forceful interventions precipitated conflict escalation as well as failed to restore “multiethnic Bosnia” or “an autonomous Kosovo within a democratic Yugoslavia.”<sup>89</sup>

In short, despite vast political, economic, and military resources, as well as a panoply of instruments of conflict prevention as advanced by proponents of early intervention, the Western statesmen can still come up against the limits of early intervention, particularly if the goal is territorial integrity in the face of disputed national unity, no clear national or ethnic majority, and disputants’ lack of reconciliation.<sup>90</sup>

## **Conclusion**

As soon as the YFA intervened in Slovenia, the EC Troika rushed to mediate the dispute. Led by its goals of peaceful conflict resolution, Europe refused to recognize the declarations of independence and threatened Serbia should violence resume. Under the EC pressure, Slovenia and Croatia suspended their declarations of independence; Serbia began supporting the work of the Federal Presidency; the YFA backed away from high-intensity operations; and the EC deployed a cease-fire monitoring mission to Slovenia.

On the surface, it seems as if Europe had prevailed over the disputants, who had decided to participate formally in the work of the common Yugoslav institutions and

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<sup>89</sup> These arguments are elaborated in Chapters Five through Eight.

<sup>90</sup> For an argument in favor of an early intervention, see Lund, *Preventing Violent Conflict*; see, in particular Appendix A: “A Preventive Diplomacy Toolbox: Policies and Instruments for Preventing Violent Conflicts,” 203-205.

agreed to negotiate under European sponsorship. But, in reality, Europe was on its way to “solving” the relatively easy case of the Slovenian-Serbian relations while not resolving, and possibly even aggravating, the potentially more explosive conflicts in the rest of the country, first in Croatia, and later in Bosnia.

Europe’s coercive diplomacy and its preference for peaceful, negotiated solutions only slightly moderated the Serbian behavior while fitting neatly with Belgrade’s long planned policy to create a “new Yugoslavia” that would exclude all of Slovenia and rump Croatia. The European involvement thus precipitated the Slovenian separation. With respect to Croatia, Serbia merely adjusted its tactics to a low-key strategy of supporting the local Serbs who were gradually taking over parts of Croatia’s territory.

Nor could European coercive diplomacy truly moderate the Croats. To be sure, as a weaker disputant demanding an outside involvement in the hope of changing the balance of power to its favor, Zagreb did prove more compromising and amenable to Europe’s influence. For more than two months it resisted the calls to launch attacks against YFA facilities, opting instead to do so rather late, after the attacks had become both more difficult and costly. However, Zagreb did eventually change its policy once it became clear that the EC involvement, initially welcomed as an opportunity to gain an ally in the pursuit of independence, was doing nothing to prevent the territorial losses.

In conclusion, the early involvement in the Yugoslav crisis has confirmed limits of coercive peacemaking, suggesting that a rush to mediate may be counterproductive to third party’s goals as well as to disputants’ well being. The only case where coercive peacemaking succeeded in “imposing” a peaceful, negotiated solution was the relatively easy case of Slovenia, where congruence existed between the goals of Ljubljana (independence) and Belgrade (a ‘new Yugoslavia’ without Slovenia). However, weak

measures of coercive diplomacy could not impose a peaceful solution on disputants who had deeply conflicting aspirations. In fact, coercive peacemaking may have allowed such disputants to manipulate the process to support their own ambitions, while placing the weaker disputants in even more vulnerable positions. European involvement had enabled the Serbs to regroup and place a quarter of Croatia under Belgrade's control more easily than what the Serbs could have done if the Croats had not followed the European advice and had resisted such Serbian designs from the outset. The experience of Europe's early involvement in the Yugoslav crisis, confirms, therefore, the costs, risks, and limits of coercive peacemaking when undertaken in the absence of disputants' reconciliation.

## CHAPTER FOUR

### EUROPE FAILS TO SPONSOR A PEACEFUL, NEGOTIATED BREAK-UP

(October 1991-January 1992)

#### Introduction

Consistent with its shifting role in the Yugoslav conflict, the European presence in the Yugoslav crisis in the last few months of 1991 became increasingly intrusive and coercive. While preferring to stick to a facilitative role at the very beginning of its involvement, Europe was now getting ready to propose solutions and threaten diplomatic and economic sanctions against “non-cooperative” parties. Furthermore, gone was its support for Yugoslav unity; instead, Europe believed that the solution lay in sponsoring an orderly break-up of the former Yugoslavia along the existing borders among the republics and minority rights regimes. Europe’s policy, which started in October 1991, was stimulated by its urge to establish a positive, normative precedent for a peaceful break-up of a multinational state in the wake of the growing Soviet crisis.

However, the European “norms” failed to convince Serbia, while its involvement permitted the Serbs to regroup. The conflict escalated, rendering the weaker Croats, and later the Bosnian Muslims more vulnerable. In the end, the European peacemakers managed to arrest violence in Croatia through recognition, largely because the measure moderated Zagreb and led to the fulfillment of a set of conditions favorable to Belgrade. However, the conflict was not resolved but shifted onto another level, with the violent resolution—inevitable in view of a lack of reconciliation--postponed for later. As evident from this Chapter, coercive peacemaking displayed again its limits in the face of the

disputants' lack of reconciliation, as well as demonstrated the risks and costs of such strategies—costs that mainly affected the local people.

This Chapter first outlines and analyzes the European policy during the last three months of 1991, when Europe failed to impose the Carrington peace plan and adherence to the “norm” of peaceful change and respect for the existing borders. It then shifts to the Serbian perspective, explaining how and why Belgrade successfully outmaneuvered the European coercive diplomacy. Then it follows the examination of the Croatian perspective and the effect that the failure of the European policy had on the ground: a major conflict escalation in Croatia. The study then shifts again to the German initiative and the European policy that arrested the growing violence in Croatia by recognition. It explains why this strategy worked in the case of Croatia, with attention paid to the limits of this strategy: it provided for a temporary stability, with the conflict's violent resolution and the associated human costs postponed for later.

### **European Insistence on Orderly, Peaceful Dissolution of Yugoslavia**

On 6 October 1991, the EC Ministers met at Haarzuilens to discuss the Yugoslav crisis, producing one of the key statements that clearly marked a shift in the EC policy towards the former Yugoslavia. In contrast to its previous role of a facilitator vaguely supportive of Yugoslav unity, Europe was now ready to step in as a forceful mediator to promote the negotiated break-up, with a hope that its sponsorship could make the process less violent. While referring to the EC sponsored meeting in which Serbian President Milosevic agreed to the break-up of Yugoslavia, the EC Ministers affirmed:

At the meeting of 4 October, it was agreed that a political solution should be sought in the perspective of recognition of the independence of those Republics wishing it, at the end of a negotiating process conducted in good faith and involving all parties.

The right to self-determination of all peoples of Yugoslavia cannot be exercised in isolation from the interests and rights of ethnic minorities within the individual Republics. These can only be assured through peaceful negotiations for which the Conference on Yugoslavia, including its Arbitration Commission, has been convened. The Ministers reiterate their determination never to recognize any changes of borders brought about by force.<sup>1</sup>

Europe hoped to reconcile the competing nationalist claims through recognizing republics and introducing the minority rights regimes to reassure the minorities left outside of their respective motherland republics. Thus, the recognition of the breakaway republics was no longer considered a threatening measure of last resort directed at Serbia, but was viewed instead, coupled with insistence on the minority rights, as the solution to the Yugoslav crisis and as an alternative to the wars over new borders.

The Conference will adopt arrangements to ensure peaceful accommodation of the conflicting aspirations of the Yugoslav peoples, on the basis of the following principles: no unilateral change of borders by force, protection for the rights of all in Yugoslavia and full account to be taken of all legitimate concerns and legitimate aspirations.<sup>2</sup>

Moreover, underlying this approach is insistence on peaceful conflict resolution, the overriding goal that has not changed from the very beginning of the EC involvement:

[The EC Community and its Member States] strongly condemn the continuing use of force and attempts of any republic to impose by force solutions on other republics. They express the Twelve's strong interest in a peaceful solution to Yugoslavia's problems, not only for the sake of Yugoslavia itself and its constituent peoples, but for Europe as a whole.<sup>3</sup>

<sup>1</sup> European Communities (EC), [Council of Ministers], "[EC Declaration on the Situation in Yugoslavia] Adopted at the Informal Meeting of Ministers for Foreign Affairs," Haarzuilens, 6 October 1991, Document No. 121 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 351-352, for the quote, see p. 352. Also available as UN Doc. S/23114, Annex II. For media reports on the meeting of 4 October 1991, see David Gardner, "Serbia Accepts Croatian Independence: Milosevic Accepts Compromise in Return for Self-Determination of Serbian Minorities," *Financial Times* (London), 5 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000.

<sup>2</sup> European Communities (EC), [Council of Ministers], "[EC] Declaration on the Situation in Yugoslavia Adopted at the EPC Extraordinary Ministerial Meeting," The Hague, 3 September 1991, Document No. 114 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 342-343; for the quote see p. 342.

<sup>3</sup> European Communities (EC), [Council of Ministers], "[EC] Declaration on Yugoslavia, Adopted at the EPC Extraordinary Ministerial Meeting," The Hague, 6 August 1991, Document No. 107 in *Yugoslavia*

Against the highly unstable situation in the Soviet Union, the European demands for a peaceful, principled solution were reiterated in yet another EC statement:

Our common desire is to promote a speedy and complete halt to all military activities as an essential precondition to a settlement. We condemn the use of force for the settlement of political differences. We also reject the use of force to change established borders, whether internal or external. Such actions are totally unacceptable in 1991 in the heart of Europe. The principles of the Conference on Security and Cooperation in Europe with regard to borders, minority rights and political pluralism guide our approach towards resolution of this conflict and should be respected and adhered by the parties in Yugoslavia themselves. We will not accept any outcome that violates these principles.<sup>4</sup>

Given this preference for a negotiated, peaceful solution—the most important objective of Europe—the EC Ministers condemned the Yugoslav Federal Army (YFA) for its indiscriminate attacks against civilian targets, in particular Vukovar and Dubrovnik. They also criticized the Croats, for it was believed that the Croatian blockades of the YFA military facilities were the main reason for the continuing violence, providing the YFA with a pretext to attack Croatia's cities.<sup>5</sup> For that reason, the EC Ministers placed the demands upon “all parties” and deplored that the “major players in the Yugoslav crisis” did not honor their commitments.<sup>6</sup> They furthermore stated:

The violence and breaches of cease-fire agreements are committed by all parties in conflict. Grave doubts exist as to the will of parties to settle their disputes by peaceful means. The Ministers are alarmed in particular at reports that the Yugoslav National Army, having resorted to a disproportionate and indiscriminate use of force, has shown itself to be no longer a neutral and disciplined institution.<sup>7</sup>

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*Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 327-328.

<sup>4</sup> European Communities (EC), [Council of Ministers], “[EC] Declaration on Yugoslavia,” The Hague, 18 October 1991, Document No. 123 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 356-357, for the quote, see p. 356. Also available as UN Doc. S/23155, Annex.

<sup>5</sup> The YFA officers issued an ultimatum to Croatia, threatening civilian retaliation against Croatia's cities if Zagreb continued to blockade or attack the YFA facilities in Croatia. Details, quotes, and references are available in Chapter Three.

<sup>6</sup> “[EC Declaration on the Situation in Yugoslavia],” Haarzuilens, 6 October 1991, pp. 351-352.

<sup>7</sup> *Ibid.*

This pressure for peace would soon be translated into an insistence that Croatia should lift its blockades of the YFA facilities in order to permit the YFA withdrawal.

In late October of 1991, Lord Peter Carrington presented a comprehensive EC proposal applicable to the entire territory of Yugoslavia, a proposal which sought to both reassure minorities affected by the new boundaries and force the Yugoslav republics to maintain some institutional links and cooperative arrangements.<sup>8</sup>

The peace plan proposed a “special status” for the areas in which a particular minority constituted the majority of the population, endowing such areas with self-government. The minorities would be entitled to generous cultural and administrative autonomy arrangements, including a regional police force, an independent legislative body, and a judiciary.<sup>9</sup> In addition, led by the concern that the minorities should feel reassured of their future in the newly independent states, the EC proposal also envisaged

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<sup>8</sup> Conventional wisdom has it that Croatia got recognized before there had been an attempt at reaching a comprehensive peace settlement. This view is historically inaccurate. The EC did propose a general settlement applicable to the whole of Yugoslavia; however, the proposal failed due to the Serbian opposition. For the draft proposal and the Serbian rejection, see Peace Conference on Yugoslavia, “Arrangements for General Settlement [the so-called Carrington Draft Convention],” The Hague, 18 October 1991, Document No. 124 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 357-365. Following the Serbian rejection, the peace proposal was amended to offer even more guarantees for the Serb minority in Croatia and presented to the Yugoslav parties on 1 November 1991. For the amended peace plan in its final form, which was again rejected by Serbia, see Peace Conference on Yugoslavia, “Treaty Provisions for the Convention [the Carrington Peace Plan],” The Hague, 1 November 1991, Document No. 127 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 370-378; also available as UN Doc. S/23169, Annex VII. There was one more attempt to impose the settlement with some changes introduced to please Belgrade, but Serbia rejected the proposal nevertheless, on 4 November 1991; see Laura Silber, “Serbs, Croats Press War of Words, Guns; EC Peace Plan Stalls On Minorities Issue,” *Washington Post*, 5 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. See also Julie Wolf and Ian Traynor, “Yugoslav Peace Talks Close to Collapse,” *Guardian* (London), 6 November 1991, available from Lexis-Nexis Universe, accessed 24 October 2000. Space does not permit exploring all the differences between the different drafts of the proposal, nor are they crucial for this study; for that reason, all the references to the Carrington peace plan refer to the draft of 1 November 1991.

<sup>9</sup> Peace Conference on Yugoslavia, “[The Carrington Peace Plan],” 1 November 1991; for human and minority rights provisions, see Art. 2, pp. 370-373; see in particular Art.2(c), entitled “Special status,” pp. 372-373.

“a permanent international body to monitor implementation” of the human and minority rights provisions.<sup>10</sup> In case of a dispute, the peace proposal mandated the obligatory submission to the jurisdiction of the proposed “Court of Human Rights,” to be established and operated entirely by Europe without any input from the Yugoslav parties.<sup>11</sup>

The proposal also sought to foster new links among the Yugoslav republics. Besides the areas of the human and minority rights (Art. 2), the Carrington peace proposal envisaged cooperation on economic and monetary issues (Art. 3), foreign affairs and security (Art. 4), and police and legal affairs (Art. 5). The proposal also envisaged new associative links among the republics, such as a customs union, a common internal market, a common external trade policy, and a common payments system or currency (Art. 3). It furthermore mandated the establishment of common institutions for the purpose of realizing the articles on regional cooperation (Arts. 8-12).<sup>12</sup>

In short, while the EC proposal did seek to recognize the Yugoslav republics as sovereign states, it also aspired to re-launch the regional integration process, proposing areas of cooperation and the establishment of new institutions for that purpose. In other words, the proposal wished to put in place another South Slavic community in the image of the European Union, the Council of Europe, and the European Court of Human Rights.

To ensure the acceptance of this proposal by the disputants, the EC envisaged both positive and negative measures of economic and diplomatic nature. Already in their Haarzuilens statement of 6 October 1991, the EC Ministers had threatened all sides that either violated cease-fires or refused to support the EC efforts towards a peace settlement:

The Ministers will take restrictive measures to be applied against those parties continuing to flout the desire of the other Yugoslav parties as well as the international community for a successful outcome of the Conference on

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<sup>10</sup> Ibid., 373; see Art. 2 (c) 5B.

<sup>11</sup> Ibid., 373-374.

<sup>12</sup> Ibid., 370-378.

Yugoslavia. They will then terminate the Cooperation and Trade Agreement with Yugoslavia and only renew it with those parties which are contributing to progress towards peace. The Ministers have asked the Political Committee and the Commission to identify immediately further measures, including in the economic field. They call on all other countries to support the position of the European Community in this respect.<sup>13</sup>

However, as Serbia continued to reject the peace proposal, despite some additional revisions made to please Belgrade, the EC Ministers specifically called on Serbia to lift its objections or be faced with the unilateral recognition of the republics. In its statement of 28 October 1991, Europe noted with great dissatisfaction that Serbia was the only republic blocking the peace settlement, which had been accepted by all other republics, Croatia and Slovenia included. This was the third time that Europe would address such threats to Serbia, this time in an open ultimatum: Serbia would be excluded from the peace talks, and the Yugoslav crisis solved without any Serbian input.<sup>14</sup> Europe would conduct negotiations with the “cooperative” republics only, to be recognized as independent states after fulfilling the EC criteria:

If at the next plenary session of the Conference, on 5 November, the Serbian reserve is lifted, the Conference, as presently constituted, will continue on the basis of the draft arrangements.

**If not, the Conference will proceed with the cooperative republics to obtain a political solution, in the perspective of recognition of the independence of those republics wishing it,** at the end of a negotiating process conducted in good faith as set out at Haarzuilens on 6 October. Non-cooperative parties can then expect restrictive measures to be taken against them by the European Community and its member States.

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<sup>13</sup> “[EC Declaration on the Situation in Yugoslavia],” Haarzuilens, 6 October 1991, p. 352. For the media reports regarding the European threats made at Haarzuilens, see Ronald Van de Krol, “EC Set to Single Out Warmakers in Yugoslavia,” *Financial Times* (London), 7 October 1991, available from Lexis-Nexis Universe, accessed 12 December 1999; Christian Chartier, “Yougoslavie: la poursuite des affrontements en Croatie et larelance [sic] de la conference de paix a La Haye Toutes les parties admettent le droit a l’indépendance des Republiques,” *Le Monde* (Paris), 7 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999; Christian Chartier, “Les Douze menacent la Yougoslavie d’un embargo commercial total,” *Le Monde* (Paris), 8 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999.

<sup>14</sup> For the previous threats, see the preceding Chapter, in particular references to the European statement of 5 July 1991, Hans Van Der Broek’s mission to Belgrade, and the European ultimatum of 27 August 1991.

The European Community and its member States will ask the Security Council to urgently address the question of further measures under Chapter VII.<sup>15</sup>

Clearly, Europe believed it could reach a political solution to the Yugoslav crisis without Serbia participating in the search for a solution, and that peace could be obtained if disputing parties fulfilled Europe's own criteria, rather than reached an agreement of their own. In other words, Europe believed it could impose a peaceful solution of differences on the basis of its own criteria, which were cited as norms binding on the disputants: no unilateral change of borders and minority rights.

Underlying this policy is Europe's belief in the self-sufficiency of norms to ensure a peaceful resolution in the difficult identity disputes that thrive, as argued in Chapter Two, on the disputants' feelings of insecurity as well as their mutually exclusive views of history, justice, and borders. The EC Ministers believed, nevertheless, that such disputes could be amenable to their pressure and that diplomatic threats could coerce a "non-cooperative" party and create the basis for peace, even though the proposed principles of settlement were strongly disputed by one party (i.e., Serbia), a party which was also well-armed and, therefore, most uncompromising in its demands.<sup>16</sup>

This approach also illustrates what this study calls coercive peacemaking, a peacemaking that differs considerably from traditional conflict management. The emphasis is on the third party's will, means, and criteria that must be met by disputants, rather than on the disputants' will for reconciliation and their ownership of an agreement

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<sup>15</sup> European Communities (EC), [Council of Ministers], "[EC] Declaration on the Situation in Yugoslavia," Brussels, 28 October 1991, Document No. 126 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 368-369; for the quote, see p. 369 (emphasis in bold added by the author of this study); also available as UN Doc. S/23181, Annex.

<sup>16</sup> Unlike Croatia, which was willing to accept the Bosnian territorial integrity at that point, Serbia demanded that the territorial integrity of other republics be violated in order to accommodate the Serb desire to split away, while refusing to allow a similar approach to be applied to Serbia itself. Instead, Belgrade argued that Albanian-populated Kosovo was Serbia's internal question (see later discussion).

that should reflect their needs.<sup>17</sup> To be sure, the latter type of agreement was not possible in the fall of 1991, in view of the deep-seated differences; hence, the third party resorted to coercion in an attempt to moderate the disputants' high-stake positions and impose a solution that reflected the third party's basic interest in peace.

However, as this Chapter will demonstrate, such an approach has both limits and risks. Not only did Serbia reject the peace proposal—it also managed to divide Europe by proposing its own solution, while regrouping its forces and finalizing its preparations for absorbing parts of Croatia and Bosnia. The third party involvement thereby worsened the plight of the weaker disputants who, wrongly, felt reassured by the outside involvement and the third party's ability to impose a solution along the principles proclaimed.

### **Serbia Outmaneuvers European Coercive Diplomacy**

Over the course of the summer of 1991, the Serb take-over of parts of Croatia was able to proceed largely because Zagreb, having not attacked the YFA facilities yet and thereby procured some heavy weapons, had no effective means to resist Serb advances.<sup>18</sup> Under such circumstances, Serbia was annoyed by Europe, which insisted on the non-use of force and the respect for the *status quo*.

However, as Zagreb attacked the YFA in the fall of 1991, the Serbian calculus would change, and so would its attitude towards the EC involvement. The Croatian offensive exposed the vulnerability of the disintegrating, demoralized YFA, bringing into

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<sup>17</sup> For the discussion of coercive peacemaking versus traditional conflict management and resolution, see Chapter One.

<sup>18</sup> Croatia did not blockade or attack the YFA facilities until the fall of 1991 because its leadership did not want to alienate Europe, which insisted on a peaceful, negotiated solution. However, Europe's coercive diplomacy did not discourage the Serbs from taking over Croatia's territory, while it tied the hands of Zagreb, which needed to attack some of these facilities in order to get weapons and thereby resist the Serb takeover. After more than two months of the EC sponsored negotiations and the loss of a quarter of territory, Zagreb finally placed all the YFA facilities under blockade and negotiated or forced surrender of about 70 facilities. For details and references, see Chapter Three.

question whether the YFA would disintegrate before it would be able to impose a solution on Croatia.<sup>19</sup> As Zagreb started blockading and attacking the YFA facilities in Croatia, the Serbian leadership became eager to end the war in Croatia, based on its reduced expectations, and while the situation on the ground still favored the Serbs. Thus, whereas the Serbian initial planning indicated that their aim had been to take two-thirds of Croatia, by early October their plan had changed to primarily maintaining what had already been gained on the battlefield during the summer of 1991, plus taking a few more strategic towns--or altogether a third of Croatia.<sup>20</sup>

Moreover, Belgrade would now welcome the EC involvement in the hope that it could help lift the Croat pressure and enable Serbia to accomplish its goals with fewer costs. Thus, while initially resisting and denouncing the European coercive involvement, Serbian leaders had, by the fall of 1991, begun to look forward to the EC peace conference. Their hope was that the European preference for a peaceful solution could be manipulated to their advantage—to unblock the YFA facilities in Croatia and remove all the YFA weapons to Bosnia, as well as to rein in any potential Croatian offensive

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<sup>19</sup> In late September and early October 1991, YFA Chief Kadijevic and his close associate General Blagoje Adzic were giving dramatic reports to Milosevic and Jovic. According to these reports, the YFA's motivation was poor and the rate of desertion extremely high: only a quarter of Serbia's citizens responded to the call for partial mobilization in Serbia, while entire brigades composed of Serb reservists, whether mobilized from liberal-minded Vojvodina or from the nationalist heartland of Serbia proper, would flee down to the last man. Moreover, the Serb generals were greatly worried by new developments in Bosnia, where the Bosnian Muslims were beginning to show resistance to the YFA's movements through Bosnia-Herzegovina. YFA Chief Kadijevic told Serbian leaders that the YFA was on the verge of total collapse and on the point of losing its war against Croatia. For these alarming reports on the state of the YFA, see Jovic's diary entries for the period 12-28 September, pp. 383-391, in Borisav Jovic, *Последњи Дани СФРЈ* (Last Days of SFRY), 2<sup>nd</sup> ed. (Kragujevac, Serbia: Prizma, 1996). Unless otherwise noted, all citations from Jovic—usually identified as “Jovic's diary entry”—are translated from Serbian and Cyrillic into English by the author of this study. Borisav Jovic, a close ally of Serbian President Slobodan Milosevic, was one the key Serbian decision-makers in the 1991-1995 period.

<sup>20</sup> The original plans to take two-thirds of Croatia can be seen from the Serbian discussion meetings between Milosevic, Jovic, and Kadijevic, as recorded by Jovic's diary entry for July 5, p. 349 (see Chapter Three for quotes and analysis). In contrast, Jovic's diary entries from late September 1991 onwards (e.g., see entry for 6 October 1991, p. 392) indicate that the Serbian focus shifted to defending what territory had already been taken, in addition to taking a few more “mixed” towns—a strategy evident from the quotes coming in the text above.

designed to recover the areas lost to the Serbs in the summer of 1991.<sup>21</sup> Jovic expressed this new Serbian cost-benefit calculus as follows:

We must shift to peace offensive, while preparing for a war if there is no other option [to ensure the realization of our aims]. We cannot pursue the war option in the measure that is unnecessary and die for the goals that can be accomplished through negotiations.

We will accept the demands of the European Ministers for a cease-fire, with the aim to lift the blockades of the barracks in Croatia without casualties, while directing the Army [YFA] upon defending the already liberated territories.<sup>22</sup>

At the same time, while expressing their willingness to seek a peaceful solution reflecting their reduced expectations, and accepting the European involvement to that end, the Serbian leaders and the Army agreed that Belgrade would need to engage in high-intensity offensive operations in case the European conference were to seek to impose an undesirable solution, such as the non-recognition of “a new Yugoslavia,” or the break-up of the Titoist legacy along the established borders among the republics.<sup>23</sup>

Such was the conclusion of YFA Chief Kadijevec, who, worried about the YFA’s ability to withstand the Croat offensive, told Serbian leaders the following:

[We should] seek to accomplish our aims peacefully and find, through the EC peace initiative, a quick political resolution as soon as possible.

We should also let them know that, in case this peace initiative turns into a foul game, Serbia and Montenegro will propose general mobilization and the Army [YFA] will [then] be capable of preventing any unacceptable solution.<sup>24</sup>

<sup>21</sup> For the Serbian denouncement of Europe, see Jovic’s diary entry for 28 and 29 August 1991, pp. 372-380. For the change in the Serbian attitude towards European involvement, in particular Belgrade’s hope that Europe would restrain the Croats, see Jovic’s diary entries for 12 September and 6 October 1991, pp. 383-384 and 392, respectively. For the first indicators of Serbian moderation, see Jovic’s diary entries for 5 and 12 September 1991, pp. 382-384. It should be noted that the first indication of Serbian moderation appeared less than a week after Serbia had denounced European involvement as “colonialism.” Serbian attitude towards Europe changed as soon as the Belgrade leadership understood that the Croats would attack the YFA facilities and try to regain the lost territories rather than wait peacefully for the European sponsored conference that would, most likely, seek to propose a solution on the basis of newly created realities, or to the Serb advantage.

<sup>22</sup> See Jovic’s diary entry for 6 October 1991, p. 392. As explained later, Serbia would now shift to the peace initiative, calling for the UN deployment to freeze the territorial situation to its advantage, and for the EC involvement in order to restrain the Croats from attacking the YFA facilities.

<sup>23</sup> See Jovic’s diary entries for 28 September 1991, in addition to 6 and 9 October 1991, pp. 387-391 and pp. 392-395, respectively.

<sup>24</sup> YFA Chief Kadijevec quoted in Jovic’s diary entry for 9 October 1991, p. 395. The YFA Chief believed that the demoralized, disintegrating YFA was incapable of imposing a solution on Croatia, and that such a

In other words, Belgrade welcomed the European involvement only to the degree it could fulfill the Serbian objectives. Also, Belgrade still maintained its option of resorting to the use of overwhelming force in order to impose its own solution if Europe did not prove useful. In other words, Serbia was willing to lower its expectations, but not renounce its goal of creating "Greater Serbia." Given such a Serbian calculus, it is understandable that the European involvement could not but display limits to the degree to which it could coerce the Serbs—as well as display the risks and dangers for the weaker Croats, if they were to choose to believe that Europe could help resolve their problems with the Serbs.

At the meeting of 4 October 1991 Serbia had agreed to the break up of Yugoslavia, an agreement that prematurely raised the hopes of the European negotiators. Lord Carrington told the press that President Milosevic made a major concession because he had accepted the right of the non-Serb republics to independence, provided that a special self-governing and security arrangement could be negotiated for the Croatian Serbs. According to Lord Carrington, the problem of the borders had been solved and, in return for this Serbian "concession," Lord Carrington was going to invite the Croatian Serb leaders to the peace conference. Both the European negotiators and the media

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goal could be fulfilled only if Belgrade ordered the general mobilization of the Serbs into a newly proclaimed Serbian Army. Kadijevic argued that the Serbs did not feel motivated to fight for "Yugoslavia," a state that in their eyes had no legitimacy, but would be willing to fight within the units of the newly proclaimed Serbian Army for the (larger) Serbian state. However, Jovic and Milosevic rejected this suggestion, saying that this course of action would be diplomatically counterproductive, for it would place the proposed "Serbian-Montenegrin Army" into the role of an "aggressor" outside Serbia. Instead, they urged the end of the war against Croatia and a quicker pace of the YFA transformation by expelling its non-Serb officers and soldiers and replacing them by the trusted Serb officers. See Jovic's diary entries for the period 12-28 September, pp. 383-391. See also Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. and updated ed. (New York: Penguin Books, 1997), in particular pp. 161, 186-187, and 188.

believed that Serbia was giving up on Yugoslavia and had consented to independence for the Yugoslav republics within their established boundaries.<sup>25</sup>

However, this optimism was misplaced. The real source of contention was not whether the Yugoslav republics should become independent states, but instead whether the Yugoslav break-up should occur along the existing boundaries of the republics, as Croatia believed, or along new borders, as Serbia maintained. Belgrade did not oppose Yugoslavia's break-up or Croatian, and later Bosnian, independence; it "only" opposed that independent Croatia or Bosnia should include, what Belgrade viewed as, "Serbian territories" in Croatia and Bosnia-Herzegovina.

In other words, on 4 October 1991 Milosevic approved the EC proposal because he believed that a plan including a "special status"--applied to the Croatian Serbs only--would permit the realization of the Serbian goals over time. Belgrade hoped that the Republic of Serbian Krajina (RSK), created through bloodshed and the cleansing of the Croats, would eventually be permitted to join Serbia after holding a referendum under more favorable international circumstances.<sup>26</sup> For that reason, Belgrade would reject the Carrington plan in late October because the new text of the agreement would no longer refer explicitly to the Croatian Serbs: Belgrade demanded for the Croatian Serbs a unique treatment that would not apply to any other minority in the former Yugoslavia.<sup>27</sup>

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<sup>25</sup> Gardner, "Serbia Accepts Croatian Independence;" Boris Johnson, "Yugoslav Hopes Rise at EC Talks," *Daily Telegraph* (London), 5 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000. See also the Haarzuilens statement, which refers to the meeting of 4 October 1991, when the Serbian President agreed to the break-up of Yugoslavia: "[EC Declaration on the Situation in Yugoslavia]," Haarzuilens, 6 October 1991, p. 352; the relevant portion was cited at the beginning of this Chapter.

<sup>26</sup> For this Serbian plan, see Jovic's diary entry for 5 July 1991, p. 349. See also Chapter Three, which cites from Jovic's diary entry for 5 July 1991.

<sup>27</sup> Christian Chartier, "En raison de l'opposition serbe aux propositions des mediateurs La conference de La Haye sur la Yougoslavie marque le pas," *Le Monde* (Paris), 28 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999. See also Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992* (Westport, Conn.; London: Praeger Publishers, Greenwood Publishing Group, 1997), 68.

Moreover, Europe sought to bring an overall, principled solution to the Yugoslav crisis by seeking to resolve not only the problem of the Croatian Serbs but also that of the Kosovo Albanians.<sup>28</sup> The “Special status” article included in the Carrington plan, which would apply to the Croatian Serbs, also demanded that Serbia should re-establish the autonomy for Kosovo and Vojvodina, which had been abolished by the Serbian Anti-Bureaucratic Revolution of the late 1980s:

Without prejudice to the implementation of the arrangement set forth in this paragraph [Art. 2(c) Special Status], the republics shall apply fully and in good faith the provisions existing prior to 1990 for autonomous provinces.<sup>29</sup>

According to media reports, Milosevic rejected this clause as interference into Serbia’s internal affairs, with no fear of leaving an impression that he wanted to “refuse to Kosovo and Vojvodina what he demanded for Serbs in Croatia.”<sup>30</sup>

Given that the European peace proposal did not turn out as Serbia initially hoped—as an endorsement of “new Yugoslavia” comprised of the “Serbian territories” in Croatia, Bosnia, and Kosovo—Milosevic retracted his initial acceptance of the Yugoslav break-up and, once again, turned himself, into an advocate of South Slavic unity, Yugoslavia’s territorial integrity, and the UN Charter. According to the Serbian President, the Carrington proposal “[legalized] the unilateral acts of secession” and “[abolished] Yugoslavia as a state which [had] been in existence for 70 years.”<sup>31</sup>

In contradiction to the European peace plan, on 22 October 1991 the Serbian-controlled rump Yugoslav Presidency proposed a new Yugoslavia that would be

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<sup>28</sup> Libal, *Limits of Persuasion*, 34.

<sup>29</sup> Art. 2(c) 6 in Peace Conference on Yugoslavia, “[The Carrington Peace Plan],” 1 November 1991, p. 373.

<sup>30</sup> Chartier, “En raison de l’opposition serbe.” See also Libal, *Limits of Persuasion*, 68.

<sup>31</sup> Articles 2(4) and 2(7) of the UN Charter forbid outside interference and dismemberment of the UN member states. Milosevic’s text of the rejection, from which the above quotes were taken, is appended to the text of the first draft peace proposal: Peace Conference on Yugoslavia, “[The so-called Carrington Draft Convention],” 18 October 1991, pp. 363-365, for the quotes, see pp. 363 and 364.

composed of the republics that wanted to stay in Yugoslavia, or Serbia and Montenegro, in addition to the self-proclaimed Serb regions in Croatia and Bosnia-Herzegovina.<sup>32</sup> The YFA Chief, General Kadijevic, rejected the EC peace proposal as well, adding that the YFA would now transform itself into the armed forces of this new Yugoslavia in order to prevent “any internal or external force to impose an unacceptable solution upon those who [wanted] to live together in Yugoslavia.”<sup>33</sup>

Needless to say, Europe denounced the proposal of the rump, Serb-controlled Yugoslav Presidency for “New Yugoslavia” as “the announcement of a plan aimed at the establishment of a Greater Serbia.”<sup>34</sup>

The Serbian rejection of the peace plan was not merely a case of one intransigent leader. Given the expectations of his constituencies in Serbia and beyond, Milosevic found it impossible to consent to the break-up of Yugoslavia along the established boundaries among the republics and restore autonomy for Kosovo and Vojvodina, even if these provinces were to remain integral parts of a newly established Serbian state. Placing Kosovo under the direct control of Belgrade was the issue upon which Milosevic had built his popular support in Serbia during the late 1980s; thus it was difficult to envisage that Milosevic would bend to European demands for the restoration of the Kosovo autonomy. There was no significant voice of opposition within Serbia that would have

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<sup>32</sup> The Yugoslav Presidency, by now consisting of Serbia and its satellites, argued in favor of constituting the “Yugoslav democratic federation of equal republics [i.e., Serbia and Montenegro] as well as of the autonomous communities [i.e., Serb-controlled regions in Croatia and Bosnia-Herzegovina] which have expressed the wish to remain within Yugoslavia as separate federal units enjoying a special status.” See SFRY Presidency [Serbia and Montenegro], “The SFRY Presidency Points of Departure for Resolving the State-Political Crisis in Yugoslavia,” 22 October 1991, Document No. 125 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 365-368; for the quote, see p. 367.

<sup>33</sup> Kadijevic quoted in Florence Hartmann, “Yougoslavie: Refusant categoriquement le plan de paix europeen L’armee federale jette le masque,” *Le Monde* (Paris), 24 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999; Kadijevic’s words translated from French by the author of this study. See also Ian Traynor, “Army Chief Denounces EC Plan,” *Guardian* (London), 23 October 1991, available from Lexis-Nexis Universe, accessed 24 October 2000.

<sup>34</sup> “[EC] Declaration,” 28 October 1991, 368.

urged the acceptance of the Carrington proposal: instead, the Serbian public and politicians rallied behind President Milosevic and his rejection of the EC proposal.<sup>35</sup>

The rejection of the Carrington proposal reflected both Serb mistrust created by their historical insecurity and their concepts of borders and justice, shared equally by Milosevic and his constituencies in Serbia, Bosnia, and Croatia, on behalf of whom the Serbian President negotiated. This Serb view of history, borders, nationhood, and justice demanded a solution that would ensure the right of the “Serb nation” to secede from Croatia and Bosnia while denying any similar right to the Albanian “minority” in Kosovo. Such inconsistent views also help explain why the European approach--based on a principled, norm driven solution--could not be considered “reasonable” by the Serbs.<sup>36</sup>

Furthermore, the situation on the battlefield also did not seem conducive to the Serbian acceptance of the EC proposal. By the end of October 1991, Serbia had already established control over a third of Croatia and was gradually placing Bosnia under the occupation of the increasingly Serbianized YFA. The Serbs of Bosnia and Croatia, who fought together against Zagreb, had already incurred casualties. In such a situation, it did not make sense to Belgrade that Serbia should retreat and accept a proposal that endorsed the break-up of Yugoslavia along the internal borders.

Moreover, the European threats of Serbia’s isolation seemed watered down by a newly launched peace initiative that went counter to the EC principles of settlement. Though available evidence suggests that Serbia would have rejected the European plan anyway, it appears that with a newly launched UN (i.e., American) peace initiative there was even less reason for Belgrade to bend before the European ultimatum of 28 October

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<sup>35</sup> Florence Hartmann, “Yougoslavie: Tandis que les violences continuent en Croatie Les forces politiques serbes soutiennent l’intransigeance du president Milosevic,” *Le Monde* (Paris), 22 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999.

<sup>36</sup> For more on subjective views of history, borders, statehood, and nationhood, see Chapter Two, as well as Milosevic’s editorial, “Peace in Yugoslavia Requires Justice for All,” to be cited later.

1991. On 2 November 1991, former U.S. Secretary of State Cyrus Vance, in his capacity as the UN Envoy, visited Belgrade and agreed with the Serbian leaders upon a new peace approach: deployment of a UN peace force, which would freeze the territorial *status quo* to the Serb advantage.<sup>37</sup> Thus, Serbia announced it would accept peace if the Croatian Serbs would be protected by an international peace force and granted the right to hold a referendum on which independent state they wanted to join: Serbia or Croatia.<sup>38</sup>

Not only did Serbia reject the European peace proposal, it also responded to the renewed European threats by stepping up its military campaign against Croatia from land, air, and sea, announcing it was ready to take hold of Vukovar.<sup>39</sup> The conflict thus escalated abruptly as Serbia wanted to seize as much territory as possible before the arrival of the peace force.

The international involvement had begun by identifying Serbia as the main villain who opposed the international will, violated the cease-fire agreements, and denounced the European coercive attempts as “colonialism.”<sup>40</sup> But now that Serbia had established its most important aims, that Croatia was arming, and that Europe threatened to recognize Croatia without any Serbian agreement, Serbian President Milosevic asked for a UN

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<sup>37</sup> Though it is difficult to argue in contra-factual manner, it is highly likely that Serbia would have rejected the European proposal even if Vance had not arrived in Yugoslavia to explore the new peace avenues. Nevertheless, it is also true that once the UN and America had launched a new peace initiative, there was even less incentive for Belgrade to agree, as the prospect of isolation and sanctions was no longer credible. For the Serbian plan to escalate the conflict and proclaim general mobilization in Serbia in case Europe sought to impose an unfavorable solution, see Jovic’s diary entry for 9 October 1991, pp. 394-395. For Serbian insistence that the Carrington plan was unacceptable and the first meeting with Cyrus Vance, see Jovic’s diary entry for 23 October 1991, p. 400. For the second Serbian meeting with Vance and their agreement on the UN deployment, see Jovic’s diary entry for 2 November 1991, pp. 407-408.

<sup>38</sup> Silber, “Serbs, Croats Press War of Words.”

<sup>39</sup> Carol J. Williams, “Army Response to EC: Shelling of Croatia Cities,” *Los Angeles Times Magazine*, 5 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. See also Chuck Sudetic, “European Community Faults Serbian Forces on Truce,” *New York Times*, 28 October 1991, available from Lexis-Nexis Universe, accessed 12 December 1999; “EC Condemns [Yugoslav Federal] Army Over Dubrovnik,” *Independent* (London), 28 October 1991, available from Lexis-Nexis Universe, accessed 16 January 2000; Anthony Lewis, “Abroad at Home: Where is the Outrage?” *New York Times*, 4 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

<sup>40</sup> For the Serbian tirade against Europe after the EC ultimatum that had demanded Serbia’s submission to the arbitration and peace conference, see Jovic’s diary entry for 28 August 1991, pp. 377-379.

force with an enforcement mandate to maintain the partitioning of Croatia along the cease-fire lines, as had been done in Cyprus for several decades now:

Serbia strongly supports establishing a permanent cease-fire agreement.... To end the senseless killing and secure conditions for peaceful negotiations, Serbia urges the U.N. to establish a demarcation line between the combatants in Croatia similar to the “green line” in Cyprus that separates ethnic Turks and Greeks.

After the fighting has stopped, all of the parties can begin serious negotiations to resolve their differences. Serbia also urges the U.N. to establish a peacekeeping force to help enforce provisions of a cease-fire and identify parties whose continued hostile action might threaten the peace.”<sup>41</sup>

It seems that this particular Serb strategy was devised in response to the European threats of unilateral recognition of Croatia within its borders, an action which would have placed the Serbs in a position of an “aggressor” force on the internationally recognized Croatian territory. According to Jovic, Serbia asked for a UN peace-keeping engagement at the most propitious moment:

That was done at the moment when almost all the territories with the Serbs were more or less liberated while our [Serbia’s] further military engagement would be politically unacceptable. Our long-term defensive engagements [i.e., preventing Croats from retaking the territory] were not to our advantage, given the future developments on the international scene [i.e., forthcoming recognition of Croatia]. Thus, it was the best time for our political initiative, for shifting the problem to the political sphere. Since we have the liberated territory on which the Serbs live, we can shift the entire problem to the United Nations, given that Europe so far has been biased.<sup>42</sup>

In its ultimatum of 28 October 1991, Europe had threatened Serbia with isolation from the peace conference and the unilateral recognition of the non-Serb republics. These threats were the culmination of the four months of European coercive peacemaking which had repeatedly insisted on such threats in both its talks with the parties and its official statements, eventually becoming blunt and explicit in its threatening language

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<sup>41</sup> Slobodan Milosevic, “Peace in Yugoslavia Requires Justice For All,” *USA Today*, 14 November 1991, available from Lexis-Nexis Universe, accessed 9 December 1999; emphasis added in underlying by the author of this study. See also Alan Ferguson, “Serbia Demands Croatia Shrink Under Peace Plan,” *Toronto Star*, 15 November 1991, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>42</sup> Jovic’s diary entry for 2 February 1991, p. 432.

towards Serbia.<sup>43</sup> The expectation was that, since Serbia not only rejected the EC proposal but also escalated the conflict, Europe would have followed up on its threats of unilateral recognition and Serbia's isolation.

However, nothing of the sort happened. Instead of implementing its own threats, Europe divided over how to respond to the Serbian initiative, with France and Britain embracing a UN peace force proposed by Belgrade, and Germany and other European states insisting on actions that would preserve the EC's consistency and credibility.<sup>44</sup>

On 15 November 1991, Jovic recorded in his diary, with great satisfaction, that the Serbian plan had succeeded, as Great Britain and France had requested the UN deployment to Yugoslavia.<sup>45</sup> Serbia had, therefore, successfully outmaneuvered Europe's coercive diplomacy. It had not been Europe that imposed its will upon Serbia; instead, it was Serbia that had "imposed" its own solution on Europe. The EC acquiesced because the promise of stability in post-Cold War Europe proved to be a greater concern than the preservation of the principles that the EC had previously outlined as the underlying basis of its approach to the Yugoslav crisis.

The Serbian case shows how comparatively weak, but strongly motivated disputants—such as Serbia vis-à-vis Europe—can actually manipulate peacemakers who have weak commitments either to their own stated goals or the long-term process. Serbia welcomed the EC involvement only to the degree it could help fulfill its goal of realizing a "new Yugoslavia," or "Greater Serbia," with fewer costs, such as helping to restrain the

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<sup>43</sup> See EC statements previously analysed and cited: those of 5 July and 27 August 1991 (Chapter Three), as well as those of 6 October and 28 October 1991 (Chapter Four).

<sup>44</sup> These issues are dealt in greater detail in the subsequent sections of this Chapter.

<sup>45</sup> See Jovic's diary entry for 15 November 1991, p. 411. For the UNSC resolution that came out of the UNSC deliberations that started on 15 November 1991, see United Nations, Security Council, 3018<sup>th</sup> Meeting, "Resolution 721 (1991), 27 November 1991," Document No. 136 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 414-415. This resolution "approves the efforts" undertaken towards the establishment of the UN peace operation. The force was deployed on the basis of the Vance peace plan for Croatia in February 1992.

Croat offensive or getting the YFA weapons out of the Croat hands. The Serbian objective in approaching the European sponsored talks was, therefore, to realize its own victory, rather than to search for a solution that would take into account the legitimate interests of all disputants, as attempted by the Carrington proposal. Even though it offered independence for Croatia and Bosnia without the border changes, the Carrington proposal also accepted Belgrade's sovereignty over Kosovo and Vojvodina and insisted on credible minority guarantees for the Serbs of Croatia. However, a compromise or a principled solution was not Serbia's goal.

### **The Croatian Disappointment and Greater Vulnerability**

The questions remain as to why Zagreb agreed to the European proposal, and what effect the EC policy had on Croatia and the conflict in the former Yugoslavia.

As a weaker party that had initially ignored military preparations to defend its independence, Croatia was dependent on Europe's help and vulnerable to its pressure. Thus, Zagreb accepted the European plan even though it demanded a substantial autonomy for its Serbs, and also required the demilitarization of the areas inhabited by the Serb majorities, a point difficult for any government to accept for security reasons.<sup>46</sup>

In view of Croatia's particular circumstances in 1991, the Carrington proposal was generally beneficial to Zagreb. The militarily stronger Serbs had established control over a third of Croatia, including many areas that did not include any significant Serb

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<sup>46</sup> For the demilitarization provisions, see Art. 2 (c) 6 in Peace Conference on Yugoslavia, "[The Carrington Peace Plan]," 1 November 1991, p. 373. According to this article, the majority of the Serb policemen would be responsible for security in the areas with the Serb majorities, while the Croatian armed forces would not be permitted to enter these areas. This point would be a difficult one for any central government to accept for the reasons of state security, even though the measure seemed necessary to reassure the minority with traditionally insecure feelings. As indicated later, Croatia accepted this peace proposal, while Serbia rejected, arguing it offered insufficient guarantees.

minorities before the war of 1991.<sup>47</sup> Croatia believed that the internationally sponsored negotiations being based, apparently, on principled solutions would have returned its lost territories, while the special autonomous arrangement would be applied to a relatively small part of Croatia in which the Serbs had formed an absolute majority before the war of 1991. Under such circumstances, the Carrington plan seemed palatable to the Croatian authorities: Zagreb did not truly believe in the importance of protecting its Serbs but it agreed to the proposal, nevertheless, out of concern for Croatia's territorial integrity.

The success of coercive tactics aimed at Croatia also illustrates when coercive diplomacy reaps results for the outside parties: when the weak actors, vulnerable to outside pressure, also recognize some important benefits to be gained. On the other hand, since Serbia would not have gained anything from the European proposal, its acceptance would have meant a big retreat for Belgrade, then ruling over Kosovo and enjoying substantial military superiority and territorial control over a third of Croatia.

In view of the Croatian expectations, it is not surprising that Zagreb was disappointed after Europe failed to act in accordance with its October ultimatum to Serbia. In contrast to its previous promise of continuing the EC conference with the "cooperative republics...in the perspective of recognition" (28 October 1991), Europe now affirmed the opposite position—that recognition could take place only as a result of

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<sup>47</sup> Most of the areas under the Serb control included Croatia's municipalities with the pre-war Croat majority; e.g., Serb-held "Eastern Slavonia" stretched over four municipalities in which the Serb national make up ranged from as low as 13 percent to as high as 37 percent of the local population. Before the war of 1991, the majority of Croatian Serbs did not live in the predominantly Serb communities but lived, instead, intermixed with the Croat majority. Even the areas that came to be known as "Krajina" included municipalities with the Croat majority (e.g., Sunj). For the Croatian Serb demographics, see Ivo Goldstein, *Croatia: A History*, translated from Croatian by Nikolina Jovanovic ([Montreal, Quebec]: McGill-Queen's University Press, 1999), 212-213.

a peace settlement with the participation of all Yugoslav parties, Serbia included.<sup>48</sup> Thus, in its new statement of 8 November 1991, the EC affirmed:

The prospect of recognition of the independence of those Republics wishing it, can only be envisaged in the framework of an overall settlement, that includes adequate guarantees for the protection of human rights and rights of national or ethnic groups.<sup>49</sup>

It seems that the new European statement contradicted the basic direction that EC policy had been taking for months, particularly since the Ministerial meeting at Haarzuilens (6 October) and the European ultimatum to Serbia of 28 October 1991. Even though Germany, out of solidarity with the rest of Europe, agreed to the EC statement of 8 November 1991, privately it remained unhappy.<sup>50</sup> According to Michael Libal, Head of the South East Europe Department at the German Foreign Ministry,

The problem [in the EC statement of 8 November 1991] lay in the fact that the little word *only* was not accompanied by any announcement of what would happen if Serbs continued to block such an overall settlement. This could only be read in Belgrade as providing the Serbs with the chance of delaying the recognition of successor states by preventing a comprehensive solution on the basis of the Carrington principles. Such a strategy would be in no serious danger, given the rather weak nature of the economic sanctions just proclaimed—and more important still—the repeated assurances on the part of the West that no military intervention was being contemplated. Thus, even after four months of relentless Serbian advance, the non-Serb republics still risked being left hostage

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<sup>48</sup> Compare the already cited EC ultimatum of 28 October ('[EC] Declaration,' 28 October 1991, pp. 368-369) with the new EC statement of 8 November: European Communities (EC), [Council of Ministers], "[EC] Declaration on the Suspension of the Trade and Cooperation Agreement with Yugoslavia," Rome, 8 November 1991, Document No. 128 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 378-380.

<sup>49</sup> "[EC] Declaration," 8 November, 1991," pp. 378-380; for the quote see pp. 379-380; emphasis added in underlying by the author of this study. The critics of Germany and its position on the Croatian "premature recognition" normally point to this EC statement in order to prove that Bonn broke ranks with Europe and recognized Croatia before there had been a comprehensive peace settlement. In reality, these critics disregard the previous EC statements, including the EC ultimatum of 28 October 1991, and the fact that it was France and Britain who were the first to ignore the EC policy they had helped to create.

<sup>50</sup> For the German dissatisfaction, see Libal, *Limits of Persuasion*, 70-72. As the Head of the Southeast European Department at the German Foreign Ministry, Michael Libal was responsible for the daily handling of German and, where appropriate, EC policy towards the former Yugoslavia during the 1991-1995 period. See also William D. Montalbano, "Yugoslavia Hit by Trade Sanctions," *Los Angeles Times*, 9 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

for an undetermined time to Belgrade's double strategy: to conquer while feigning to negotiate.<sup>51</sup>

However, despite Germany's insistence that the EC should adhere to its own positions and continue the peace conference without Serbia, Lord Carrington decided to adjourn the peace talks, arguing that the conference could not "come to a useful political conclusion without Serbia."<sup>52</sup> Thus, Serbia could say "no" to Europe without suffering any consequences; France and Britain, which argued in favor of a UN peace force, aligned their policies with Belgrade, in violation of the previous EC statements on isolating Serbia, the statements that Paris and London had helped to elaborate.

To be sure, Europe did some symbolic acts to maintain the appearance of punishing Serbia for the rejection of the Carrington plan. On 8 November 1991 the EC suspended the Trade and Cooperation Agreement with Yugoslavia and announced "positive compensatory measures" for those republics that "[cooperated] in a peaceful way towards a comprehensive political solution on the basis of the EC proposals."<sup>53</sup>

In this way, Europe sent a clear signal it was accepting the break-up of Yugoslavia, expressing its willingness to establish preferential trade regimes on the individual basis with the republics of the former Yugoslavia. The measure was evidently directed against Belgrade's rhetorical insistence on the preservation of Yugoslavia. It was a weak measure, nevertheless, for Serbia did not care about the old Yugoslavia, but only wanted recognition for its "new Yugoslavia."

Furthermore, the preferential trade arrangements for the "cooperative" republics were not established simultaneously with the European renunciation of the agreement with Yugoslavia. Instead, Europe waited for almost a month to introduce the positive

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<sup>51</sup> Libal, *Limits of Persuasion*, 72.

<sup>52</sup> Lord Carrington cited in Montalbano, "Yugoslavia Hit by Trade Sanctions."

<sup>53</sup> "[EC] Declaration," 8 November 1991," in *Yugoslavia Through Documents*, 379. For media reports, see Montalbano, "Yugoslavia Hit by Trade Sanctions."

measures for the “cooperative republics,” or for Bosnia, Macedonia, Slovenia, and Croatia. More specifically, the positive measures were not introduced until Croatia had agreed to the Geneva cease-fire and lifted its blockades of the YFA facilities, permitting the YFA withdrawal to Serbia and Bosnia.<sup>54</sup>

Croatia felt particularly resentful of the apparent shift in the European policy. Europe’s demands for a peaceful, negotiated solution and its earlier refusal to accept the Serb territorial gains had significantly moderated Zagreb’s actions. In the summer of 1991 Croatia did not attack the YFA facilities and therefore had no weapons to effectively resist Serbian territorial advances at the very time a forceful Croatian military response would have been most useful. Furthermore, once it decided to attack the YFA in order to secure some weapons, Zagreb--fearful of alienating Europe--did not attack all the YFA facilities, restricting its attacks to selected ones in the early fall of 1991. The limited attacks came after Zagreb had given more than two months to EC diplomacy, the time during which the Serbs had placed a quarter of Croatia under their control.<sup>55</sup>

Yet only several months later, some of the key European countries jumped at the opportunity presented to them by the Belgrade offer of peace on Serbian own terms: an introduction of a peace force that would legalize the division of Croatia. Thus, after

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<sup>54</sup> For the establishment of the new trade regimes with the “cooperative” republics, see European Communities (EC), [Council of Ministers], “[EC] Declaration on Positive Measures,” 2 December 1991, Document No. 140 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 425. It is not possible to go through all of the EC measures; they are outlined in Claude-Pierre Lucron, “L’Europe devant la crise yougoslave: Mesures restrictives et mesures positives” (Europe and the Yugoslav crisis: Negative and positive measures), *Revue du Marché commun et de l’Union européenne*, no. 354 (January 1992): 7-16. The Geneva cease-fire will be cited later in the text.

<sup>55</sup> The choice of the YFA facilities to attack was made by having in mind whether the surrender of a particular YFA facility was strategically important for Croatia; whether it would secure weapons for the Croats; and whether the surrender could be forced with minimal casualties, or, preferably, through negotiations. But the choice of when some of these attacks would occur was often dictated by the international circumstances. For example, following the YFA attacks on Dubrovnik and Zagreb, Croatia’s leadership concluded that international outrage over the Serb attacks would have enabled Croatia to take a few more YFA facilities, should it decide to do so, without incurring the wrath of Europe. See memoirs written by Zdravko Tomac, then Vice-President of Croatian Government: *The Struggle for the Croatian State... Through Hell to Democracy*, translated by Z. Kos et al. (Zagreb: Profikon, 1993), 159-161.

Europe had successfully restrained the Croatian offensive at a time when the YFA was in a state of confusion and the Croats could have gained advantage, less than two months later Europe was ready to shift its policy in response to the newly created territorial realities. Despite its previous public rejections of ever recognizing new borders redrawn in blood, Europe was willing to change its policy and disregard the fact that its previous position had helped shift the balance to the detriment of the weaker Croats, who had relinquished an opportunity to strengthen their defenses by honoring European preferences for a peaceful solution. It is ethically reasonable to expect that a third party should not take actions that shift the existing balance against the weak or then abandon the weak to their plight after shifting this balance to their detriment.

This turn of the events highlights the vulnerability of weak disputants when faced by coercive peacemaking. Third party rhetoric might purportedly be tied to certain legal or moral principles, but the reality of shifting third party's interests can encourage third parties to change a position upon which a weak disputant has previously relied.

Europe had no legal or moral obligation to help Croatia fight for its independence or to prevent the partitioning of Croatia: internal conflicts should not be of any legal or moral interest to the third states unless violence should reach the shocking levels of genocide or threaten international peace and security, thereby justifying the interest of the UN Security Council.<sup>56</sup> Europe, nevertheless, proclaimed its interest in intervening in the Yugoslav civil war and setting the "norms" that had left the weaker Croats with the impression that their goal of independence and territorial integrity could be pursued with fewer costs. However, despite the pretense of legality and morality, the principles proclaimed by Europe expressed only a political choice reflecting Europe's basic interest

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<sup>56</sup> See discussion in Chapter One regarding the distinction between coercive peacemaking and humanitarian intervention. This problem will be revisited in Chapter Nine (Conclusion).

in stability, without any real commitment to the principles it proclaimed or the plight of the local people involved.

The lifting of the YFA blockades and the withdrawal of the YFA with its weapons into Serbia and Bosnia—a course of the action on which Europe would now begin to insist—meant reinforcing the position of the stronger Serbs, while making the weaker Croats and, later, the Bosnian Muslims more vulnerable. The Croatian blockades against the YFA facilities were motivated by the desire to prevent the YFA regrouping that could put Croatia in greater peril and to keep open Zagreb's options to obtain more weapons so that it could recapture its lost territories. Since the UN had introduced an arms embargo, Croatia did not otherwise have access to the arms needed to regain control of its territory. However, the Western diplomats, indifferent to the dilemmas and security concerns of the weak, were not able to foresee the long-term consequences of their actions: that their intervention would eventually shift the balance of power dramatically to the Serb benefit, placing not only Croatia but also Bosnia in a more perilous position.

Since international law does not prescribe how internal conflicts should be solved, it does not really forbid either the Serb attacks to gain more territory from the Croats or the Croat attacks against the YFA facilities. Law mainly regulates how the wars should be conducted, by forbidding, for example, the attacks against civilian targets (e.g., laws of war and humanitarian law). In that respect, it should be noted that the Western statements that condemned both the YFA for attacking the civilian targets in Croatia and also Zagreb for its blockading the YFA military facilities are based neither on law nor morality: the attacks on the (YFA) military facilities are permissible under international law; the attacks on the civilian targets are prohibited. Nor were such statements reflective of the principles that guide Western democracies in their own conduct of war. Western

democracies often direct overwhelming military force against military targets, and these same governments denounce both attacks on, and reprisals against, civilian targets.<sup>57</sup>

A sense of betrayal set in Croats, who first saw Europe waiving the carrot of recognition in case of the Serbian intransigence, but then neither recognized Croatia, nor helped to stop the Serb offensive by allowing Zagreb to arm itself through importing arms or attacking YFA facilities, which held the weapons that had been paid for by all the Yugoslav republics. That embittered feeling was succinctly expressed by Croatian Vice Prime Minister Zdravko Tomac, who gave an interview to the British newspapers at the time when Vukovar was about to fall into the Serb hands:

The federal army has enough weapons to go on fighting for another two years. We don't even have enough ammunition for the next seven days. And Europe does not allow us to buy arms for [our] own defence [sic]. An arms embargo does nothing to hurt the Serbs; we are the ones to suffer from it... The mood here is very hostile towards Britain and the United States because of what we see as their efforts to maintain the status quo and to please Serbia... We are forced to lift our blockades of [YFA] army barracks, so they can go off in their tanks and kill Croats in Vukovar and Vinkovci. But no efforts are made to get the army to withdraw from Slavonia [Eastern part of Croatia] or Dubrovnik or the navy to lift its blockade of our ports.<sup>58</sup>

<sup>57</sup> All the EC member states, except for Germany, condemned Zagreb when it cut oil supplies to Serbia and the YFA: Quentin Peel, Laura Silber, and Edward Mortimer, "Divisions over Yugoslav Crisis: Dutch Call for Intervention Force Will Draw WEU Disagreement," *Financial Times* (London), 17 September 1991, available from Lexis-Nexis Universe, accessed 10 December 1999. Both Europe (EC) and America (NATO) explicitly called on Croatia to lift the blockades of the YFA facilities and permit the YFA withdrawal from Croatia: "[EC] Declaration," 18 October 1991; "[EC] Declaration," 8 November 1991; North Atlantic Treaty Organization (NATO), "Statement Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council," Rome, 8 November 1991, Document No. 129 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 380-381. Germany was one of few Western countries that felt that the Croatian blockades of the YFA facilities should not receive equal condemnation as the YFA's attacks against Croatia's cities. See Libal, *Limits of Persuasion*, 57-58, 60.

<sup>58</sup> Tomac quoted in Robin Lodge, "Hatred Rules a Betrayed People," *Sunday Telegraph* (London), 17 November 1991, available from Lexis-Nexis Universe, accessed 16 January 2000. According to Tomac, some European and American diplomats worried more about the fate of YFA soldiers in the blockaded barracks than about the fate of Croatian civilians under Serb gunfire in besieged Vukovar and Dubrovnik. Cyrus Vance, in particular, outraged Zagreb when, having found himself in Vukovar on the eve of its surrender, did not even attempt to save the Croats from the upcoming massacre, nor did he venture to ask about their fate, but only rushed to Zagreb to yell at Croatian leaders for not having lifted the blockades of YFA facilities. See Tomac, *Struggle for the Croatian State*, 134-135. For Vance's criticism of the Croatian blockades of YFA facilities as the "shabby treatment of professional soldiers" intended to "humiliate" the YFA—the criticism echoed by some American officials—see Warren Zimmermann, *Origins of a*

Croatia tried to resist the European pressure for a peace on Serbian terms in several ways. First, Zagreb warned Europe against seeing the UN peace force as a panacea: Croatia would recover the areas lost sooner or later, by force if necessary, for no elected government in Zagreb could accept the loss of its territory in the face of popular pressure. Furthermore, Zagreb continued to resist the international demands to lift its blockades of the YFA facilities, affirming that such actions would enable the Serbs to regroup and would lead to greater bloodshed in both Croatia and Bosnia. In addition, Zagreb warned of the great pressure among the Croats of Western Herzegovina to join Croatia, arguing that this pressure would increase if the Serbs attacked Bosnia in order to redraw new borders. In other words, Zagreb affirmed it would be willing to respect the Bosnian territorial integrity as long as the same principle were applied to Croatia and if the Serbs were prevented from annexing parts of Croatia and Bosnia.<sup>59</sup>

Meanwhile, the conflict escalated in Croatia, marking the worst days of the Croatian war of 1991. Serbia escalated the military campaign in order to tidy up the situation on the ground before the arrival of the proposed peace force. On 18 November 1991 Belgrade took control of Vukovar, which was followed by the worst Serb atrocities committed in Croatia.<sup>60</sup> Meanwhile, Croatia was not only resisting the Serb attacks, but

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*Catastrophe: Yugoslavia and its Destroyers*, with updated preface and epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999), 159-160.

<sup>59</sup> Alain Navarro, "Croatia Powerless to Save Dubrovnik and Vukovar," *Agence France Presse*, 9 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999; Yves Heller, "Yougoslavie: Tandis que lord Carrington tente d'obtenir un nouveau cessez-le-feu La [sic] Croatie met en garde contre l'extension de la guerre a la Bosnie-Herzegovine," *Le Monde* (Paris), 15 November 1991, available from Lexis-Nexis Universe, accessed 15 December 1999; Judy Dempsey, "Danger of Army with Nowhere to Go; Yugoslav Forces May Turn Their Attention to Bosnia-Herzegovina," *Financial Times* (London), 16 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

<sup>60</sup> Vukovar, which fell into the Serb hands on 18 November 1991, underwent bombing and civilian suffering more severe than that suffered by any other town in either Croatia or Bosnia. The city was completely enclosed by Serb forces for several months, and it was without adequate supplies of food, water, electricity, or medical necessities. The YFA denied access to humanitarian agencies or international observers, feeling at ease to pursue a military campaign without any restraint. A large number of civilians died during the siege and later, after the city had fallen into the hands of the YFA, and the Serbian

was also stepping up its own military activities, as it became clear that Zagreb had failed to attract the EC support it had hoped for and was alone in its fight against Serbia.<sup>61</sup>

In conclusion, the Croatian calculus with respect to the European involvement was based on the assumption that the outside involvement could help provide a powerful ally as it pursued its twin goal of independence and territorial integrity, and hopefully impose that preference on the stronger Serbs. Moreover, European policy encouraged such expectation on the part of Zagreb, given that Europe initially insisted on peaceful solutions and the existing borders, while threatening unilateral recognition should Serbia continue to alter the internal borders forcefully.

Nonetheless, since the policy was not based on any legal or moral principles but on the imperative of regional peace and stability, the policy proved to be changeable and overall inconsiderate of the weaker disputants. From the perspective of the weak disputants, the most upsetting aspect of the European shift in position is that it occurred after Croatia had already incurred some serious costs, such as the loss of territory in the summer of 1991, a loss which resulted not only from its weakness vis-à-vis Serbia, but also from its deliberate choice spurred by a desire to maintain the diplomatic support of European powers irritated by any displays of violence in the former Yugoslavia.

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paramilitaries, followed by Arkan, were let into the city to operate freely. Following the fall of Vukovar, about 10,000 people were deported to the Serbian concentration camps, where a third were killed. About 22,000 Croats and other non-Serbs were forced out of their homes. The YFA also took 260 wounded people (mostly Croats) out of the Vukovar hospital and killed them, throwing their remains into a mass grave at nearby Ovcara. For a glimpse of life in the Vukovar hospital during the Serb siege, see testimonies of the Vukovar hospital staff: *Medical Testimony of the Vukovar Tragedy*, a special issue of *Croatian Medical Journal* (Zagreb: Medicinska naklada, 1992). For the Croatian casualties, see Croatian official sources published in "Homeland War," *Hrvatski Almanah, 1998-1999* (Croatian Almanac) (Zagreb: HINA, 1998), 561; "Sutra spomendan vukovarskim žrtvama srpske agresije" (Tomorrow is the commemorative day for the Vukovar victims of the Serb aggression," *HRT Vijesti* (Croatian Radio-Television News), 17 November 2002, available from <http://www.hrt.hr/vijesti/arhiv/2002/11/17/>, accessed 9 January 2004. See also the indictments of the Serbs for the mass killing of the Croats at Ovcara: United Nations (UN), International Criminal Tribunal for the Former Yugoslavia (ICTY), *The Prosecutor of the Tribunal against Mile Mrkšić, Miroslav Radić, Veselin Šljivančanin, Slavko Dokmanović* (IT-95-13a-I, 'Vukovar Hospital'), Amended Indictment, available from <http://www.un.org/icty/indictment/english/mrk-2ai1971202e.pdf>, accessed 9 December 2003.

<sup>61</sup> Navarro, "Croatia Powerless to Save Dubrovnik and Vukovar."

Attracting the support of more powerful outsiders often seems desirable from the perspective of the weaker disputants, such as Croatia, or later Bosnia and Kosovo. Nevertheless, the events of 1991 suggest that this reliance on outside support may bring them risks and costs even as the benefits are highly unreliable.

The peacemaking in the fall of 1991 also has a lesson for peacemakers. An ethical, responsible involvement would demand that the outside powers should not raise false hopes and encourage the weak to pursue their high-stake goals of independence against all odds, with an illusion of living under the protection of the outside powers. Moreover, if the outside powers decide to get involved, they should do so with a commensurate sense of responsibility, including an awareness of the risk of inadvertently shifting the balance of power to the detriment of the weak, particularly when they are reluctant to do anything to stop the attacks against the weaker parties or reverse the territorial gains of the strong parties. These issues, which already emerged during the Croatian war of 1991, would become of great importance later in Bosnia: the outside world stood by when the Serbs carried out a strategic surprise attack against Bosnia in 1992, even though the prior Western involvement had enabled the Serbs to regroup and had shifted the balance of power to their benefit.<sup>62</sup>

### **Bonn Ends the War by Forcing Croatia to Fulfill the EC Criteria for Recognition, and Europe To Honor Its Previous Statements**

In November 1991, Europe stood powerless against the grim reality of a conflict escalation fueled by the Serb intention to seize as much Croatia's territory as possible before the arrival of the proposed UN peace force, and the Croat will to prevent such an

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<sup>62</sup> For details and references, see Chapter Five.

outcome and win independence without any territorial concessions to the Serbs. Against the worsening situation that now seemed to defy any EC or UN efforts, Germany launched its own diplomatic initiative, which Bonn believed consistent with the European ultimatum of 28 October 1991, as well as the previous EC statements.

Bonn affirmed that it was necessary to continue the peace process without Serbia, and that the recognition of Croatia would moderate Serb behavior. Most importantly, Germany believed that such an action would make Europe faithful to its own proclaimed principles of the peaceful change of borders in a new, post-Cold War Europe.<sup>63</sup> In the German view, the credibility of Europe was at stake:

In the light of Serbian behavior, the EC could not remain “impartial” in the sense that it would wait until the end of the fighting and then offer its good offices to reconcile the likely loser (Croatia) with the winner (Serbia) on the basis of new “realities.” This would have made the EC an accomplice to the violation of its own principles by Serbia.<sup>64</sup>

Thus, Germany was intent on recognizing Croatia and Slovenia against Serb opposition, and the rest of Europe followed Germany’s example, as explained in this section, because of the general need to reaffirm new principles in post-Cold War Europe, highlighted by the Alma Ata agreement on the peaceful dissolution of the Soviet Union.

On 27 November 1991 Germany stated it would recognize the independence of Slovenia and Croatia after 10 December 1991, if these two republics unilaterally fulfilled the requirements set out by the EC documents, including the Carrington peace proposal.<sup>65</sup>

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<sup>63</sup> Libal, *Limits of Persuasion*, 73-74.

<sup>64</sup> *Ibid.*, 74.

<sup>65</sup> As explained by Libal, the date after which Germany would recognize Croatia and Slovenia (i.e., after 10 December 1991) was not chosen arbitrarily. First came a three-month moratorium on the declarations of independence, during which the EC was supposed to preserve Yugoslavia (see Chapter Three). Next came a two-month period during which Europe was supposed to negotiate an orderly break-up of Yugoslavia, which is the topic of this Chapter. That second period started with the Haarzuilens statement (6 October 1991), with which this Chapter opened. After that meeting, Dutch Foreign Minister Hans van der Broek, whose country held the EC Presidency, set the two-month deadline for the Yugoslav parties to reach the peace agreement before Europe would seek to resolve the crisis selectively with the “cooperative” parties while isolating the “non-cooperative.” Since Serbia had rejected the Carrington proposal, and the two-

The German reasoning was that Lord Carrington had adjourned the conference despite the previous EC statements, and that it was necessary for Europe to take action to live up to its ultimatum--that in case of a Serb rejection, the peace conference would continue with the “cooperative” republics and lead to their recognition.<sup>66</sup> According to Bonn,

The only way to break the political deadlock [i.e., adjourning of the peace conference] was by taking a new and slightly different approach, in which the republics desiring independence would have to *unilaterally* fulfill the conditions for recognition set by the Community; namely, a satisfactory constitutional settlement of the issue of the rights of those ethnic and national communities that were to become minorities in the newly independent republics.... Thus, the substance of the EC decisions would be preserved, but a kind of reverse logic would be applied in that, given the clear intention of the Serbs to sabotage a comprehensive settlement on the lines of the Carrington Plan, the individual republics would earn the right to recognition by convincingly demonstrating their willingness to voluntarily implement this plan.<sup>67</sup>

This German initiative to recognize Croatia and Slovenia was coupled with pressure exerted on Zagreb to unilaterally fulfill the EC requirements: (1) to unblock the YFA facilities and let the YFA withdraw from Croatia with all of its military equipment; (2) to pass a minority rights law for its Serbs as envisioned by the EC proposal, even if Serbia and other republics were unwilling to do so for their own minorities.

Accordingly, Bonn sent Christian Tomuschat, an authority on minority rights, to help Zagreb draft a minority rights law that would meet the EC requirements. Up to that point, the Croatian Parliament was trying to elaborate its own minority rights law, based on the Charter on the Rights of Serbs passed by the Croatian Parliament simultaneously with its declaration of independence, on 25 June 1991. However, the parliamentary commission charged with the elaboration of the law could never complete its work, as the

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month deadline set by the Dutch Presidency was expiring on 10 December 1991, Germany believed that, in view of the previous EC ultimatum addressed at Serbia, it was appropriate to recognize Croatia and Slovenia after that date, because Lord Carrington was obviously ignoring the previous EC decisions and the time limits imposed by the EC Presidency. Libal, *Limits of Persuasion*, 72-75, 78, 152.

<sup>66</sup> For the EC ultimatum to Serbia, see “[EC] Declaration,” 28 October 1991.

<sup>67</sup> Libal, *Limits of Persuasion*, 74.

majority of the Croatian politicians and the public could not accept the concern with protecting the Serb rights while Zagreb was powerless to protect the Croats from the Serb onslaught. Now, with German pressure and the promise of recognition, Croatia were to pass the minority rights law inspired by the model of South Tyrol and the “special status” provisions of the EC peace proposal.<sup>68</sup>

The Croatian minority rights law did not fully satisfy those European states that were looking for a pretext to refuse recognition to Croatia.<sup>69</sup> Nor did it win over those

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<sup>68</sup> For the Croatian problems regarding the elaboration, passage, and amendment of the minority rights law in the 1991-1992, see Tomac, *Struggle for the Croatian State*, 205-227. For the Charter guaranteeing Croatia's Serbs cultural autonomy and proportionate representation in government, which the Croatian Parliament passed at the time of declaration of independence and before the outbreak of the war, see Croatia, Parliament of the Republic of Croatia (Sabor), “The Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia,” 25 June 1991, in *The Principal State Acts* (Zagreb: Parliament of the Republic of Croatia, 1993), 41-44. For the Croatian minority rights law, see Croatia, Parliament of the Republic of Croatia (Sabor), “The Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia,” 4 December 1991, in *Republic of Croatia*, ed. Gisbert H. Flanz, *Constitutions of the Countries of the World*, ed. Albert P. Blaustein and Gisbert H. Flanz (Dobbs Ferry, N.Y.: Oceana Publications, 1992), 135-162. For the Western press reports on the occasion of the introduction of the minority rights law, see “Croatian Assembly Passes Law on Minority Rights,” *BBC Summary of World Broadcasts*, 6 December 1991, available from Lexis-Nexis Universe, accessed 16 January 2000. For the German role and Professor Tomuschat's highly favorable opinion of the Croatian minority rights law, see Libal, *Limits of Persuasion*, 78-80. The Croatian minority rights law was still found lacking by the Badinter Commission and was amended several months later to meet in full the EC/Badinter requirements (see the following reference).

<sup>69</sup> Under German pressure and with the help of its expert Tomuschat, on 4 December 1991 Croatia passed the minority rights law that fulfilled most of the EC demands (e.g., proportionate representation of Serbs in Croatia's bodies). However, Croatia deliberately did not fulfill one important EC requirement: the law did not permit Serb local self-government at the cantonal level, but only at the municipal level. That failure to give the Croatian Serbs two ethnic districts immediately, was a deliberate move on the part of Zagreb, which worried that those who opposed Croatia's independence would find faults with the Croatian minority rights law anyway, seeking further concessions from Zagreb (e.g., demand that these two cantons be able to unify into one Croatian Serb province, and thereby lead to a Serb state in Croatia). Indeed, in its opinion No. 5, the Badinter Commission did not fail to notice that the Croatian minority rights law was lacking. Consequently, the Commission did not recommend Croatia for recognition on account of insufficient minority rights guarantees, while recommending Macedonia, even though Macedonia did not pass any minority rights law for its Albanian minority. Instead of paying attention to the Macedonian Albanian minority rights, the Badinter Commission dealt with the issues relevant to the EC member states: the alleged Macedonian territorial aspirations towards Greece. In short, the Badinter opinions did not reflect objective opinions based on legal principles applied to all equally but reflected interests and policies of the EC member states. In the end, Macedonia did not get recognized due to the continued Greek opposition, while Croatia got recognized after President Tudjman sent a letter promising that Croatia would change its minority rights law to comply in full with the EC requirements. Accordingly, after recognition, the Croatian Parliament amended the constitutional minority rights law that gave its Serbs two self-governing districts (e.g., ethnic cantons). For the aforementioned Badinter opinions, see Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, “Opinion No. 5 on the Recognition of the Republic of Croatia by the European Community and its Member States,” Paris, 11 January 1992, Document No. 155 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht,

Croatian Serbs who wanted to split away from Croatia. In addition, some prominent Serb leaders in Zagreb felt uncomfortable by the manner in which the minority rights law had been produced--under the German pressure and with the aim to fulfill the EC criteria, rather than as a result of a dialog between Zagreb and Serb leaders loyal to Croatia.<sup>70</sup> Nevertheless, Germany was pleased that the Croatian Parliament passed, on 4 December 1991, the minority rights law that, in the opinion of Tomuschat, exceeded what most Western countries would be prepared to offer to their own minorities.<sup>71</sup>

Next came the German demands that Croatia should lift the blockades of the YFA facilities, an action implemented by Zagreb against tremendous public pressure prompted by the conviction that Croatia was about "to commit suicide" because lifting the blockades against the YFA military facilities would enable the YFA to regroup and attack Croatia again.<sup>72</sup>

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Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 489-490; Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, "Opinion No. 6 on the Recognition of the Socialist Republic of Macedonia by the European Community and its Member States," Paris, 11 January 1992, Document No. 156 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 491-495. For the Croatian minority rights law amended to fulfill all the European (Badinter) requirements, see Croatia, Parliament of the Republic of Croatia (Sabor), "The Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia," 4 December 1991 [amended in 1992], in *The Principal State Acts* (Zagreb: Parliament of the Republic of Croatia, 1993), 49-60.

<sup>70</sup> Dragutin Roksanđić, conversation with author, 29 August 1996, Zagreb. Roksanđić is a member of the Serbian Democratic Forum in Croatia and a history professor at the University of Zagreb. He was a member of the Croatian parliamentary commission that had tried, without success, to formulate the Croatian minority rights law before Germany dispatched Professor Tomuschat. In 1991 Roksanđić was actively involved in a search for a peaceful solution; his 1990-1991 articles and peace proposals were later reprinted in Croatian and Cyrillic by the Serbian Cultural Society Prosvjeta, Zagreb: Drago Roksanđić. *Против рата: Прилози новујекту илузија* (Against the War: Contribution to the History of Illusions), Biblioteka Politea, ed. Milorad Novaković (Zagreb: Prosvjeta, 1996).

<sup>71</sup> Libal, *Limits of Persuasion*, 80.

<sup>72</sup> The author of this study was in Croatia at the time of the events in question and witnessed a great public pressure and resentment against the Zagreb government that was about to lift the blockades. See also "Tudjman on Talks with Lord Carrington [no punctuation] Discussion on UN Peace-Keeping Forces," *BBC Summary of World Broadcasts*, 15 November 1991, available from Lexis-Nexis Universe, accessed 15 January 2000.

Some European powers held Croatia responsible for the escalating violence, blaming the blockades for the YFA's (retaliatory) attacks against civilian targets in Croatia. Germany, however, did not share that opinion:

We in the German Foreign Ministry did not think that the Croatian blockade of the JNA [YFA] barracks within Croatia, which in most cases did not lead to serious bloodshed, could, as an act of self-defense, morally and politically be put on the same level as the war against civilians conducted by the JNA [YFA] and the Serb irregulars in the southern and eastern parts of the country.<sup>73</sup>

Nevertheless, even though Germany was one of the few states that understood well the Croatian security concerns, it now urged the Zagreb government to lift the blockades because such was the requirement posed by Europe, NATO, and the UN.<sup>74</sup>

On 23 November 1991, American diplomat Cyrus Vance, in his capacity as the UN Envoy, concluded the Geneva Accords. The agreement specified that Zagreb should "lift its blockade of all JNA [YFA] barracks and installations in Croatia" and that the YFA would "begin the withdrawal from Croatia of the personnel, weapons and military equipment in those barracks and installations."<sup>75</sup> Accordingly, under the supervision of the EC monitoring mission, the YFA withdrew from Croatia into Bosnia-Herzegovina.<sup>76</sup> The Geneva Accords were of great importance to the Bonn government, which demanded that Zagreb should fulfill all the EC criteria in exchange for recognition.<sup>77</sup>

<sup>73</sup> For the German (mostly private) disagreement with some European countries that equally condemned the Croat actions against the YFA facilities and the Serb retaliation against the civilian targets, see Libal, *Limits of Persuasion*, 57-58, 60; for the quote, see p. 60.

<sup>74</sup> For the EC and NATO statements that called on Croatia to lift the blockades of the YFA facilities in Croatia, see "[EC] Declaration," 18 October 1991; "[EC] Declaration," 8 November 1991; NATO, "Statement Issued by the Heads of State and Government," 8 November 1991.

<sup>75</sup> "Geneva Accord," 23 November 1991, Document No. 134 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 412-413; also available as UN Doc. S/23239, Annex.

<sup>76</sup> For media reports, see Laura Silber, Christopher Parkes, and Michael Littlejohns, "Yugoslav Army Pull-Out Begins; Bonn Raises Tempo of Campaign to Recognise [sic] Breakaway Republics," *Financial Times* (London), 30 November 1991, available from Lexis-Nexis Universe, accessed 20 January 2000.

<sup>77</sup> Libal, *Limits of Persuasion*, 81.

Finally came the Bonn pressure that Zagreb should accept a UN deployment. The UN concept negotiated by Cyrus Vance was welcomed by Belgrade, despite the misgivings of the Croatian Serbs. Zagreb, however, disliked the plan for fear it would consolidate the Serb control over parts of Croatia. The most unacceptable part to Zagreb was that the “existing” administrative structures would continue to function in the UN areas: Zagreb would have to accept, at least temporarily, the self-proclaimed Serbian Autonomous Region of Krajina, or the Republic of Serbian Krajina (RSK).<sup>78</sup>

Croatia argued that the proposed peace force should come to protect the territorial integrity of Croatia and Bosnia-Herzegovina. According to Zagreb, the UN force should position itself on the existing boundaries between Croatia, Bosnia, and Serbia, rather than

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<sup>78</sup> The Croatian Serbs resisted the idea of the UN deployment under the interim arrangement, demanding that the international community recognize their self-proclaimed state as separate from Croatia. The Serbian leaders in Belgrade, however, urged the deployment because they believed that the UN, in its peace-keeping mandate, would not seek to enforce the return of the Croat refugees or the Croatian structures against the will of the local Serbs (which is what happened), and that the Serbian control over those areas would be solidified and eventually accepted by the outside world (which is again what happened—the situation persisted until 1995, when Croatia’s military action wiped out the Serb statelet). Given that the UN was to be deployed with the “existing” structures maintained, the Croatian Serb leaders in Knin hurried to produce new structures and legislation. Thus, following the Croatian acceptance of the UN plan, the Knin Serbs declared the Republic of Serbian Krajina (RSK) and proclaimed its constitution, claiming it had been adopted almost a year earlier, on 19 February 1991, when they had in fact proclaimed an “autonomous region.” For that reason, the RSK Constitution was published on 2 January 1992, or almost a year after it had allegedly been adopted, in the newly launched Official Gazette of the Serbian Republic of Krajina. For the proclamation of the autonomous region before the outbreak of the war, see David Binder, “Serbian Official Declares Part of Croatia Separate,” *New York Times*, 18 March 1991, available from Lexis-Nexis Universe, accessed 9 December 1999. For media reports concerning the reluctance of both Zagreb and the Knin Serbs to accept a UN force, as opposed to Belgrade’s urging for a quick UN deployment, see Chuck Sudetic, “U.N. Peace Plan for Yugoslavia Eroded by New Croatian Demand,” *New York Times*, 31 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999; “Krajina Leader Warned to Accept U.N. Peace Plan,” *United Press International*, BC cycle, 10 February 1992, available from Lexis-Nexis Universe, accessed 16 January 2000. For the hastily passed RSK constitution and the renaming of the Autonomous Region of Serbian Krajina into the Republic of Serbian Krajina, see Croatian Serbs, “Constitution for the Republic of Serbian Krajina,” 19 February 1991, in *Yugoslavia (Former): Republic of Serbian Krajina*, ed. Albert P. Blaustein, translated by Philadelphia Constitution Foundation, *Constitutions of Dependencies and Special Sovereignties*, ed. Albert P. Blaustein (Dobbs Ferry, N.Y.: Oceana Publications, 1994), 1-41. For the Vance peace plan for Croatia, see “Concept for a United Nations Peace-keeping Operation in Yugoslavia (as Discussed with the Yugoslav Leaders by the Honourable Cyrus R. Vance, Personal Envoy of the Secretary-General and Marrack Goulding, Undersecretary-General for Special Political Affairs), November/ December 1991,” Document No. 138 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 418-423; also available as UN Doc. S/23280, Annex III; for the “existing” structures, see principle no. 19, p. 423.

create a buffer zone, as argued by Belgrade, between the Croat and the Serb forces in Croatia. Zagreb feared that the buffer zone would solidify the partitioning of Croatia, as well as help place Bosnia under Serb control and realize “Greater Serbia.”<sup>79</sup>

However, upon German insistence, Zagreb accepted that its goals could be protected by the formulation that the UN force would deploy to certain “areas in Croatia,” and that the “special arrangements in these areas would be of an interim nature and would not prejudge the outcome of political negotiations for a comprehensive settlement of the Yugoslav crisis.”<sup>80</sup> Following the introduction of these guarantees, and the further urgings of Germany, Zagreb finally agreed to the UN deployment in accordance with the Vance plan.<sup>81</sup>

By mid-December 1991, Germany felt that Zagreb--which by then had passed its minority rights law, lifted its blockades of the YFA facilities, accepted the Vance plan and the UN deployment, and declared it would continue to participate in the European peace conference--had unilaterally fulfilled all the EC criteria for recognition. Germany expressed its willingness to recognize Croatia before the Christmas of 1991, hoping that other European states would follow the suit.<sup>82</sup>

It was at this point that the major intra-European differences broke into open. At the core of the contention was not whether Yugoslavia could survive: instead, the dispute was about whether Europe should endorse the borders among the republics as the

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<sup>79</sup> Heller, “Yougoslavie: Tandis que lord Carrington tente d’obtenir un nouveau cessez-le-feu La [sic] Croatie met en garde contre l’extension de la guerre a la Bosnie-Herzegovine;” Alan Ferguson, “‘Buffer Zone’ Key Serbian Peace Demand,” *Toronto Star*, 15 November 1991, available from Lexis-Nexis Universe, accessed 15 December 1999.

<sup>80</sup> See principles nos. 7 and 1 in the Vance peace plan for Croatia: “Concept for a United Nations Peace-keeping Operation in Yugoslavia...November/December 1991,” pp. 419, 418.

<sup>81</sup> For the UNSC resolution authorizing the UN deployment, see United Nations, Security Council, 3055<sup>th</sup> Meeting, “Resolution 734 (1992), 21 February 1991,” Document No. 170 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 515-517.

<sup>82</sup> Libal, *Limits or Persuasion*, 81.

legitimate international borders. As pointed out by *Le Monde*, France would support the recognition of Croatia provided that the question of borders was addressed within the framework of a plan negotiated for all of Yugoslavia. French President François Mitterrand said that Yugoslavia's internal boundaries were not sacrosanct, rebuffing the idea that the boundaries among the republics could not be altered at the time of independence. He argued that the internal boundaries could not become the international borders, given the opposition of Serbia.<sup>83</sup>

In other words, the European quarrel was over whether the borders should not be changed except by an agreement freely arrived at (which was the view of Germany and Croatia) or whether, instead, these borders should be changed by agreement (which was the view of Serbia supported by France and Britain). The grim realities of the world would favor the latter approach, since throughout history borders have always been changed by agreement—typically, after the armies stop and the parties become willing to accept new realities created through the use of force.

Nevertheless, the norm-driven approach and the emphasis on a peaceful change, conceived against the potential new conflicts in a larger Europe, prevailed over the narrow concerns of *realpolitik*. The Alma Ata agreement on the peaceful Soviet dissolution--without the change of borders among the Soviet republics--reconfirmed the general need to support the existing borders. Thus, the German view was to win over the EC member states, as Europe was eager to formulate the common recognition policy to be applied to the successor states of ex-Yugoslavia and ex-Soviet Union. Accordingly, on

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<sup>83</sup> Claire Trean, "Yougoslavie: La CEE s'oriente vers la reconnaissance de la Sloveie et de la Croatie," *Le Monde* (Paris), 2 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999; Claire Trean, "Balkan Independence Poses Dilemma For the EC," *Manchester Guardian Weekly*, 8 December 1991, available from Lexis-Nexis Universe, accessed 15 January 2000; "Yougoslavie Les declarations de M. Mitterrand a la 'Frankfurter Allgemeine Zeitung' 'La frontiere interieure devient-elle automatiquement une frontiere internationale?'," *Le Monde* (Paris), 2 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

16 December 1991, the EC offered to recognize the new states willing to respect the existing boundaries and minority rights, in addition to settle their problems through peaceful negotiations. Furthermore, the Yugoslav republics were supposed to accept the Carrington peace proposal, as well as support the UN peace efforts and the EC peace conference, in exchange for EC recognition.<sup>84</sup>

The result of this recognition policy was that the discussions on the recognition of independence were no longer limited to Slovenia and Croatia. Now all the aspiring states, Bosnia-Herzegovina included, were invited to “apply for” the EC recognition, which would be conferred upon the “deserving” candidates meeting the EC criteria.

Europe disregarded the realities on the ground and ignored the question of whether unilateral recognition against the opposition of one disputant could produce stability if the borders were as strongly disputed as they were in the case of the former Yugoslavia. The recognition policy brushed aside the Westphalian principle of effectiveness and concerns that central government be in effective control of the territory to be recognized as an independent state. Such traditional concerns have been rooted in the understanding that stability in newly independent states flows from certain facts on the ground rather than from any outside powers’ decisions to recognize new states.<sup>85</sup>

Yet, specifying such traditional concerns would be contrary to the previous European statements and would defeat the main objective of Europe, which used its

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<sup>84</sup> European Communities (EC), [Council of Ministers], “[EC Declaration Concerning the Conditions for Recognition of New States] Adopted at the Extraordinary EPC Ministerial Meeting,” Brussels, 16 December 1991, Document No. 144 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 431-432; also available as UN Doc. S/23293, Annex I.

<sup>85</sup> For the problems involved when the traditional criteria for statehood are ignored, see Roland Rich, “Recognition of States: The Collapse of Yugoslavia and the Soviet Union,” *European Journal of International Law* 4 (1993): 36-65. See also Marc Weller, “The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia,” *The American Journal of International Law* 86 (1992): 569-607. For the Westphalian principle of effectiveness, see Chapter One.

recognition policy to gain leverage over the new states to encourage them to resolve their disputes peacefully and thereby not endanger the stability of post-Cold War Europe. It would fly in the face of the EC policy that used recognition not only as a tool of reward for the “cooperative” republics, but also as a stick for the “non-cooperative” ones.

Furthermore, the Badinter Arbitration Commission began delivering the opinions that went counter to any solutions reposing on the borders that had been newly redrawn in blood. Its opinions largely confirmed the direction of the previous EC policy and reinforced the German position.

Thus, in its first opinion, the Badinter Commission said that the Yugoslav Federal institutions were non-functioning and unrepresentative of its people, that the Yugoslav state was “in the process of dissolution,” and that it was up to the republics to settle the problems relative to the Yugoslav state succession.<sup>86</sup> Furthermore, Badinter upheld, in its second opinion, the existing borders among the Yugoslav republics, because “the right to self-determination must not involve changes to existing boundaries at the time of independence (*uti possidetis juris*) except where the States concerned [agreed] otherwise.”<sup>87</sup> In its third opinion, the Commission found that *uti possidetis*, though initially applied in the process of African decolonization, was “a general principle,” rooted in the logic of preventing ethnic strife at the time of independence. Thus, the EC

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<sup>86</sup> Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, “Opinion No. 1 of the Arbitration Commission of the Peace Conference on Yugoslavia,” 29 November 1991, Document No. 137 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 415-417; for the quote, see p. 417. Ironically, the Badinter first opinion, on the “dissolution” of Yugoslavia, was delivered on the 48<sup>th</sup> birthday of Titoist Yugoslavia. The 2<sup>nd</sup> session of AVNOJ, held on 29 November 1943, had been celebrated as the founding day of Titoist Yugoslavia, for it was then that the decision had been made on the establishment of the Federal Yugoslavia.

<sup>87</sup> Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, “Opinion No. 2 of the Arbitration Commission of the Peace Conference on Yugoslavia,” Paris, 11 January 1992, Document No. 152 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 474-475; for the quote, see p. 474.

Arbitration Commission concluded that “the boundaries between Croatia and Serbia, between Bosnia and Herzegovina and Serbia...may not be altered except by agreement freely arrived at” by the Yugoslav republics.<sup>88</sup>

Serbia, which was forced to accept the arbitration by the European ultimatum of 27 August 1991, rejected these binding opinions, even though the second and third opinion were issued in response to a request by Serbia, which had submitted questions to the Commission of its own free will and had argued its position before the Commission.<sup>89</sup> Rejecting the principle of *uti possidetis juris*, Belgrade demanded that new borders be negotiated prior to the recognition of Croatia and Bosnia. In particular, Serbia warned against the recognition of Bosnia-Herzegovina within the existing borders, arguing that international recognition would lead to even more bloodshed.<sup>90</sup>

The atmosphere within Europe showed that, by then, not only Germany but also other European countries had come to favor Croatia’s recognition. The European publics wanted to see some EC action that would demonstrate a more active approach being

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<sup>88</sup> Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, “Opinion No. 3 of the Arbitration Commission of the Peace Conference on Yugoslavia,” Paris, 11 January 1992, Document No. 153 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 479-480; for the quote, see p. 480; emphasis added in underlying by the author of this study.

<sup>89</sup> Submission of questions and arguments to Badinter, as done by Serbia, should have meant that Serbia had submitted the dispute to the Badinter Commission and that it should have accepted the binding opinions of the Commission; nevertheless, Serbia rejected these opinions. For the Serbian questions and reasoning before the Commission, which led to the second and third Badinter opinions, see Serbia and Montenegro, SFRY Presidency, “Position of the SFRY Presidency,” 18 December 1991, Document No. 152a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 475-479; Serbia and Montenegro, SFRY Presidency, “Position of the SFRY Presidency,” 30 December 1991, Document No. 153a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 481-485. Some lawyers have argued, however, that Lord Carrington slightly, but significantly, rephrased the Serbian questions submitted to the Badinter Commission, in the light of which legality of the process is problematic: Steve Terrett, *The Dissolution of Yugoslavia and the Badinter Arbitration Commission: A Contextual Study of Peace-making Efforts in the post-Cold War World* (Aldershot, England; Burlington, Vt.: Ashgate/Darmouth, 2000), 141-153, see in particular 142-143.

<sup>90</sup>“Position of the SFRY Presidency,” 18 December 1991, 479-478; “Position of the SFRY Presidency,” 30 December 1991, 484.

taken against the images of the Serb shelling of Dubrovnik and Vukovar. Europe was now being criticized as too passive, especially after the reports on the Serb brutality and the systematic campaign to drive out the Croats from their homes had been finally leaked to the public.<sup>91</sup> It was argued that this passivity was now threatening the credibility of the European integration process and the proposed Treaty on the European Union, to be concluded in December 1991, because citizens would judge Europe by its actions in response to events in the former Yugoslavia. Thus, *Le Monde* argued as follows:

We ask our heads of state and government not to celebrate the jubilee of Europe littered by corpses. We ask them to forego the peaceful and formal trip to Holland [to conclude the Treaty on the European Union] in order to meet in Dubrovnik under the siege, the place of sorrow but also the privileged site of our history. Dubrovnik, sister of Venice, is worth a mass. Let the officials meet in Maastricht to discuss money [monetary union], but let our governments, by their presence on the war territory, stop the belligerents. Then we might recognize them in future as our representatives.<sup>92</sup>

Worse still, European credibility was also being eroded within Eastern European countries, countries whose peoples had just abandoned communism and were now aspiring to join free and democratic Europe. Famous former dissidents, now in power in the new democracies in the East, began to criticize Europe's passivity as it confronted the tragedy in the Balkans. Said the President of Bulgaria:

All our governments [in Eastern Europe] need European guarantees. But powerful democracies have not acted except in two cases: in the Gulf, because it had oil, and in order to support Yeltsin since the time of the [attempted] coup [against Gorbachev], because there exist nuclear arms. In the Balkans, there is neither one

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<sup>91</sup> Laura Silber and David Gardner, "EC Monitors Call for Show of Force Against Yugoslav Army," *Financial Times* (London), 3 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999; Blaine Harden, "Observers Accuse Yugoslav Army; Report Charges Campaign of Violence Designed to Drive Out Croats," *Washington Post*, 17 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. See also Charles A. Radin, "As Croats Flee Homes, Serbs Move In," *Boston Globe*, 25 November 1991, available from Lexis-Nexis Universe, accessed 20 January 2000; "Massacre at Vocin," *Economist*, 3 January 1992, 57, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>92</sup> "Un appel aux chefs d'Etat et de gouvernement reunis a Maastricht La Croatie brule!" *Le Monde* (Paris), 6 December 1991, Lexis-Nexis Universe, 15 December 1999; translated from French by the author of this study. Many prominent personalities now began to advocate the recognition of Croatia; see, e.g., "Thatcher Attacks West Over Croatia," *Daily Telegraph* (London), 23 November 1991, available from Lexis-Nexis Universe, accessed 20 January 2000.

nor the other, and nothing is being done to solve the conflicts. This is not my personal view but the public opinion. This is serious, because confidence in Europe, which had promised to create a mechanism of conflict prevention, is being lost.<sup>93</sup>

These words of Jeliou Jeleu, the new President of Bulgaria and a long-time dissident during the Cold War, captured the opinion that peaked throughout greater Europe in late 1991, finally prompting the Western governments to action as they were putting the final touches upon the Treaty on the European Union.

The change of opinion was most visible in Italy. The attitude of Italian President Francesco Cossiga shifted from accommodating the YFA and Serbia to strongly criticizing their attacks against Croatia's cities. In the early fall, President Cossiga had agreed that the YFA—which worried that its weapons would fall into Croat hands—could be able to get its military equipment safely out of Slovenia into Montenegro and Serbia via Italy.<sup>94</sup> In contrast, barely two months later, President Cossiga compared the YFA's attacks to "Nazi terrorism," saying that the EC had reached "a time when prudence [could] become impotence" and "encouraged the violence of others."<sup>95</sup> Furthermore, Italian Foreign Minister Gianni De Michelis said that, if there was no progress towards peace, Italy would propose the recognition, before the end of 1991, not only of Slovenia and Croatia but also of Bosnia-Herzegovina and Macedonia.<sup>96</sup>

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<sup>93</sup> Jeliou Jeleu, "Un entretien avec le president de la Bulgarie 'Dans les Balkans, on ne fait rien pour regler les conflits, et la confiance dans l'Europe se perd,' nous declare M. JeliouJeleu[sic]," (Interview with the President of Bulgaria: 'Nothing is being done to resolve the conflicts in the Balkans, and we are losing our faith in Europe,' says Mr. Jeliou Jeleu'), interview by Sophie Shihab, *Le Monde* (Paris), 6 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999; translated from French by the author of this study.

<sup>94</sup> "Yugoslav Army Troops Could Pull out of Slovenia via Italy," *Agence France Presse*, 5 October 1991, available from Lexis-Nexis Universe, accessed 15 January 2000. Zagreb protested, arguing that international law does not recognize the transit of weapons through neutral countries at a time of war. Zagreb accused Rome of allowing the YFA to get more weapons to destroy Dubrovnik and other Croatian cities. For the Croatian protest letter to Italy, see Tomac, *Struggle for the Croatian State*, 153-154.

<sup>95</sup> The Italian President cited in "Cossiga Calls for End to "Terrorist Operations" in Croatia," *Agence France Presse*, 17 November 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

<sup>96</sup> Gianni de Michelis, "Un entretien avec M. GianniDe [sic] Michelis La desintegration de l'Europe de l'Est menacerait l'integration europeenne nous declare le ministre italien des affaires etrangeres,"

After the EC had proposed the new recognition guidelines on 15 December 1991, the Netherlands, which held the EC Presidency, set a one-month deadline for the EC to implement its recognition policy. Asked whether this deadline would lead to premature recognition, Dutch Foreign Minister Hans van der Broek dismissed the question as irrelevant: "We have a full month from now to get the peace process under way... You cannot indefinitely withhold recognition from a state which is seeking it."<sup>97</sup>

On 23 December 1991, Germany announced that it would accept no more excuses to delay recognition beyond the newly set European deadline, saying it would establish diplomatic relations with the newly independent states on 15 January 1992.<sup>98</sup> Bonn was convinced that the recognition was necessary to moderate the Serbian behavior, as explained by German Foreign Minister Hans-Dietrich Genscher:

One cannot say that non-recognition in the last few months has eased the situation, which has continued to deteriorate. It is important to show that the international community will not accept an attempt by an army beyond any political control to wage a war in order to change boundaries by force. This has no place in Europe of 1991.<sup>99</sup>

Thus, when 15 January 1992 came along, Germany--supported by Italy, Denmark, Belgium, Netherlands, and Luxembourg--prodded Britain, and even a more reluctant France, to recognize Slovenia and Croatia.<sup>100</sup>

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interview by Jacques Amalric and Marie-Claude Decamps, *Le Monde* (Paris), 7 December 1991, available from Lexis-Nexis Universe, accessed 15 December 1999.

<sup>97</sup> The Dutch Minister quoted in David Gardner, Judy Dempsey, Laura Silber, and Agencies, "EC Moves Towards Recognizing Breakaway Yugoslav Republics," *Financial Times* (London), 17 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

<sup>98</sup> "Last Minute Doubts Over EC Recognition of Croatia," *Agence France Presse*, 15 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. This German decision of 23 December 1991 to implement, on 15 January 1992, its decision on recognizing Croatia and Slovenia has often been referred as the "Christmas recognition."

<sup>99</sup> Minister Genscher quoted in Hans Dietrich Genscher, "Un entretien avec le ministre allemand des affaires etrangeres M. Genscher estime que les problemes de l'Est sont une priorite pour l'Europe," interview by Henri de Bresson, *Le Monde* (Paris), 14 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. Translated from French by the author of this study.

<sup>100</sup> Many other European states, Austria in particular, supported Croatia's independence. The first Western country that recognized Croatia and Slovenia was the Vatican, which extended recognition two days before Germany/Europe did: the overwhelming majority of Slovenes and Croats are Roman Catholics. For media

Croatia finally received diplomatic recognition after six months of the EC involvement, and only after Zagreb had lost control over more than a third of Croatia, and now faced a huge refugee crisis: over 700,000 refugees, mostly Croats displaced from the Serb-held areas in Croatia as well as from Serbia and Bosnia-Herzegovina.<sup>101</sup>

Despite disagreements among the European governments, in 1991 Europe recognized Croatia and Slovenia in unity, inviting Bosnia to apply for recognition. The overall impression was that recognition did bring about the end of the war in Croatia. Nevertheless, more than a year later, the intra-European differences broke into the open after the failure of the Vance-Owen Peace Plan (1993), at a time when no Western country wanted to use its troops to end the escalating Bosnian war. It was then that France and Britain started to blame Germany for the violent break-up of Yugoslavia.

According to Roland Dumas, Foreign Minister of France in 1991-1992, Bonn had pushed

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reports on the recognition of Slovenia and Croatia, see "EC Recognizes Croatia and Slovenia, Following German Lead," *Agence France Presse*, 15 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. For the EC statement of recognition, see European Communities (EC), Presidency, "Statement by the Presidency [of the European Community] on the Recognition of Yugoslav Republics," Brussels, 15 January 1992, Document No. 158 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 501. For the last minute intra-European splits and the Croatian promise to fulfill all the EC/Badinter requirements, see Graham Brown, "EC Splits on Recognition of Croatia," *Agence France Presse*, 14 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999; "Last Minute Doubts Over EC Recognition of Croatia." See also the previous footnotes concerning the Badinter opinions and the Croatian minority rights law that had to be amended to meet the EC/Badinter requirements for the recognition.

<sup>101</sup> According to the Croatian sources, in late January 1992, there were 700,000 refugees in Croatia and abroad, with Zagreb taking care of 322,000 such persons. In addition, there were 3100 killed; 16,500 wounded; 5,000 captured; and 8,900 missing Croatian citizens, most of them Croats. The figures concern those under the authority of the Zagreb government. For the Croatian figures, see "Croatian Government News Conference Figures for War Damages and Refugees," *BBC Summary of World Broadcasts*, 27 January 1992, available from Lexis-Nexis Universe, accessed 16 January 2000. See also Carol J. Williams, "Yugoslav Conflict Inflicts Harsh Toll on the Innocent; Civil War: Recognizing the Secessionist Republics May Be the Best Way to Halt the Bloodshed, Europeans Say," *Los Angeles Times*, 14 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. The overall casualty figures, including those on the Serb side (smaller in comparison to the Zagreb figures), will be given towards the end of this Chapter.

Europe into “negotiating the break-up of the Yugoslav Federation” and, thereby, caused the “explosion of the ‘miniature Yugoslavia,’ or Bosnia.”<sup>102</sup>

Germany fought back these charges, pointing to the common European statements and positions that had been taken. Bonn affirmed that if the EC policy had been so disagreeable to France and Britain, then Paris and London should have clearly objected a long time earlier, before the EC statements had been agreed upon. Germany also argued that Bonn was not responsible for the Yugoslav break-up or the Bosnian war, but that these events were the result of the Belgrade policy.<sup>103</sup>

Indeed, whatever the merits or drawbacks of the German recognition policy, the truth is that Germany did have the EC statements to fall back upon, and that France and Britain—contrary to their later statements—had not opposed, in 1991, the break-up of Yugoslavia. More than a month before Germany had allegedly “forced” Europe into negotiating the Yugoslav break-up and the Carrington peace plan had been proposed, French Foreign Minister Dumas had told the French deputies:

Yugoslavia no longer exists in its original form and we are forced to take note of a de facto partition....The European Community should continue to act in complete solidarity and draw the logical consequences under international law from this situation.<sup>104</sup>

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<sup>102</sup> French Minister Dumas quoted in “Bosnie Roland Dumas met en cause les responsabilites ‘ecrasantes’ de l’Allemagne et du Vatican dans ‘l’acceleration de la crise,” *Le Monde* (Paris), 22 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; translated from French by the author of this study.

<sup>103</sup> Roger Boyes, “Bonn Fights Back As Allies Try To Pin Blame For War,” *Times* (London), 22 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Martine Nouaille, “Un ancien ministre allemand critique la France et la Grande Bretagne,” *Agence France Presse*, 21 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; David C. Unger, “Germany Is Not to Blame for Bosnia,” *New York Times*, 7 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Immo Stabreit, “Yugoslav Break-up: Don’t Blame Germany,” *Washington Post*, June 29, available from Lexis-Nexis Universe, accessed 23 February 2000.

<sup>104</sup> French Minister Rolland Dumas quoted in George Brock, “Yugoslavia No Longer Exists, Says France,” *Times* (London), 10 October 1991, available from Lexis-Nexis Universe, accessed 12 December 1999. For Dumas’ exact words in French, see “Yougoslavie M. Roland Dumas: ‘Sous nos yeux, s’opere unepartition [sic] de fait’,” *Le Monde* (Paris), 11 October 1991, available from Lexis-Nexis Universe, accessed 15 December 1999.

The recognition of Croatia did not arise from the German policy *per se* but emerged from Europe's coercive peacemaking and its concern with preserving regional stability through the establishment of a normative order in post-Cold War Europe, using the prospect of diplomatic recognition in an inconsistent and ineffective manner: both as a stick for an "uncooperative" Serbia and as a carrot for a "cooperative" Croatia. Furthermore, it was not Germany and Croatia's recognition that dealt the first blow to Titoist legacy. An important milestone in the European support for the dismantlement of Yugoslavia had been its rush to mediate the Slovenian-Serbian dispute, an action which had precipitated the separation of Ljubljana from Belgrade primarily because such a solution could be reached peacefully due to the disputants' commonality of interests. Furthermore, the EC welcomed this solution, in disregard for Yugoslavia's territorial integrity, because it wanted to set a positive precedent for peaceful, negotiated solutions in a Europe now freed of communism and rife with burgeoning identity disputes.

### **The Limits of Imposed Solutions and Violent Resolution in the End**

The Croatian war of 1991 ended simultaneously with the German-led EC recognition. Thus, having previously negotiated 15 ceasefires during their six-month involvement in the Croatian war, Europe, with the help of the UN, finally brought the violent conflict in Croatia to its end.<sup>105</sup> What were the reasons for this success, and to what degree was it actually a success?

As argued in this section, the context within which recognition of Croatia took place ensured the most important goal of Europe: stability. Since both Zagreb and Belgrade were offered the promise of a final victory, the armed confrontation ended.

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<sup>105</sup> For the 15<sup>th</sup> ceasefire holding, despite some violations, after Croatia's recognition, see William Drozdiak, "12 West European Countries Recognize Croatia, Slovenia," *Washington Post*, 16 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999.

However, the dispute shifted to another level, with its violent resolution—inevitable in view of the disputants' irreconcilable perspectives—postponed for later.

When the 15<sup>th</sup> ceasefire did not break down following the recognition of Croatia, as had been predicted by some opponents of recognition, Bonn argued its position had obviously been the correct one. German Foreign Minister Hans-Dietrich Genscher said:

The German policy on Yugoslavia has proved correct.... We've said for months that if the Community decided on recognition... that would initiate a process of rethinking, above all by the leadership of the Yugoslav army.<sup>106</sup>

Germany believed that the recognition had ended the war in Croatia because it had moderated Serbian behavior, a belief that also became popular among both the Croats who had campaigned hard for this recognition and foreign supporters of Croatia and Bosnia.<sup>107</sup> The truth is, however, that the German-led recognition of Croatia had moderated primarily the behavior of Croatia, rather than that of Serbia.

The recognition did not force the Serbs to give up their territorial claims, as Zagreb and Bonn had hoped. Belgrade denounced the recognition as a violation of the UN Charter, saying that Croatian sovereignty did not extend to the disputed areas: "If Croatia still wants these areas, then that means a prolonged war," warned Belgrade.<sup>108</sup>

The recognition, however, did help de-escalate the conflict because it made Zagreb undertake actions greatly advantageous to the Serbs, thereby removing the Serb rationale for the war. Had Germany not promised Croatia (conditional) recognition, Zagreb would not have agreed to the deployment of the UN force on terms favorable to

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<sup>106</sup> Minister Genscher quoted in Drozdiak, "12 West European Countries Recognize Croatia, Slovenia." See similar statements by German Chancellor Kohl in "EC Recognizes Croatia and Slovenia, Following German Lead."

<sup>107</sup> For an idea that recognition ended the war in Croatia, see, e.g., Noel Malcolm, *Bosnia: A Short History*, new updated ed. (Washington Square, N.Y.: New York University Press, 1996), 230.

<sup>108</sup> Mihajlo Markovic, a leader of Milosevic's ruling socialists in Serbia, quoted in Chuck Sudetic, "Serbs Denounce Breakup of Yugoslavia," *New York Times*, 17 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. See also references to Borisav Jovic, Serbian representative in the rump Yugoslav Presidency, in Nicolas Miletitch, "Serbs Say Not All Croatia Independent," *Agence France Presse*, 16 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999.

Serbia, and it would not have lifted its blockades against the YFA facilities—the issues about which Belgrade cared and which had sustained its will to fight the Croats.<sup>109</sup>

The question is, then, why did Croatia agree to these unfavorable conditions in exchange for recognition? The lifting of the blockades of YFA facilities was a dangerous move for Zagreb, since Europe, despite some reassurance rhetoric, had not envisaged any measures to be taken in case the YFA regrouped and attacked Croatia again. Also, Zagreb had agreed to the Vance plan and the UN deployment, both of which reflected goals desired by Serbia and reinforced the Serb control over Croatia's disputed areas. Was recognition sufficiently important to justify Croatia's undertaking such perilous moves?

The prospect of recognition gave Zagreb hope that the UN deployment would not freeze the Serb territorial gains but, instead, would actually allow Zagreb, once recognized as an independent state and a member of the UN, to renegotiate the terms of the settlement to its own advantage, thereby extending its authority over the disputed areas with the help of the UN. In the eyes of Zagreb, the recognition offered a chance that Croatia might accomplish its goals more peacefully and with fewer costs, by gaining the international community as its ally against the Serbs. The recognition also held out the promise that, if peaceful measures failed to return the lost territories, Zagreb would be allowed to arm itself legally and incorporate its lost areas forcefully. It was Zagreb's reasoning that the arms embargo introduced for the former Yugoslavia could not apply to a newly independent state that should have the right to defend its territorial integrity.<sup>110</sup>

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<sup>109</sup> In addition, without a prospect of recognition, Croatia would have little incentive to pass minority rights law—but that was not an issue about which Belgrade and the break-away Serbs cared at all, since they rejected the minority status for the Serbs of Croatia and fought to split away from Zagreb.

<sup>110</sup> Croatia's immediate post-recognition behavior strongly supports the above interpretation. Zagreb tried to re-negotiate the Vance plan to its favor, demanding that the UN re-establish the Croatian constitutional system with an autonomous arrangement for its Serbs within the disputed areas. Furthermore, Zagreb demanded the weapons to fight off the Serbs, arguing that the UN arms embargo introduced against Yugoslavia could not apply to newly recognized Croatia. All of this upset Cyrus Vance, who immediately blamed Germany for these new Croatian demands. Bonn again pressured Croatia, which then accepted the

The Serbian rejection of Croatia's sovereignty over the disputed areas, on the one hand, and the Croatian expectations that recognition would help bring the areas under its authority, on the other, suggest that the dispute had not been settled, let alone resolved. Instead, the recognition helped bring the armed conflict to an end and shift the dispute to another, less violent level. Moreover, the conflict would now engage the third party even deeper: Belgrade would expect the UN to maintain the division of Croatia, while Zagreb would urge the international community to restore Croatia's territorial integrity.

Consequently, the Croatian conflict de-escalated in 1991 because both Zagreb and Belgrade achieved aspects of their own respective solutions and were, therefore, able to sign a cease-fire and accept a settlement without giving up on their goals--the goals that were clashing and mutually exclusive. Without any reconciliation of the disputants' respective positions within a common framework that permitted a negotiated, integrative solution, the conflict's resolution would be merely postponed and the dispute eventually settled violently. This is, indeed, what happened in 1995, following several failed attempts to accomplish a peaceful solution.

Over the several years following recognition, international opinion evolved towards supporting Zagreb's sovereignty over the Serb-held areas. In its Resolution 49/43, the UN General Assembly expressed alarm at the continued "occupation of parts of the sovereign Croatian territory," called on the Serbs to permit peaceful reintegration

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UN's deployment under the terms previously negotiated, with the "existing" Croatian Serb structures maintained in the areas. For Croatian calculations, see Carol J. Williams, "News Analysis: Croats Want Firepower to Fight Off Serbs; Yugoslavia: Worried that U.N. Troops Won't End War, They [Croats] Seek Western Arms to Regain Occupied Area," *Los Angeles Times*, 24 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. See also Sudetic, "U.N. Peace Plan for Yugoslavia Eroded by New Croatian Demand;" "Boutros Ghali's Report to the Security Council, New York, 20 February 1992," *Review of International Affairs* (Belgrade), No. 1002 (1 March 1991): 9-13. For Germany's pressure on Croatia to accept the UN deployment as originally envisaged and Zagreb's eventual acceptance, see Leonard Doyle, "Croatia Lifts Block on UN Peace Forces," *Independent* (London), 7 February 1992, available from Lexis-Nexis Universe, accessed 12 January 2004; Michael Littlejohns and Laura Silber, "Croats Fall into Line on UN Peace Plan," *Financial Times* (London), 7 February 1992, available from Lexis-Nexis Universe, accessed 12 January 2004.

of these areas into Croatia, and emphasized that “the territories comprising the United Nations Protected Areas [UNPA] are integral parts of the territory of the Republic of Croatia.”<sup>111</sup> Furthermore, Tadeusz Mazowiecki, Special Rapporteur of the UN Commission on Human Rights, condemned the Serb authorities for “the organized and massive ‘ethnic cleansing’ of Croats and other non-Serbs.”<sup>112</sup> Moreover, the UN Security Council sought to reassure Zagreb by establishing a new peace keeping mission that would be supportive, rhetorically, of Croatia’s territorial integrity.<sup>113</sup>

The Zagreb Government insisted on speedy political negotiations that would permit the peaceful reintegration of the areas on the basis of the Croatian minority rights law and a general amnesty law, pointing out that the UN presence could provide for the interim Serb security and ease the process of reintegration.<sup>114</sup> Croatia was not willing to

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<sup>111</sup> United Nations (UN), General Assembly, 49<sup>th</sup> Session, “Resolution 49/43: The Situation in the Occupied Territories of Croatia,” A/RES/49-43, 9 December 1994, available from <http://www.un.org/documents/ga/res/49/a49r043.htm>, accessed 8 December 2003.

<sup>112</sup> Thus, Mazowiecki noted that only 1,161 Croats remained in the UN Sector South (the Knin area), as opposed to 44,000 Croats who used to inhabit the area before the war of 1991. See the section “J. The Situation in the United Nations Protected Areas,” in United Nations (UN), Economic and Social Council, Commission on Human Rights, 50<sup>th</sup> Session, Item 12 of the Provisional Agenda, “Situation of Human Rights in the Territory of the Former Yugoslavia,” Fifth periodic report, by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/47, 17 November 1993), available from <http://www.unhcr.ch/huridocda/huridoca.nsf/Documents?OpenFrameset>, accessed 9 December 2002. Altogether, there had been about 250,000 Croatian citizens displaced from the Serb-held areas, out of which 56,000 were in third countries. Zagreb, for its part, cared for about 198,000 citizens displaced from the Serb-held areas under the UN protection: 185,645 Croats, 4,870 Serbs, and 7,715 others (e.g., Hungarians from Eastern Slavonia). See Croatia, Office for Displaced Persons and Refugees, Analytical Department, “Displaced Persons and Refugees in the Republic of Croatia, July 1995” (Zagreb: Office for Displaced Persons and Refugees, 1995, photocopied), 2.

<sup>113</sup> Separated from the UNPROFOR mandate for Bosnia, the newly established UN Confidence Restoration Operation in Croatia (UNCRO) was supposed to monitor the military movements across the borders between Croatia and Bosnia: United Nations, Security Council, 3512<sup>th</sup> Meeting, “Resolution 981 (1995) [On establishment of the UN Confidence Restoration Operation in Croatia (UNCRO)],” S/RES/981(1995), 31 March 1995, Document No.I.2-74 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 336-338.

<sup>114</sup> For what Croatia was doing to facilitate the integration, see Croatia, Permanent Mission of the Republic of Croatia to the United Nations, “United Nations Protection Force Operation on the Territory of the Republic of Croatia: Basic Documents and Facts on the Possible Reconstruction and Prolongation of the UNPROFOR Mandate in Croatia” (New York: Permanent Mission of the Republic of Croatia to the United Nations, February 1993, photocopied). Regarding the UN presence in Croatia, in mid-March 1995, the UNPROFOR strength in Croatia stood at 14,825 soldiers, 256 military observers, and 731 civilian policemen. Their numbers were later reduced: by mid-November 1995, UNCRO was comprised of 6,581

tolerate the RSK's existence much longer, least of all because of the pressure of the Croat refugees and the disrupted communications and economy: the Serb-held areas cut Croatia's mainland into two disconnected parts. However, despite international pressure and the difficult economic circumstances in Croatia's Serb-held areas, where about 80 percent of the population was unemployed, the Serb authorities in Knin rejected any peace proposal short of independence, including the very favorable "Z-4" plan.<sup>115</sup>

Following some international pressure, Zagreb and Knin negotiated an economic agreement without a final political settlement.<sup>116</sup> The UN officials argued that the economic agreement could "reinforce the future process of reconciliation" and lead to "the normalization of life and the restoration of confidence."<sup>117</sup> The UN idea was that the difficult political issues could be avoided by having the parties focus on mutual economic

troops and military personnel, 164 military observers, and 296 civilian policemen. See United Nations, Department of Public Information, *The Blue Helmets: A Review of United Nations Peace-keeping*, 3<sup>rd</sup> ed. (New York: United Nations Department of Public Information, 1996), 521, 554.

<sup>115</sup> The conflict of 1991 and its outcome—division of Croatia by a series of "Krajinas" sealed away from Zagreb—had imposed great economic costs on both sides: "Krajinas" could hardly survive without Zagreb, while Croatia needed "Krajinas" for communications. Without access to Croatia's markets and the Zagreb subsidies, as well as the economic benefit coming out of being the transit area between continental and maritime Croatia, the RSK's living standards fell down dramatically. The population subsisted on the local produce and humanitarian aid, with over 50% of the RSK Serbs being on welfare. About 80% of the RSK Serbs were unemployed, while 76% of the employed worked for the UN. Nevertheless, despite tremendous economic hardship, the Knin authorities rejected the RSK's integration into Croatia, including the "Z-4" plan. Proposed in January 1995, the "Z-4" plan went beyond the already generous Croatian minority rights law: the Serbs would have their own currency and a dual citizenship. While Zagreb complained that the peace plan violated the Croatian Constitution, it expressed its willingness for further negotiations. Despite the pleas of some Croatian Serb leaders in Zagreb, who supported the plan, the Knin leaders rejected the "Z-4" plan, insisting on the RSK independence. For the RSK's bleak economic prospects and Knin's rejection of the "Z-4" plan, see a report by a German-based NGO: Balkan Peace Team, "Report of the Balkan Peace Team Exploratory Mission to Knin, 11-15 February 1995," available from <http://www.bosnet.org/archive/bosnet.w3archive/9503/msg00135.html>, accessed 8 January 2000.

<sup>116</sup> "Agreement on Economic Issues of 2 December 1994," Document No. 104 in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, Boston: Kluwer Law International, 1997), 1: 467-474. See also United Nations, Security Council, "Report of the Secretary-General Pursuant to Resolution 908 (1994)," S/1994/1067, 17 September 1994, Document No. I.2-41 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 268-272.

<sup>117</sup> United Nations, Security Council, "Report of the Secretary-General [on Croatia] Submitted Pursuant to Paragraph 4 of Security Council Resolution 981 (1995)," S/1995/320, 18 April 1995, Document No. 144 in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, Boston: Kluwer Law International, 1997), 1: 1059-1069; for the quote, see p. 1069.

gain, even though economic incentives can be a poor remedy to identity disputes, and “technical” solutions may not exist in the case of deep political divisions, as evident in the Middle East. Accordingly, the economic agreement was never implemented. Instead, it became the flashpoint for new conflicts, eventually leading to a limited Croatian offensive to retake the UNPA Sector West, or Western Slavonia, in May 1995.<sup>118</sup>

Following the failure to reintegrate Croatia through economic measures, there was yet another attempt at a peaceful solution—this time initiated by Croatia. Zagreb came up with the idea that a good treatment of the Serbs in Western Slavonia, who had not had an opportunity to escape before Zagreb took over this UNPA sector in May 1995, would encourage the Serbs from other UNPA areas to contemplate their peaceful reintegration into Croatia. Zagreb immediately offered Croatian citizenship, pensions, and other benefits to the Serb populace of Western Slavonia in order to encourage the independence-minded Serbs to stay under Zagreb’s authority. Moreover, in order to reassure Serbs, Zagreb encouraged the UN mission to continue its activities in the area.<sup>119</sup>

The Croatian idea was to use Western Slavonia as a positive precedent for the rest of the Serb-held areas, but the Croatian “multiethnic experiment” in Western Slavonia would fail. The UN soon realized that “many of the remaining Serbs in Sector West

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<sup>118</sup> For example, in the spring of 1995, the highway linking Zagreb with Slavonia—which had been closed since the war of 1991 and was crossing through one of the Serb-held UNPA zones, Western Slavonia—was finally re-opened. The UN expectation was that the highway opening would increase the mixing of the people from the two sides for their economic gain and thereby speed up the peace process. However, after a few days the Serb leadership decided to close the highway again. Soon after the re-opening, there were several incidents leading to new deaths and a deteriorated security situation, and the UN did nothing to restrain the Serb militia. Claiming that the UN was incapable of carrying out its mandate, Zagreb launched a limited operation, and within less than two days retook the control of the highway and this UNPA Sector. For a critical report of the Croat offensive, see UN, Department of Public Information, *The Blue Helmets*. 549-550. See also Florence Hartmann [Dateline: Pakrac, Croatia], “Des observateurs internationaux démentent les accusations de l’ONU contre l’offensive croate en Krajina,” *Le Monde* (Paris), 9 May 1995.

<sup>119</sup> United Nations, Security Council, “Report of the Secretary-General [on Croatia] Submitted Pursuant to Security Council Resolution 994 (1995),” S/1995/467, 9 June 1995, Document No.I.2-91 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 368-370.

[were] preparing to leave, despite the efforts of the Croatian authorities to persuade them to stay.”<sup>120</sup> It was not easy to rebuild coexistence and accomplish inter-societal reconciliation after four years of conflict. The prospects of Croat neighbors coming back to their homes after years of exile—many of whom had been violently expelled during the war of 1991—left the local Serbs uncomfortable and fearful of revenge.<sup>121</sup> Thus, the Serbs continued to leave, even though the U.S. Government had offered a financial aid package, and the American Ambassador had toured the area to encourage the Serbs to stay, arguing that the security situation was relatively good.<sup>122</sup>

International mediators exerted great pressure to ward off the Croatian military offensive, and on 3 August 1995 the negotiators made a last attempt at a peaceful solution in Geneva. According to the UN, Zagreb believed that the proposal did not address its concern for Croatia’s reintegration, while the Knin delegation at first gave its conditional acceptance, then followed by a public rejection of the proposal.<sup>123</sup>

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<sup>120</sup> Ibid., paragraph 52, p. 369.

<sup>121</sup> See, e.g., Florence Hartmann, “Le douloureux retour des refugies croates en Slavonie occidentale; La cohabitation avec les Serbes s’annonce difficile,” *Le Monde* (Paris), 11 May 1995, available from Lexis-Nexis Universe, accessed 8 August 2002.

<sup>122</sup> “Američki veleposlanik u Pakracu: Test u zapadnoj Slavoniji” (American Ambassador in Pakrac: Test in Western Slavonia), *Vjesnik* (Zagreb), 10 June 1995.

<sup>123</sup> The Serb delegation “was inclined to accept the paper as a useful basis for progress, subject to clearance by its political leadership”: United Nations, Secretary-General, “Letter [From the Secretary-General Addressed to the President of the Security Council Concerning the Latest Developments in Croatia],” S/1995/666 and Annex, 7 August 1995, Document No.I.2-107 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 397-400; for the quote, see p. 399. However, upon the Serb delegation’s return to Knin, RSK President Milan Babić issued a public statement of rejection. This Serb rejection was later cited by Zagreb as one of the reasons for its military offensive to recapture the Serb-held areas, as evident from the Croatian letter to the UN: Croatia, Government, “Letter [From the Deputy Prime Minister and Minister for Foreign Affairs of Croatia Addressed to the President of the Security Council Informing on Croatian Military Operation within the Territory of the Republic of Croatia],” 4 August 1995, Document No.I.2-106 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 393-396; also available as UN Doc. S/1995/647, Annex. See also Croatia, President, “Letter From the President of the Republic of Croatia Addressed to the Special Representative of the Secretary-General,” 30 July 1995, Annex I to Document No.I.2-107 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London:

Moreover, despite the recently concluded military agreement between Croatia and Bosnia, the Serbs resumed their shelling of the Bihac pocket, a UN-protected area in Western Bosnia. The agreement had envisaged joint action between Zagreb and Sarajevo in case of further attacks on Bihac. Zagreb had a vested interest in maintaining this area, since its loss would permit the reunification of the Bosnian and the Croatian Serbs and, thus, alter the strategic balance in the area to the Serb benefit.<sup>124</sup>

Thus, on 4 August 1995, Croatia launched a military operation, invoking as justification the failure of the negotiations, the UN inability to carry out its mandate in Croatia or to protect the Bihac safe area, the UNGA Resolution 49/43 confirming the territorial integrity of Croatia, as well as Article 51 of the UN Charter and its obligation to help Bosnia in accordance with the recently concluded military agreement.<sup>125</sup>

Within a few days, Croatia managed to seize control over its internationally recognized borders. Zagreb thereby fulfilled the goal of reintegrating its lost territories, but the vast majority of the local Serb population fled the area even before the advance of the Croatian troops. Following this Croatian victory, there came a three-month period of lawlessness and Croat revenge, during which the remaining Serbs were intimidated, while dozens of elderly civilians were killed unlawfully.<sup>126</sup>

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Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 401-402; also available as UN Doc. S/1995/666, Annex.

<sup>124</sup> "Declaration on Implementation of the Washington Agreement, Joint Defence Against Serb Aggression and Reaching a Political Solution Congruent with the Efforts of the International Community," Split, Croatia, 22 July 1995, Document No.I.2-105 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 391-396; also available as UN Doc. A/50/306-S/1995/609, Annex.

<sup>125</sup> "Letter [From the Deputy Prime Minister and Minister for Foreign Affairs of Croatia Addressed to the President of the Security Council]," 4 August 1995 (UN Doc. S/1995/647, Annex).

<sup>126</sup> The Croatian Helsinki Committee of Human Rights (CHC), which is a member of the International Helsinki Federation of Human Rights, believes that the Serb exodus was about 150,000 to 180,000, while only 8,500 Serbs stayed behind, mostly elderly. See Croatian Helsinki Committee for Human Rights, "Izvještaj: Vojna operacija 'Oluja' i poslije: Bivši UN sektor 'Jug' (Report: Military Operation 'Storm' and Aftermath: Former UN Sector 'South') (Zagreb: Croatian Helsinki Committee for Human Rights, 8 April 1999, photocopied), 13-14, 145-182; see also conclusions, pp. 143-144. See also Croatian Helsinki

When Croatia launched its offensive in 1995, Belgrade accused Zagreb of “brutal aggression” and Serb “expulsion.”<sup>127</sup> However, the 1995 operation, aimed at Croatia’s reunification, was not a case of premeditated expulsion. Rather, the flight of the RSK Serbs reflects the reality that “reverse ethnic cleansing” creates new winners and new losers. The Serbs fled not only from Croatia when Zagreb forcefully absorbed the disputed areas, but also from Sarajevo and Kosovo when the international community sought to reunify Sarajevo under Bosnian control (1996), and reverse the ethnic cleansing of the Kosovo Albanians by expelling the Serb military from Kosovo (1999).<sup>128</sup> It should be recognized that there are substantial psychological and social obstacles that stand in the way of reintegrating war-torn societies with insecure identities and fresh memories of atrocities. Force can return lost territories but not reintegrate deeply divided societies.

In the Croatian view, the military operation restored the rightful constitutional order. Zagreb based the legality of its military action on the UN’s inability to fulfill its mandate and the UNGA Resolution 49/43, which stated that the UNPA zones were the “occupied areas” of Croatia, and that the state of “occupation” supported by Belgrade had

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Committee for Human Rights, “Izvještaj: Vojna operacija ‘Oluja’ i poslije: Bivši UN sektor ‘Sjever’” (Report: Military Operation ‘Storm’ and Aftermath: Former UN Sector ‘North’) (Zagreb: Croatian Helsinki Committee for Human Rights, 1 July 2000, photocopied), 35-79.

<sup>127</sup> Serbia and Montenegro, FRY President, “Letter [From the President of the Federal Republic of Yugoslavia Zoran Lilic, Addressed to the Secretary-General Expressing Resentment and Disappointment over the Security Council Reluctance to Condemn Croatia’s Aggression against the Republic of Serbian Krajina],” 10 August 1995, Document No. I.2-111 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 408-409; also available as UN Doc. A/50/344-S/1995/682, Annex. See also Serbia and Montenegro, Permanent Mission of Yugoslavia to the UN, “Letter [From the Chargé d’affaires a.i. of Permanent Mission of Yugoslavia to the UN Addressed to the Secretary-General Concerning Some Legal and Political Aspects of the Situation in Slavonia, Western Sirmium and Krajina],” 14 October 1995, Document No. IV.1-2 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 652-654; also available as UN Doc. A/50/674-S/1995/883.

<sup>128</sup> See Chapters Six (Dayton Bosnia) and Eight (Kosovo).

to end.<sup>129</sup> However, Serbia accused Zagreb of territorial “conquest,” asking the UN to condemn Croatia for its “aggression.” In Belgrade’s view, these areas did not belong in Croatia, and their status had been decided by the Vance plan and the UN deployment.<sup>130</sup>

The reality is that the UN was originally deployed as an interim measure without prejudging the final settlement, even though its position eventually evolved towards supporting Croatia’s territorial integrity. The title to territory was decided after Croatia had won the war and Serbia—weakened by the international sanctions and the war in Bosnia—had acquiesced in this Croatian victory.

Military force did not resolve all the aspects of the dispute, but it created stability in a country that—in comparison to Bosnia—has always been more nationally homogenous and more able to take care of its security needs. From the perspective of conflict resolution theory, the conflict has been settled by “domination,” with the resultant ill feelings on the part of the Serb minority.<sup>131</sup> Since then, the international community has been facilitating Serbs’ returns to Croatia and helping recreate an integrated, “multiethnic” Croatian society.<sup>132</sup> Compared to international efforts

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<sup>129</sup> “[UNGA] Resolution 49/43: The Situation in the Occupied Territories of Croatia,” A/RES/49-43, 9 December 1994.

<sup>130</sup> Serbia and Montenegro, Permanent Mission of Yugoslavia to the UN, “Letter [From the Chargé d’affaires],” 14 October 1995, p. 652-654; see, in particular, p. 653.

<sup>131</sup> As explained in detail in Chapter One, conflict resolution theory prefers “integration” over compromise or domination. It prefers negotiated, integrative agreements that take into account all the legitimate interests. It dislikes coercive bargaining or unilateral imposition of solutions through military force. “Domination” in the text above is used in the latter sense, indicating that the settlement was done on Croatia’s terms: the Serbs could not split away or have a state of their own within Croatia, but had to content themselves with minority rights, something they had resisted previously. “Domination” in the context above does not have the connotation that the Croat majority dominates the Serb minority; in fact, Croatia’s Serbs, who have local self-government and their own representatives in the Croatian Parliament, probably enjoy by far greater equality in law than many other minorities in Europe (see later discussions). The problem is, however, that realities of a post-conflict Croatian society have not made their life easy, and that a minority status was not something that the independence-minded Serbs wanted. Instead, a minority status was imposed against their will, and they finally reconciled to it, in the absence of a better alternative.

<sup>132</sup> It is generally estimated that about 300,000 Serbs left Croatia during the war and in its aftermath (the 1991-1995 period). According to the Croatian official figures, about 107,000 Croatian Serb refugees returned to their homes in Croatia; meanwhile, around 210,000 Croatian Serbs still remain in Serbia, Montenegro, and Bosnia-Herzegovina. The return figures were cited by the Organization for Security and Co-operation in Europe (OSCE), Mission to Croatia, Status Report No. 13, December 2003, p. 3, available

elsewhere, Kosovo in particular, Croatia's post-conflict reintegration process and ethnic reconciliation have relatively been successful.<sup>133</sup>

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from [http://www.osce.org/croatia/documents/reports/status\\_report\\_no13\\_1203.pdf](http://www.osce.org/croatia/documents/reports/status_report_no13_1203.pdf), accessed 8 January 2004. See also Organization for Security and Co-operation in Europe (OSCE), Mission to Croatia, "Return and Integration: Background to the Conflict and the Current Situation," available from <http://www.osce.org/croatia/return/background.php3>, accessed 12 January 2004. The Serb return figures cited above refer to the Serbs' officially recorded returns to Croatia; unofficially many more Serbs have returned to Croatia. It is generally believed that the Croatian Serb community is about a half of what it used to be, forming about 6 percent of Croatia's society (as opposed to 12 percent before the war). Such view was also expressed by Milan Mrkalj, the Serb Member of the Croatian Council for the National Minorities: Milan Mrkalj, conversation with author, 16 September 2002, Library of the Serbian Cultural Society "Prosvjeta," Zagreb. The homes of the exiled Serbs were resettled by the Croats from Serbia and Bosnia, most of who cannot or are unwilling to return to their homes under the Serb or Bosniak/Muslim authority. Thus, as of 3 September 2001, Zagreb gave the Croatian citizenship to 120,000 Croat refugees from Bosnia-Herzegovina, and to 30,000 Croats from Serbia, Vojvodina, Kosovo, and Montenegro, while still caring for over 20,000 in the refugee status. Unofficial Bosnian Croat numbers are much higher: it is generally estimated that there are around 300,000 Bosnian Croats living in Croatia today. The new national mixture in the formerly Serb dominated areas of Croatia--the Bosnian Croat refugees now living intermingled with the Croatian Serbs--has often led to clashes, especially when the Serbs would seek to reclaim their homes from the Bosnian Croat refugees. The Bosnian Croat data were provided by Ana Marija Radic of the Office for Displaced Persons, Returnees and Refugees, whom the author of this study visited in Zagreb on 3 September 2001: Croatia, Office for Displaced Persons, Returnees, and Refugees, "Total of Returns to the Republic of Croatia and Displaced Persons and Refugees Awaiting Resolution" (Zagreb: Office for Displaced Persons and Refugees, 2001, photocopied).

<sup>133</sup> The author of this study considers the Serb returns and Croatia's post-war reintegration a relative success; however, this opinion clashes with views of international observers, such as OSCE, which finds the Serb return slow and inadequate. The author thinks that a near complete return of Serbs to Croatia (or Bosnian Croats from Croatia to Bosnia) is not a realistic goal. In fact, as mediocre as the results of the Serb returns to Croatia may appear to some international actors, there are few areas in the world where the refugee returns have been actively promoted after a violent identity conflict or that have had better results than the ones we have seen in Croatia. For example, many of the Greek Cypriot refugees have not returned to the Turkish part of Cyprus, and the Palestinian refugees are still unable to return to Israel. Furthermore, though international efforts have resulted in significant minority returns to Bosnia, over 1.2 million Bosnian citizens (Serbs, Croats, and Muslims) still remain outside of Bosnia and cannot return to their homes in Bosnia (see Chapter Seven). Moreover, the international performance in Kosovo, to which very few of its Serbs have returned after the Western powers had displaced the Belgrade authority from Kosovo (see Chapter Eight), does not suggest that placing an international community in charge should result in better minority return results and post-war societal reintegration. A 2002 study by the Council of Europe has argued for the "need for realism" when it comes to the return of the Kosovo Serbs—that "realistic approach" being that while "all refugees and displaced persons from Kosovo shall have the right to return, some of them—perhaps many of them—may not wish to return." Council of Europe, Office of the Commissioner for Human Rights, *Kosovo: The Human Rights Situation and the Fate of Persons Displaced from Their Homes*, report by Alvaro Gil-Robles, Commissioner for Human Rights, 16 October 2002, CommDH(2002)11 (Strasbourg: Council of Europe, 1992, photocopied), 32-33. According to the same study produced by the Council of Europe, three years after the Kosovo war only "a few thousand"—out of more than 230,000 displaced Kosovo Serbs, Roma, and other minorities—have returned to Kosovo (p. 5); in comparison, a total of 54,941 Serbs returned to Croatia in the first three years following the end of the conflict, or by the end of 1998 (30,019 in 1996-1997, and additional 24,922 in 1998; OSCE Mission to Croatia, Status Report No. 13, December 2003, p. 19, ft. 3). Obviously, the Serbs' return to Croatia is much easier than the Serbs' return to Kosovo; in Croatia, there already existed institutions and indigenous, developed civic society, both of which were lacking in Kosovo. Furthermore, unlike the case of Kosovo, not all of Croatia had been engulfed in war; some areas had maintained the Croat-Serb coexistence during the Croatian war, and there had been some Croatian Serb leaders who advocated reconciliation, even during the war. In addition, the Serbs and the Croats share linguistic and cultural ties that are missing in Kosovo.

Towards the end of 2003, Croatia passed a new Constitutional Law on the Rights of National Minorities, which was reached in agreement with its Serbs and other minorities, as well as the international institutions active in the field of democratization and human rights (e.g., OSCE). This law guarantees the representation for Croatia's Serbs and 21 other minorities at all levels of local and central government; following the recent elections for the Croatian Parliament, the Serbs and other minorities have altogether 8 Members of the Parliament.<sup>134</sup> In addition, since the winner of the recent Croatian elections--now right-off-center HDZ--does not have a clear majority in the Parliament and has excluded cooperation with the right wing parties, the reformed HDZ had to secure the support of the minority MPs; hence, cooperation agreements have been concluded between the new Croatian Government headed by Ivo Sanader and Croatia's national minorities' representatives.<sup>135</sup> Furthermore, for the first time since its

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Finally, unlike Kosovo, Croatia had always had better economic prospects. For all of these reasons, the process of post-war reintegration has been easier in Croatia than in Kosovo. Nevertheless, despite Kosovo's more difficult circumstances for reconciliation, the international record concerning the Serb returns to Kosovo is an example of blatant failure, as well as of international hypocrisy when it comes to urging impractically high standards on the local governments such as Croatia, to which a total of 107,000 Croatian Serb refugees have returned. In the view of international performance and acceptance of realities in the case of Kosovo, this study finds that Croatia is a success story of ethnic reconciliation, despite the opinions to the contrary among the international actors. See also the passages on Western democracies' nation-building in Chapter Seven.

<sup>134</sup> The Croatian Parliament has altogether 152 MPs. Minorities have elected, in a special minority electoral district, altogether 8 MPs into the Croatian Parliament, out of which 3 MPs are Serb representatives. However, the total number of MPs who are also members of minorities is larger than 8: some Serb and other minority MPs have been elected from the general electoral lists because these minority politicians have joined Croatia's mainstream political parties rather than Serb and other minorities' political parties in Croatia. For the new Croatian minority rights law, as well as the Serb and minority MPs figures, see OSCE Mission to Croatia, Status Report No. 13, December 2003, p. 8.

<sup>135</sup> For the agreements between the Croatian Government and different minorities' MPs (e.g., Croatia's Serbs, Italians, etc.), see "Prodi nazvao Sanadera i izrazio potporu ulasku Hrvatske u EU" (Prodi Called Sanader and Expressed Support for Croatia's Entry into the EU), *HRT Vijesti* (Croatian Radio-Television News), 19 December 2003, available from <http://www.hrt.hr/vijesti/arhiv/2003/12/19/>, accessed 8 January 2004. It should be noted that following Tudjman's death, his party (HDZ) split and changed. A number of radical members, including Tudjman's son, left HDZ and formed parties of their own. The core of HDZ reformed itself: HDZ is now a right-off-center party, similar to Germany's Christian Democrats. The party is headed by Ivo Sanader, a moderate HDZ member who had lived in Austria before he entered Croatia's politics. Sanader is the current Prime Minister of Croatia. For a positive report on the new Croatian government, see: Organization for Security and Co-operation in Europe (OSCE), Mission to Croatia, "The New HDZ-led Government Pursuing a Policy of Ethnic Reconciliation Which Will Impact on the

independence, the Croatian Prime Minister has attended the Croatian Serb holiday reception on the occasion of the Orthodox Christmas.<sup>136</sup>

Given the eventual outcome of the Serbo-Croatian dispute—that is, the Serb minority status in Croatia—one should wonder whether the loss of life and destruction had been necessary. For the end result was neither the Serb separation, as desired by Belgrade and Knin, nor a bi-national Croatia with a special status for the Serb “nation,” as desired by some Serb leaders in Zagreb, but a Serb minority status in Croatia against which the Serbs had fought during the 1991-1995 period. The question remains whether the destruction and loss of well over 20,000 lives could have been avoided if Serbia had accepted the EC proposal in 1991. In retrospect, this proposal was to Serbia’s benefit, since it affirmed Belgrade’s sovereignty over Kosovo, while granting substantial minority rights to Croatia’s Serbs—something that the Croatian Serbs eventually came to accept. Given such an outcome in Croatia, why the costs of the war?<sup>137</sup>

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Mission’s Work,” Background Report, 20 January 2004, available from [http://www.osce.org/documents/mc/2004/01/1928\\_en.pdf](http://www.osce.org/documents/mc/2004/01/1928_en.pdf), accessed 3 February 2004.

<sup>136</sup> “Proslava Badnjaka po Julijanskom kalendaru” (Christmas celebration by the Julian calendar), *HRT Vijesti* (Croatian Radio-Television News), 6 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/06/HRT0007.html>, accessed 8 January 2004.

<sup>137</sup> The overall war losses were higher on the side of Zagreb. The Croatian sources cite the total figure of 10,668 dead (out of which 303 were children); 2,367 missing; 37,180 wounded; and 18,224 registered invalids: most of these victims have been Croats. See “Homeland War,” *Hrvatski Almanah, 1998-1999*, 560-561. Most recent scholarly data put the Croat losses even higher, claiming that 16,021 Croats died in the Croatian war: “Zrcalo: Ratni demografski gubici—20.091 osoba” (Mirror: Demographic War Losses—20,091 persons), *Vjesnik* (Zagreb), 24 February 2001. On the Croatian Serb side, the casualty figures have been smaller. According to Savo Štrbac of Veritas, an agency of the former Serb authorities in Knin, a total of 5,830 Serbs (5143 men, 687 women, and 27 children) were killed/missing during the 1990-1998 period. If one adds, to the Croatian Serb figures, the Belgrade figures for the dead and missing, then altogether 6,436 Serbs were killed in the Croatian war. See Savo Štrbac, “Poginuli i nestali Srbi na području RH i bivše RSK u ratu 1990-1995. godine” (Documents: Killed or missing Serbs on the territory of the Republic of Croatia and the former Republic of Serbian Krajina in the war of 1990-1995), *Наш глас: Лист за друштвена питања Срба у Хрватској* (Our Voice: Journal for the Social Question of Serbs in Croatia) (Zagreb) 5, no. 47 (August 1998): 14-19. See also the table with Serb casualties, based on a report by Savo Štrbac of Veritas: “Poginuli i nestali Srbi sa učešćem dječje populacije do 14 godina starosti” (Dead and missing Serbs, including children up to 14 years of age), *Identitet: Srpske nezavisne novine* (Identity: Serbian independent news) (Zagreb) 3, no. 24 (September 1998): 18, table.

In the fall of 1991, there was no Serb politician or moral authority willing to denounce Milosevic's rejection of the European peace plan.<sup>138</sup> Furthermore, for more than three years, the international negotiators were offering peace proposals without much success. In defiance of the international pressure and their bleak economic prospects, the local Serbs continued to reject their integration into Croatia, despite the reassuring UN presence.<sup>139</sup> A minority status was not something that the Serbs—traumatized by history and used to the position of dominance within Yugoslavia and Croatia--could accept without first being defeated.

In view of the violent settlement, one should also ask whether it might have been counterproductive to recognize Croatia in 1991. Namely, some have argued that “premature recognition” without “credible minority rights” have not only set the stage for the violent resolution of the conflict in Croatia but have also contributed to the violent conflict in Kosovo. For example, according to Carl Bildt, a former EU negotiator,

Had genuine and credible guarantees of minority rights been extracted from Croatia as a precondition for recognition, not only would the prospect of peace in Bosnia been dramatically improved, but the way would also have been paved for a settlement in Kosovo. The wind would have been taken out of the sails of the nationalists.<sup>140</sup>

The problem with this argument is that, besides ignoring historical facts, it usually never specifies the extent of the “credible minority rights” that allegedly would have dampened the Serbs' nationalism. As demonstrated by this study, Croatia was in fact the only former Yugoslav republic that, before its recognition, had passed a minority rights law: it had moreover agreed to a peace proposal and UN deployment favorable to Serbia.

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<sup>138</sup> Hartmann, “Yougoslavie: Tandis que les violences continuent en Croatie Les forces politiques serbes soutiennent l'intransigeance du president Milosevic.”

<sup>139</sup> See the previous discussion and references, in particular the aforementioned “Report of the Balkan Peace Team Exploratory Mission to Knin, 11-15 February 1995.”

<sup>140</sup> Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 374.

Bosnia, for example, has not taken any of these steps before its recognition: the worsened situation in Bosnia following its recognition is due to Bosnia's specific conditions, rather than Croatia's recognition.<sup>141</sup>

Furthermore, though it has become a part of conventional wisdom that a comprehensive peace settlement in 1991 and the linkage between the respective situations of the Kosovo Albanians and the Croatian Serbs would have averted a catastrophe, that popular idea has no basis in historical reality. A close analysis of primary and secondary sources in this Chapter has demonstrated that the linkage had in fact torpedoed the peace conference: Serbia demanded a unique treatment for the Croatian Serbs inapplicable to any minority, while refusing to discuss the Kosovo problem, arguing that it was Serbia's internal affair.<sup>142</sup>

Moreover, as already pointed out by this study, no opposition leader in Belgrade criticized President Milosevic when the Serbian leader rejected the Carrington plan, which precisely offered a comprehensive peace plan, a credible minority rights regime for Croatia's Serbs, and addressed the Kosovo Albanian problem.<sup>143</sup>

What Bildt's criticism implies is an assumption that "credible minority rights" would have involved some border adjustments, and that these changes would have preempted wars over new borders. Namely, some critics of Croatia's recognition have argued that the recognition paved the way for the Croatian military offensive that wiped out the RSK, then existing under the weak UN protection, sending almost the entire RSK population into flight. In other words, these critics assume that delayed recognition might have prevented such an outcome, for Croatia would have been willing, in exchange for

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<sup>141</sup> For more details, see Chapter Five, which deals extensively with the problematic Bosnian recognition.

<sup>142</sup> Chartier, "En raison de l'opposition serbe aux propositions des mediateurs La conference de La Haye sur la Yougoslavie marque le pas." See also Libal, *Limits of Persuasion*, 68.

<sup>143</sup> Hartmann, "Yougoslavie: Tandis que les violences continuent en Croatie Les forces politiques serbes soutiennent l'intransigeance du president Milosevic."

recognition, to consent to the permanent loss of its territory to Serb benefit. (These critics also assume that, as *quid pro quo*, Serbia would have given up on Kosovo, even though evidence suggests that Serbia was not even willing to discuss the Kosovo problem!)<sup>144</sup>

The critics of “premature” recognition are correct when they point out that the German-led recognition of Croatia did not resolve the Serbian-Croatian dispute, while it strengthened Croatia to forcefully reincorporate its disputed areas. It should be pointed out, however, that their argument is flawed in that it assumes that a better, peaceful solution would have been possible if only Germany had not recognized Croatia. The critics are usually dismissive of the ethical issues involved in the peacemaking of 1991—that the international intervention initially shifted the balance against Croatia and helped the Serbs cleanse out the Croats from the disputed areas. Furthermore, the critics of recognition wrongly assume that Zagreb would have given away these areas in exchange for peace. Given Croatia’s particular shape, Zagreb could not afford to lose the areas vital to its communications and security. In fact, giving up on these areas would have defeated the purpose of Croatia’s independence, for Croatia is hardly a viable state without the areas that provide the mainland link between northern Croatia and Dalmatia.

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<sup>144</sup> For these critics of Croatia’s “premature recognition,” see David Owen, *Balkan Odyssey* (New York, San Diego, London: Harcourt Brace, 1995), 31-34; Bildt, *Peace Journey*, 73-80, 374; Susan L. Woodward, *The Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings, 1995), in particular pp. 183-189; Hubert Védrine, “La tragédie yougoslave” (Yugoslav tragedy), in *Les Mondes de François Mitterrand: À l’Élysée: 1981-1995* (The Worlds of François Mitterrand: At Élysée, 1981-1995) ([Paris]: Fayard, 1996), 591-680, see in particular 621; Peter Radan, “Post-Secession International Borders: A Critical Analysis of the Opinions of the Badinter Arbitration Commission,” *Melbourne University Law Review* 24 (April 2000), available from Lexis-Nexis Universe, accessed 3 December 2002. For more criticism of the ideas advanced by Owen, Bildt, Woodward, Védrine, and Radan, see Chapter Five. Namely, as explained in more detail in Chapter Five, the critics of premature recognition ignore the fact that—short of use of force, which they did not want to use—they had no leverage over the stronger Serbs, who were the most uncompromising party by virtue of their military dominance. The only leverage these critics propose is the one of refusing recognition to the weaker parties (i.e., Zagreb and Sarajevo). However, they do not specify how they could have forced the Serbs to consent—in 1991—to a single uniform principle that would have treated the Croatian Serbs’ demands the same way it would have treated those of the Kosovo Albanians. At that time, Belgrade controlled both Kosovo and a third of Croatia; it enjoyed unsurpassed military strength. Under such conditions, why would Belgrade agree to the loss of Kosovo in exchange for the recognition of the Croatian Serbs’ secessionist demands, particularly when the Croatian Serb statelet was likely to gain at least some legitimacy by the proposed UN deployment?

Given the irreconcilable positions on borders and disputants' level of insecurity, it would not have been possible to come up with a negotiated settlement to the agreement of both sides. Under such a situation, the international community was only in a position to help one side against the other: the Serbs against the Croats, which was the case during most of the 1991-1995 period, or the Croats against the Serbs, which came about in 1995, after the Western powers had tired of the Bosnian war and welcomed the Croatian offensive, which paved the way to the Dayton peacemaking.<sup>145</sup>

Furthermore, the critics of recognition do not ask what would have happened if Germany had not taken the initiative to recognize Croatia in accordance with the EC statements. Most likely, Croatia would not have lifted the blockades and permitted the YFA withdrawal into Bosnia, nor would it have accepted the UN deployment under the Vance plan, all of which was desired by Serbia. It is also very likely that Zagreb would have attacked all the YFA facilities blockaded in Croatia in order to gain the weapons necessary for it to regain its lost areas by force. In short, the critics of "premature" recognition disregard the fact that the recognition of Croatia did contribute to conflict de-escalation, the main goal of Western peacemakers in 1991.

The main reason why the 1991 fighting ended in Croatia is that Zagreb accepted what was important to Serbia—the Vance plan and the lifting of the YFA blockades—but accepted these in the package including recognition, based on the set of Zagreb's own assumptions about the eventual return of the territory with the international support. Had any of these two crucial components been missing—that is, if it had not been for both the Vance plan that Serbia wanted and the Croatian recognition that Zagreb wanted—the conflict would not have de-escalated. In other words, the Vance initiative and the

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<sup>145</sup> For more information on how the Croatian offensive helped the Dayton peacemaking, see Chapter Six.

German-led recognition enabled both sides to shift the conflict from its primarily military level onto, instead, a mostly diplomatic level, without ever giving up on their high-stake goals, or victory: the division of Croatia for Belgrade, and its unification for Zagreb.

The real significance of Croatia's recognition can be understood in the context of the Middle East conflict and the recognition of Israel before there was a Palestinian-Jewish agreement on the division of Palestine. In order to strengthen the fledgling state, America immediately recognized Israel, then in a position of similar vulnerability to that of Croatia. American recognition of Israel came after the Palestinians had rejected the UN proposal on dividing Palestine equally, and the Arabs had attacked the newly proclaimed state of Israel from all sides. Israel won its war for independence, while over 750,000 (today 4 million) Palestinians fled, and remain decades later unable to return to their homeland. This was the beginning of the protracted Middle East conflict.

In contrast to the idea that the premature recognition of Croatia aborted the chances for an overall peaceful, humane settlement, nobody seriously argues that the U.S. recognition of Israel had been "premature," that it "provoked" the Middle East conflict, that it "precluded" a peaceful settlement to the dispute, or that it "resulted" in the permanent "expulsion" of the Palestinians from their homeland. Even though many within the international community often portray Israel as having, at times, played the role of a "bad guy," most observers would have probably agreed that a U.S. decision to delay its recognition of Israel in 1948 would not have ensured a fair and early settlement to the Palestinian-Israeli dispute: the Arabs were unwilling to recognize the legitimacy of Israel's right to existence as a state. Thus, U.S. recognition neither "created" Israel, nor "provoked" the Middle East conflict, nor "imposed" a solution upon the Arabs. Instead,

the US's recognition of Israel early in its fight to ensure its independence helped Israel to survive its hostile surroundings and the attempts of its neighbors to destroy it as a state.

Similarly, German-led recognition helped the fragile Croatian state to survive its most difficult years, even though the dispute's violent resolution was inevitable in light of the disputants' irreconcilable positions and the inability of outside powers to enforce the reconciliation that would be needed to permit a peaceful solution. One could theoretically argue that, if Zagreb had waited longer before responding militarily, a Serb will for a peaceful integration might have emerged. But the experiences in similar disputes—such as the continued division of Cyprus decades after the outbreak of the conflict—do not suggest that the Croatian Serbs would have mustered the necessary will to integrate themselves into Croatia. Furthermore, the international community incurred substantial costs in maintaining the division of Croatia, for it had to provide for both the security and economic welfare of the RSK Serbs, the majority of whom depended on the international agencies for aid or employment. Hardly a viable entity without Zagreb, the RSK needed Croatia, and the long-term solution could not lie in the Serb separation from Zagreb.

Therefore, rather than affirming that there exist some better, more peaceful, or humane solutions to resolve deep-seated identity conflicts, it is more accurate to say that there exist limits to what can be done and the costs imposed on the local people involved.

### **Conclusion**

In conclusion, how can one sum up the European peacemaking of 1991, which led to the recognition of Croatia and paved the way for Croatia's reunification in 1995?

Europe tried to sponsor a negotiated break-up of Yugoslavia, proposing a solution reflective of its own experience: a new, restructured Yugoslav community, in the image

of the European Union. It furthermore called upon quasi-judicial procedures, such as the Badinter Arbitration Commission, to deal with the difficult, and then non-negotiable, issues of borders. Europe had prided itself on being a community of law, for having placed its disputes into the hands of professional lawyers and the common institutions created for that purpose, such as the European Court of Justice. However, this European approach focused on norms and negotiations presupposed certain political realities that did not correspond to the Yugoslav circumstances of 1991. The European integration process has reposed on secure identities, accepted international borders, and the common awareness of a need for some supranational policies for economic and political reasons. On the other hand, the disputes in the former Yugoslavia have been about insecure identities and divergent perspectives on borders, the issues that have left little room for compromises. Accordingly, the norm-driven European integration process did not resolve the Northern Ireland dispute, nor could it provide solutions for the former Yugoslavia, where the irreconcilable, high-stake positions adopted by the disputants at the beginning of the war had foreclosed opportunities for negotiated, principled solutions.

Underlying the European approach to the Yugoslav crisis was the idea that the disputes such as the one between Croatia and Serbia were amenable to a negotiated solution with the help of benevolent, coercive outsiders. In reality, there was nothing to negotiate. Serbia wanted its “new Yugoslavia” and negotiated in order to lift off the outside pressure, while Croatia wanted independence and territorial integrity, and negotiated to attract the international support for both. Given the fact that there was little room for a compromise between Serbia and Croatia, and that both viewed the outside involvement as a means to fulfill their respective—and mutually conflicting—objectives, the conflict escalated, despite a series of the EC statements that insisted on peaceful

solutions. The European threats “worked” only in the case of Slovenia, because Belgrade and Ljubljana had complementary goals, and the borders were not an issue.

The parable of the limits of the international involvement in the situation like this—and even futility when tied to the goal of peaceful conflict resolution and conflict prevention—is that, during the six-month Serbian-Croatian war in 1991, Europe sponsored no fewer than fifteen ceasefires, all dutifully signed under international pressure—and then all but one (15<sup>th</sup> cease-fire) immediately violated on the ground. As it turned out, the conflict eventually de-escalated once both Serbia and Croatia obtained their respective solutions, thereby shifting the conflict from the military to the political battlefield. Belgrade was satisfied by the Vance plan and thereby a promise that Croatia would remain divided to the Serb advantage, while Zagreb received diplomatic recognition and, thereby, the hope it would eventually reunify Croatia. Given the irreconcilable perspectives, the conflict was eventually settled violently—something the Europe initially resisted, but that both Europe and America eventually welcomed, as the violent resolution of Croatia’s conflict provided an opportunity for the UN disengagement from Croatia and the U.S. peacemaking in Bosnia (Dayton Accords).

Overall Croatia proved a success--not defined in terms of peacemakers’ original intentions--but in terms of the outcome: the stability that permitted the international disengagement, a comparatively successful post-war societal reintegration and ethnic reconciliation, and relatively bright prospects for future. Despite economic troubles and some tensions in the former war zones, Croatia is, today, a fairly stable country that is now hoping to join the European Union and NATO. However, that qualified Croatian success should not overshadow the fact that what was originally tried by the third party was something very different, and that the Western powers continue to be frustrated by

their efforts to rebuild “multiethnic” Croatia. Perhaps the West’s present-day domestic stability make today’s liberal interventionism—interventionism that is mixed with idealism, and is yet oblivious to its own performance in Kosovo--misunderstand the realities of post-war societies ravaged by identity conflicts. In fact, Croatia follows the path of the United States and other Western democracies, which, despite the present-day affirmation of diversity and minority rights, can have past histories of violent nation building. In Croatia, as in many other democracies, an overarching political framework had been forcibly imposed against the minorities’ preferences, an event that was then followed by liberalization and the building of “multiethnic” societies.

## CHAPTER FIVE

### BOSNIAN RECOGNITION AND VANCE-OWEN PEACE PLAN (1992-1993)

#### International Involvement Plays Into the Disputants' Objectives,

#### Precipitating Violence in Bosnia

##### Introduction

Chapter Four focuses on the two important international initiatives of the 1992-1993 period: the American initiative to recognize Bosnia (1992), and the Vance-Owen Peace Plan proposed by Europe (1993). These two international moves relied on very different assumptions about the conflict and its resolution, thus highlighting the difficulty of intervening in the Bosnian dispute.

Washington assumed that an early recognition of Bosnia under the Muslim-led "multiethnic" government in Sarajevo would impose a single, undivided state and prevent a Serb war over new borders. However, Washington's decision to abandon the Lisbon negotiations on dividing Bosnia in favor of the unconditional recognition of Sarajevo precipitated the Serb war against Bosnian independence.

On the other hand, Europe undertook peacemaking having an opposite idea in mind. Assuming that dividing Bosnia would bring the Serbs aboard the peace process, Europe urged a division of Bosnia. Nevertheless, the Serbs rejected the Vance-Owen Peace Plan (VOPP) on dividing Bosnia, while the peace plan had the unintended effect of precipitating the war between the Bosnian Croats and the Bosnian Muslims.<sup>1</sup>

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<sup>1</sup> In Titoist Yugoslavia, the Slavic population with family ties to the Muslim faith or with traditional ties to the Ottomans was referred to, simply, as "Muslims." This terminology stems from the fact that these people were originally those Serbs and Croats who had converted to the Muslim faith under the Ottomans, and that their religious and cultural identity was recognized as separate from the Serbs or the Croats, with whom they shared ethnic ties. Hence, the Bosnian Muslims received recognition to a separate nationhood rather late in Titoist Yugoslavia. This study sticks to the term "Bosnian Muslims" in order to avoid confusion

The juxtaposition of the two different international initiatives should indicate that it is difficult to intervene in identity disputes in the absence of disputants' reconciliation, and that there will remain limits, costs, and risks, whatever the international goal might be (unity or division of Bosnia), particularly when the intervention is undertaken early, with a goal of imposing a peaceful conflict resolution. This Chapter will demonstrate that, instead of imposing a peace settlement, outside intervention can worsen the dispute by playing into disputants' objectives, such as Sarajevo's high-stake goal of an independent, undivided Bosnia, versus the Serb plan to use the negotiations in order to regroup and attack Bosnia to accomplish its division. Furthermore, this Chapter will show how the disputants' superficial acceptance of the VOPP—undertaken with the expectation of drawing international support for their high-stake goals—in fact acted as a trigger for a new war, the one between Bosnia's Croats and Muslims.

This Chapter displays a dark face of coercive peacemaking when undertaken early with the aim of conflict prevention, especially when there is no real commitment, on the part of peacemakers, to the peace process and disputants' well being. It shows that coercive peacemaking can worsen disputes, making the weak more vulnerable, particularly when third party is unwilling to step in to impose an end of violence, even though its own peacemaking efforts have worsened the dispute.

### **Was Sarajevo More Reconciliatory Than Ljubljana or Zagreb?**

Some Western journalists described the Slovenian strategy as the most efficient route to independence because Ljubljana's early attacks on the Yugoslav Federal Army

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when citing various documents and sources that refer to these people as "Muslims." It should be noted, however, that these Bosnian Muslims are present-day "Bosniaks." The author of this study uses the latter term in Chapter Seven, which deals with post-Dayton Bosnia, as most of the documents, at that point, start speaking of "Bosniaks" rather than "Bosnian Muslims."

(YFA) and the European involvement reaped immediate benefits for Slovenia. In contrast, journalists portrayed Croatia as ill-prepared for an independence move because Zagreb did not attack the YFA immediately or coordinate its actions with Ljubljana. Yet, the same journalists did not criticize Sarajevo when it too failed to prepare itself for the war and coordinate its actions with Zagreb. Instead, they portrayed Sarajevo as a conciliatory actor eager to fulfill all the international demands, only to be abandoned by an international community unwilling to help Bosnia defend its independence.<sup>2</sup>

In reality, the successful Slovenian strategy was the most radical of the three cases, because Ljubljana, having no Serb minority, was presented with a relatively easy situation. On the other hand, Zagreb faced a more difficult choice—whether to move towards independence against the wishes of both the Serbs and some European states disinclined towards Croatia. For that reason, Croatia's initial strategy was actually more moderate than Slovenia's: Zagreb opted for some conciliatory actions such as its two-month delay in attacking the YFA, followed by limited attacks only against selected YFA facilities in Croatia after the Serbs took control over a quarter of Croatia.<sup>3</sup>

Sarajevo was confronted by an even more difficult situation than Zagreb had faced. Bosnia was a highly mixed republic without a clear national majority, and with a much stronger Serb community than Croatia. Perched precariously between Serbia and Croatia, Bosnia confronted the complexities created by having half of its population composed of Serbs and Croats, both with strong loyalties to Zagreb and Belgrade,

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<sup>2</sup> The ideas presented in the above paragraph are very common among proponents of Bosnia, and they stretch, for example, throughout Silber and Little's book. Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. and updated ed. (New York: Penguin Books, 1997), see in particular Chapter 12, pp. 154-168, especially pp. 166-167.

<sup>3</sup> For more details, see Chapter Three.

respectively.<sup>4</sup> In light of such realities, Sarajevo's dream of a single, undivided Bosnia was a maximal, impractical goal that Sarajevo could never realize without the significant, sustained help of the outside world.

If Sarajevo took decisions like Croatia, let alone Slovenia, then Sarajevo would have provided the excuse that both Serbia and some European states were seeking in order to expose Sarajevo to international condemnation for actions that provoked the war. Sarajevo's fears of this possibility seem justified in light of some European reactions to the Croat blockades of the YFA facilities; the situation was made further difficult for Sarajevo by Europe's latent prejudice against a Muslim-dominated state in Europe.

Being more dependent on the outside powers because of its weakness, Sarajevo was unwilling to take any move without the prior approval of America or Europe: unlike Slovenia and Croatia, Bosnia held its referendum on independence and applied for recognition only after Europe's encouragement.<sup>5</sup> This Sarajevo's deference towards the

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<sup>4</sup> When Bosnia-Herzegovina was established as a republic within Titoist Yugoslavia, it had a clear non-Muslim majority and a Serb plurality. According to the 1948 census, Bosnia had 44 % Serbs, 31% Muslims, and 24 % Croats. Over several decades, the number of Muslims increased, and the Muslims became Bosnia's plurality, while the Serbs and the Croats taken together, nevertheless, formed at least half of Bosnia's population. By the 1981 census, Bosnia had 40% Muslims, 32 % Serbs, 18 % Croats, and 8% "Yugoslavs." Croatia, on the other hand, has always had a clear Croat majority. According to the 1948 census, Croatia had 79 % Croats and 15% Serbs; by the 1981 census, Croatia had 75% Croats, 12% Serbs, and 8% "Yugoslavs." For the census figures, rounded off by the author of this study, see *Porodice u Jugoslaviji: Popis stanovništva, domaćinstva i stanova u 1981.godini* (Families in Yugoslavia: Census of population, households, and apartments in 1981) (Belgrade: Savezni zavod za statistiku, 1989), 8-17; quoted as "Table 3: The structure of Yugoslavia and republics in 1948 and 1981," in Stjepan Šterc, "Ethnic Origin of 'Yugoslavs' in Croatia," in *Geopolitical and Demographic Issues of Croatia*, ed. Ivan Crkvenčić and Mladen Klemenčić, translated by Ellen Elias-Bursač et al., Geographic Papers, ed. Andrija Bognar, no. 8. (Zagreb: University of Zagreb, Department of Geography, 1991), 149.

<sup>5</sup> The EC encouraged the republics of the former Yugoslavia, Bosnia-Herzegovina included, to fulfill the EC criteria and apply for recognition: European Communities (EC), [Council of Ministers], "[EC Declaration Concerning the Conditions for Recognition of New States] Adopted at the Extraordinary EPC Ministerial Meeting," Brussels, 16 December 1991, Document No. 144 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 431-432; also available as UN Doc. S/23293, Annex I. The Badinter Commission recommended that Bosnia-Herzegovina should hold a referendum on independence: Peace Conference on Yugoslavia, [Badinter] Arbitration Commission, "Opinion No. 4 on International Recognition of the Socialist Republic of Bosnia and Herzegovina by the European Community and Its Member States," Paris, 11 January 1992, Document No. 153 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska

Western powers created an impression that Sarajevo was more compromising than Zagreb or Ljubljana. However, despite its greater respect for Western wishes and more moderate actions, both of which were dictated by its more difficult circumstances, Sarajevo was not truly any more reconciliatory than Ljubljana or Zagreb.

Sarajevo's objective of an undivided, civically organized, single-nation Bosnia—in which the Bosnian Muslim plurality would dominate--went against the desires of not only the separatist Bosnian Serbs and the Croats of Western Herzegovina, but also against the wishes of the majority of the Bosnian Croats and some Bosnian Serbs loyal to Sarajevo. The two latter groups would have accepted an independent, undivided Bosnia in exchange for the recognition of their collective rights in a federal state based on power sharing for Bosnia's three nations—an anathema to Sarajevo.<sup>6</sup>

Furthermore, Sarajevo's objective went against the established principle of Bosnia's internal organization in Titoist Yugoslavia: national power-sharing and equality for the Serbs, Croats, and Muslims, Bosnia's three nations.<sup>7</sup> Introduced by the Yugoslav communists, this multinational arrangement was intended to discourage the domination of any Bosnian nation to the detriment of Bosnia's other two nations. Such an

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(Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 486-488. Nonetheless, even though Sarajevo had waited for the EC/Badinter invitation before it scheduled independence referendum in the spring of 1992, the Parliament of Bosnia-Herzegovina did proclaim, of its own initiative, sovereignty many months earlier (in October 1991), thus setting the stage for Bosnia's eventual proclamation of independence. That move was undertaken without Sarajevo's consultation with Europe and against the opposition of the Bosnian Serbs: the Bosnian Muslim and Croat deputies outvoted the Serb deputies in the Parliament: Tim Judah and Anne McElvoy, "Bosnian Sovereignty Vote Widens Rift," *Times* (London), 16 October 1991, available from Lexis-Nexis Universe, accessed 20 January 2000.

<sup>6</sup> The Bosnian Serbs loyal to Sarajevo rejected ethnic cantons, while demanding a federal state that would recognize the collective rights of the Serbs, Croats, and Muslims. In other words, the pro-Bosnian Serbs did not want a civic state of Bosnian citizens without national affiliation, as desired by Sarajevo: Bosnia-Herzegovina, Bosnian Serbs, "Declaration of the Assembly of Citizens of Serbian Nationality and of Serb Ethnic Origin," 27 March 1994, Document No. I.1-15 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 120-121; also available as UN Doc. S/1994/382, Enclosure I. Chapter Seven cites from some statements made by the Bosnian Serbs loyal to Sarajevo.

<sup>7</sup> See Yugoslav nation-building, in particular references to the AVNOJ, in Chapter Two.

arrangement seemed necessary in view of Bosnia's difficult history. Bosnia has perennially been the site of communal tensions, and it was Yugoslavia's greatest bloodbath during World War II.<sup>8</sup> Furthermore, the decades of Serb rule during Royalist Yugoslavia had left both its Croats and Muslims traumatized.<sup>9</sup> Moreover, the centuries of the Ottoman rule had produced hardship for both the Catholic Croats and the Orthodox Serbs, as well as created historical memories that resulted in their present insecurities vis-à-vis the prospect of living in a Muslim-dominated Bosnia.<sup>10</sup>

Sarajevo, therefore, affirmed its high-stake objective of a unitary, civic-based republic against a very difficult history and different wishes, or even the legitimate needs, of its Serbs and Croats. However, Sarajevo did appear, superficially at least, to be more willing than Zagreb to accommodate the international negotiators. In reality, Sarajevo's real objectives were no different than those of Croatia's--independence for a single,

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<sup>8</sup> The figures and references are cited in the following section of this Chapter, a section that analyzes the reasons for American miscalculation.

<sup>9</sup> For the difficult life of the non-Serbs in Royalist Yugoslavia, see Chapter Two. See also Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Ithaca, N.Y.; London: Cornell University Press, 1984; Cornell Paperbacks, 1988).

<sup>10</sup> As a result of the Ottomans' insistence on religious differences as well as social discrimination on the basis of religious affiliation, the link between a certain religion and national identity has been forged. The Ottomans did not physically annihilate their minorities; instead, they pursued a policy of actively favoring the Muslims, as opposed to the Catholics or the Orthodox. Thus, they encouraged the tendency among the Catholic Croats and the Orthodox Serbs to convert to Islam in order to be able to own land or have access to better jobs. The result was the Slavic population of the Muslim faith, which became Bosnia's landowning, educated class. Slavic Muslims' historically privileged position is visible from the fact that as late as 1910, or after several decades of Hapsburg rule following the downfall of the Ottomans, most of Bosnia's serfs were still either Serbs or Croats: the Orthodox comprised 43.5 % of Bosnia's population in 1910, but constituted 74% of Bosnia's serfs; the Catholics represented 23% of the population and 21.5% of the servile tenants. The Muslims, who comprised 32.5 % of Bosnia's population, represented only 4.5% of Bosnia's serfs. For the Bosnian ethnic composition and servile tenures, see Great Britain, Foreign Office, "Foreign Office Paper on Bosnia-Herzegovina, Printed 31 July 1944, Relating to Boundaries, Geography, Ethnic Distribution and History, Suggesting Possible Solutions for Conflict of Interests, Including a Partition of Bosnia and part of Serb Croatia on a Plebiscite Basis or the Restoration of Historic Partition [FO 371/37601]," in *The Historical Boundaries Between Bosnia, Croatia, Serbia, 1985-1945*, ed. Anita L. P. Burdett ([England]: Archive Editions, 1995), 785. For a portrait of the living conditions and ethnic tensions in the Ottoman Bosnia, see the famous work of Bosnian author Ivo Andric, the only Yugoslav author to have won the Nobel Prize for Literature; he was, nevertheless, rejected by Bosnia's Muslims, while celebrated by its Serbs: Ivo Andric, *The Bridge on the Drina*, translated from Serbian by Lovett F. Edwards (Chicago: University of Chicago Press, 1977). See also David Binder, "Conversations: Emir Kusturica: A Bosnian Movie Maker Laments the Death of the Yugoslav Nation," *New York Times*, 25 October 1992, available from Lexis-Nexis Universe, accessed 9 December 1999.

undivided state, with an internal arrangement that ensures power for a dominant national group—though Bosnia’s particular circumstances, even more difficult than Croatia’s, seemed very unlikely to have led to such an outcome.

Thus, Sarajevo’s apparent accommodation was not based on a genuine search for a compromise, but on its weakness and its calculation that some of its conciliatory actions might help cultivate international support for realizing its high-stake goal of a sovereign, undivided Bosnia with a single Bosnian nation. In other words, Sarajevo negotiated in bad faith just as Croatia or Slovenia did in 1991. Sarajevo’s main objective for seeking the outside involvement was neither reconciliation, nor compromise, but was instead search for a powerful ally who could enable Sarajevo to fulfill its high-stake objective—an “integral Bosnia” without any territorial division and/or distribution of political power along national lines—an objective normally outside the reach of Sarajevo due to Bosnia’s specific, difficult circumstances.<sup>11</sup>

As evident from this study’s several chapters devoted to Bosnia, Sarajevo’s attitude towards the internationally sponsored negotiations have been of great relevance. Sarajevo negotiated Bosnia’s division in order to prove itself accommodating, while planning to use the international support to fight for its high-stake goal of a single, undivided Bosnia. This statement does not seek to excuse the Bosnian Croats, who wanted to use the VOPP in order to “carve out” Croat provinces in Bosnia; nor does it seek to excuse the Bosnian Serbs, who claimed more than two-thirds of Bosnia-Herzegovina and used the international involvement in order to plan a devastating

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<sup>11</sup> “Integralna Bosna” in Bosnian, or an “integral Bosnia” in English, was Sarajevo’s own linguistic expression used to convey its goal of a single, highly-centralized state organized by a civic principle, without any recognition for Bosnia’s three nations and central power-sharing arrangement, let alone a territorial delimitation by an ethnic principle (i.e., ethnic cantons). The expression “integral Bosnia” was normally used in Sarajevo’s official statements and media reports: see, e.g., *Oslobodjenje* cited in Adrian Brown [Dateline: Sarajevo], “Bosnian Greet Geneva Accord With Muted Resignation,” *Agence France Presse*, 9 September 1995, available from Lexis-Nexis Universe, accessed 14 March 2000.

strategic surprise attack on Bosnia. However, the presence of Sarajevo's high-stake objectives did contribute to the Bosnian tragedy. As evident from this Chapter, the U.S. government offered unconditional recognition to Sarajevo, which immediately abandoned European negotiations on Bosnia's internal division; this abandonment triggered the Serb war to divide Bosnia. In addition, Sarajevo launched an offensive against the Bosnian Croats despite its previous acceptance of the VOPP on a bilateral, Muslim-Croat basis. Furthermore, as Chapter Six will demonstrate, a big obstacle to peace in Bosnia was the Sarajevo government, unwilling to accept the internal division of Bosnia at Dayton, even though it had negotiated partitioning agreements for several years before the Dayton negotiations. Moreover, the Sarajevo's high-stake objectives, which continued in the aftermath of Dayton, are one element that has contributed to present-day Bosnia's instability and the international entrapment, as evident from Chapter Seven.

### **Bosnian Recognition Precipitates the Serb War Against Bosnia (1992)**

The war in Croatia, with its several hundred thousand displaced and the shelling of Dubrovnik and Vukovar, should have been a caution to Bosnia. However, official Sarajevo was unable to believe that a war was coming to Bosnia. Thus, in the fall of 1991, Bosnian Muslim officials rebuffed Croatia's offer of a military alliance. Bosnian President Alija Izetbegovic said that the Croatian war was not a Bosnian problem and accused Zagreb of wanting to draw Sarajevo into its war against the Serbs.<sup>12</sup>

Mindful of offending the Serbs and eager to please the international community, Sarajevo even joined with Western officials to blame Zagreb for the YFA retaliation

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<sup>12</sup> See memoirs written by Zdravko Tomac, then Vice-President of the Croatian Government. In the fall of 1991, Tomac led a Croatian delegation to visit Bosnia in order to encourage Sarajevo to prepare itself for the upcoming war: Zdravko Tomac, *Iza zatvorenih vrata: Tako se stvarala hrvatska država* (Behind closed doors: This is how Croatian state was established) (Zagreb: Organizator, 1992), 121-122.

against Croatia's cities. Sarajevo chose to trust the foreign diplomats who believed that the YFA would not attack a "moderate" Bosnia—as opposed to a "nationalist" Croatia. Sarajevo wanted to believe that the YFA would be a factor of stability in this highly nationally mixed republic. The Sarajevo officials maintained that Zagreb had wrongly blockaded YFA facilities, and had thus provoked the conflict that led to Croatia's loss of territory. In contrast, Sarajevo said it would not blockade or attack the YFA facilities on its territory, but it would instead cultivate the support of the YFA officers by offering them the inducement of apartments and pensions in an independent Bosnia.<sup>13</sup>

However, Sarajevo could not control the YFA movements through Bosnia, for if it could, Zagreb would have accused it of aggression. The Bosnian territory was used to stage attacks on Croatia, while the Bosnian Serbs fought alongside the Croatian Serbs against Zagreb. During the Croatian war of 1991, the YFA was carrying out mobilization on the territory of Bosnia in spite of protests by Sarajevo, which demanded that that Bosnian citizens should not participate in the war against Croatia.<sup>14</sup>

Sarajevo, therefore, lived in a state of denial that a war was coming to Bosnia, choosing to place its hopes in the international community. Underlying this Bosnian attitude was a psychological obstacle: Sarajevo was unable to admit to itself, let alone to the outside world, that Bosnia had a problem with its Serbs. Sarajevo was even less willing to take any action that the Serbs could interpret as a declaration of the war.

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<sup>13</sup> Blaine Harden, "Bosnia-Herzegovina on the Brink; Yugoslav Republic Seeks to Steer Clear of Ethnic Carnage by Showing Political Flexibility," *Washington Post*, 15 January 1992, available from Lexis-Nexis Universe, accessed 14 December 1999. See also Ian Traynor, "Bosnia's Shrewd Leader Keeps Peace," *Guardian* (London), 13 January 1992, available from Lexis-Nexis Universe, accessed 15 January 2004.

<sup>14</sup> Ian Traynor and Ed Vulliamy, "Army Pours In Despite New Croatia Ceasefire," *Guardian* (London), 23 September 1991, available from Lexis-Nexis Universe, accessed 15 January 2004. See also Marc Champion, "Muslims Release Serbian Leader After Threats," *Independent* (London), 10 September 1991, available from Lexis-Nexis Universe, accessed 15 January 2004; Judy Dempsey and Laura Silber, "Bosnians Urge EC to Monitor Serb Incursions," *Financial Times* (London), 11 September 1991, available from Lexis-Nexis Universe, accessed 15 January 2004.

Given the particularly difficult Bosnian situation, it seems reasonable to expect that Sarajevo would face up to the choices of either foregoing independence or else preparing for a war to defend its goal of a sovereign, undivided Bosnia. Unfortunately, the international involvement provided Bosnia with a false sense of security and with a way out of taking responsibility in this difficult situation. Sarajevo chose neither to forego its goal of independence, nor to prepare for the likely war: Bosnia chose instead to rely on the international community to help win independence for all of Bosnia.

Furthermore, given the fact that the Serbian-Croatian conflict did indeed abate following Croatia's recognition, the impression was created that it was the international recognition that had ended the war by imposing a restraint on the Serbs.<sup>15</sup> Sarajevo officials began campaigning for recognition: when Europe proved resistant, Sarajevo turned to America. Bosnian Foreign Minister Haris Silajdzic said: "The best protection for us would be if the United States recognized us first."<sup>16</sup>

Washington was indeed sympathetic to the Bosnian cause of independence. In view of its own ethnically mixed society, America had an understanding for the challenges faced by Sarajevo. However, the Americans did not understand that the concepts of nationhood and statehood prevalent within the former Yugoslavia differed considerably from the American notions. Bosnia was a multinational republic of the former Yugoslavia based on national power sharing; it did not consider itself to be a

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<sup>15</sup> For an idea that recognition ended the war in Croatia, see, e.g., Noel Malcolm, *Bosnia: A Short History*, new updated ed. (Washington Square, N.Y.: New York University Press, 1996), 230.

<sup>16</sup> Foreign Minister Silajdzic quoted in Carol J. Williams, "Bosnian Official Pleads For U.N. Intervention; Yugoslavia: Foreign Minister of Republic Urges Peacekeeping Troops While There is Still Peace to Keep," *Los Angeles Times*, 1 February 1992, available from Lexis-Nexis Universe, accessed 14 December 1999.

multiethnic, civic state in the image of the United States, where nationality is being determined by belonging to a political, rather than ethnic, community.<sup>17</sup>

In addition, it is likely that superpower vanity and over-confidence in its ability to influence the outcome of events throughout the world also encouraged America's willingness to become involved in the Bosnia conflict. Privately, American officials admitted they were less concerned about the EC initiative to recognize Croatia than they were worried about a newly unified Germany and Europe's willingness to assert its preferences regardless of American approval. Washington feared that a future, more integrated Europe might refuse to subordinate its policy to American concerns and interests.<sup>18</sup> Thus, Washington wanted to regain the initiative by affirming that it would bring its policy in line with Europe and would recognize Croatia and Slovenia only after Europe had recognized Bosnia and Macedonia first. Thus, American officials told the media: "First the E.C. moves on these two [Bosnia-Herzegovina and Macedonia] and only then will the United States move on any or all."<sup>19</sup>

Underlying this American attitude was also a belief, based on the misreading of the end of the Croatian war of 1991, that the recognition of Sarajevo was essential to Bosnia's stability. American officials reportedly told reluctant Europeans:

"We think it's critical that you move with us with regard to Bosnia, because if we don't, we may have stopped a war in one location [Croatia], [but] we may now see a war, perhaps an even worse war, in the other [Bosnia-Herzegovina]."<sup>20</sup>

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<sup>17</sup> For the concept of nationhood in the former Yugoslavia, which differed considerably from the American concept of nationhood as a political community, see Chapter Two. The issue is also being discussed in greater detail later in this Chapter, in reference to American miscalculation regarding Bosnia's recognition.

<sup>18</sup> David Binder, "As Bonn Talks Louder, Some in the U.S. Wince," *New York Times*, 7 January 1992, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>19</sup> An American official quoted in David Binder, "U.S. Set To Accept Yugoslav Breakup," *New York Times*, 12 March 1992, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>20</sup> American official quoted in David Binder, "U.S. Recognizes 3 Yugoslav Republics as Independent," *New York Times*, 8 April 1992, available from Lexis-Nexis Universe, accessed 9 December 1999.

Thus, be it for moral reasons or the traditional concerns of *realpolitik*, Washington proved responsive to Sarajevo's demands. While Europe urged an agreement on Bosnia's internal partitioning prior to its recognition, Washington wanted to offer unconditional recognition to Sarajevo.

Europe resisted this American approach, as some European states believed—after their experience with the war in Croatia—that recognition would not promote stability unless there was also a plan on Bosnia's internal partitioning. Thus, as America urged recognition in order to uphold this republic's territorial integrity, European diplomats launched negotiations on the new constitutional arrangements for Bosnia that would permit its eventual partitioning. As negotiated under the Portuguese Presidency of the EC, the Lisbon agreement envisaged that Bosnia would be a state “composed of three constituent units, based on national principles and taking into account economic, geographic and other criteria.”<sup>21</sup>

According to American Ambassador Zimmermann, the Lisbon negotiations left Bosnian Serb leader Radovan Karadzic “ecstatic.”<sup>22</sup> Meanwhile, Bosnian President Izetbegovic grew deeply worried and told Zimmermann that the EC proposal “could create three states within Bosnia and amount to partition from within.”<sup>23</sup> The Bosnian President also added that the negotiations would fail, since it would be impossible to agree on new borders.<sup>24</sup> Such comments reinforced the American view that Bosnia had to be recognized soon in order to prevent the outbreak of the war over new borders.

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<sup>21</sup> For the text of the Lisbon agreement, see “Statement of Principles of 18 March 1992 for New Constitutional Arrangements for Bosnia and Herzegovina” [Lisbon Agreements], with Annexes, in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 1: 24-28, for the quote see, p. 24.

<sup>22</sup> Warren Zimmermann, *Origins of a Catastrophe: Yugoslavia and its Destroyers*, with updated preface and epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999), 189.

<sup>23</sup> Izetbegovic quoted in Zimmermann, *Origins of a Catastrophe*, 190.

<sup>24</sup> Zimmermann, *Origins of a Catastrophe*, 190.

Thus, despite its condemnation of Germany's action, Washington was to craft a policy on Bosnia that resembled the German policy on Croatia. America believed that the international recognition of Bosnia would promote stability by imposing, upon those who wanted to split away from Sarajevo, the existing Bosnian borders as the non-violable international borders.<sup>25</sup> The American Ambassador was later to describe the emergence of this Washington's policy on Bosnia's recognition as follows:

I cabled home my view that the time had come to move on recognition of Bosnia's independence. Heretofore I had used the specter of recognition tactically with the Serbs. Now I believed that it was time to take action. I recognized that this would be a major change in the U.S. position. I had backed, in fact had helped to create, the U.S. policy of nonrecognition of Croatia and Slovenia before the EC decision of December 17, 1991. But the Community's action had changed the whole political landscape. Now the Europeans had recognized Croatia and Slovenia, and Izetbegovic's Bosnia was threatened with isolation in a Milosevic-dominated "Serbo-slavia." To keep Bosnia in international limbo would increase that isolation and assist Serbian designs. Cutlerio's negotiations, though worth continuing, held out little hope. Either they would go in Karadzic's direction, as he had boasted to me, or he would simply string them out while illegally establishing more Serbian autonomous areas throughout Bosnia.

I believed that early Western recognition [of Bosnia], right after the expected referendum majority for independence, might present Milosevic and Karadzic with a *fait accompli* difficult for them to overturn.<sup>26</sup>

Zimmermann's views corresponded to those prevalent among the American decision-makers. Tom Niles, Assistant Secretary of State for European Affairs, also recommended Bosnia's recognition in a memo to Secretary of State James Baker, arguing that the recognition would "reinforce stability," while the non-recognition would leave

<sup>25</sup> Germany and America had many similar points in thinking; thus, Germany quickly rallied to the American position in 1992 and thereafter, often in opposition to France and Britain. Though Bonn felt obliged to support the European negotiations in Lisbon, it was privately unhappy with them and hence welcomed the American initiative to abandon the Lisbon negotiations in exchange for Bosnia's unconditional recognition. For the German dislike of the Lisbon agreement, see an account by a German official closely involved in managing German policy towards the former Yugoslavia in the 1990-1995 period: Michael Libal, *Limits of Persuasion: Germany and the Yugoslav Crisis, 1991-1992* (Westport, Conn.; London: Praeger Publishers, Greenwood Publishing Group, 1997), 92-93.

<sup>26</sup> Zimmermann, *Origins of a Catastrophe*, 191-192. One should also note that Zimmermann's words—"Heretofore I had used the specter of recognition tactically with the Serbs"—indicate that America—for all its criticism of Europe and Germany—initially thought of recognition in a similar manner: as a threat to be aimed at the Serbs, without seriously intending to carry out that threat.

Bosnia “vulnerable to political pressures and activities of radicals.”<sup>27</sup> Furthermore, Zimmermann’s views “coalesced” with the opinion of those concerned about recognizing “a government that met all the democratic tests.”<sup>28</sup> Lawrence Eagleburger, Assistant Secretary of State, argued that Macedonia and Bosnia had “representative” governments that had used a “democratic process to establish the groundwork for their... independence.”<sup>29</sup> According to Eagleburger, Bosnia and Macedonia deserved to be recognized because Sarajevo and Skopje—unlike Ljubljana and Zagreb—had pursued independence in a “peaceful and democratic manner.”<sup>30</sup>

The above thinking reveals that the American policy did not take into account Yugoslavia’s realities or the traditional concerns about recognizing new states; instead, the need to affirm new principles in the post-Cold War world took precedence. Like Europe, America’s priority was to sponsor peaceful change in formerly Eastern Europe, in disregard for the traditional tests predicting the stability of new states (e.g., government’s effective control over territory to be recognized as an independent state).<sup>31</sup> In this context, it should be noted that any decision towards recognizing the independence of Bosnia without the agreement of Belgrade would be a unilateral act that could not guarantee stability, even if the move were desirable for moral reasons and were to be undertaken by the Western powers acting in unity.

<sup>27</sup> Niles quoted in James A. Baker, III, with Thomas M. DeFrank, *Politics of Diplomacy: Revolution, War and Peace, 1989-1992* (New York: Putnam, 1995), 639-640.

<sup>28</sup> Zimmermann, *Origins of a Catastrophe*, 192.

<sup>29</sup> Eagleburger quoted in Baker, *Politics of Diplomacy*, 640.

<sup>30</sup> Ibid.

<sup>31</sup> For example, traditional tests included the concern that the government should be in effective control of the territory to be recognized as an independent state. In the light of such traditional concerns, Slovenia was probably the best and the only real candidate for recognition among the non-Serb republics. Yet, the American statement of recognition ranked the republics in the order they met the American criteria for recognition, with Bosnia coming first, and Slovenia coming last. Slovenia, obviously, upset Washington most, because Ljubljana could afford its radical moves and pursued a quick road to independence, unlike either Croatia or Bosnia. Secretary Baker in fact blamed Slovenia for triggering the Yugoslav civil war by deciding to take over the border posts, thereby provoking the YFA intervention. Macedonia was not recognized due to the Greek opposition. For Baker’s irritation with Slovenia, see Binder, “U.S. Set to Accept Yugoslav Breakup.” President Bush’s statement of recognition is cited subsequently in the text.

America did have some reservations regarding the recognition of Bosnia. But

Ambassador Zimmermann believed that the benefits outweighed the potential risks:

I conceded drawbacks to my proposal [on Bosnian recognition]. In the understatement of the year, I said, "I don't deny that there is some chance of violence if Bosnia wins recognition," but added my belief that "there is a much greater chance of violence if the Serbian game plan proceeds unimpeded."<sup>32</sup>

According to David Binder of *The New York Times*, who later interviewed the American officials previously involved in the Bosnian crisis, in 1992 the U.S. was pursuing the goal of Bosnian recognition, in contradiction to Europe's insistence upon the negotiations to partition Bosnia as well as Europe's refusal to recognize Bosnia before the Bosnian parties reached a final agreement. Bosnian President Izetbegovic told Zimmermann he had signed the Lisbon agreement under pressure from the Bosnian Serb and Croat delegations and, even more importantly, from Europe: the EC had conditioned its Bosnian recognition upon Sarajevo's acceptance of the Lisbon agreement.<sup>33</sup>

But now that conditionality would be lifted: America would offer unconditional recognition, thereby allowing Sarajevo to reject Lisbon and still achieve its goal of recognition. Thus, Sarajevo was being offered a way out of the agreement that the Serbs wanted and that Sarajevo detested. Following his talks with American Ambassador Zimmermann on 18 March 1992, during which Zimmermann offered unconditional recognition, Bosnian President Izetbegovic renounced the Lisbon settlement.<sup>34</sup>

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<sup>32</sup> Zimmermann, *Origins of a Catastrophe*, 192.

<sup>33</sup> David Binder, "U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992," *New York Times*, 29 August 1993, available from Lexis-Nexis Universe, accessed 9 December 1999. See also Zimmermann, *Origins of a Catastrophe*, 189-190.

<sup>34</sup> While some American officials stated that the policy was to "encourage" Izetbegovic to abandon the Lisbon agreement, Zimmermann denied that he had told Izetbegovic to break away from the plan. Nevertheless, Zimmermann's own words dropped a hint, to say the least: "He [Izetbegovic] said he didn't like it [Lisbon]...I told him, if he didn't like it, why sign it?" Zimmermann quoted, alongside other American officials, in Binder, "U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992." See also Zimmermann, *Origins of a Catastrophe*, 190.

Almost immediately, violence erupted in Bosnia. Though Europe soon forced Izetbegovic to reconfirm his original commitment to the Lisbon principles, the armed conflict nonetheless continued to escalate throughout Bosnia. Meanwhile, the peace talks collapsed over disagreements on new borders, as the Serbs rejected the maps of proposed territorial division. Under such circumstances, America coaxed a reluctant Europe into recognizing Bosnia on 6 April 1992. The following day, America recognized Bosnia-Herzegovina, Croatia, and Slovenia, having accepted “the pre-crisis republic borders as the legitimate international borders.”<sup>35</sup>

On 8 April 1991, Jose Maria Mendiluce, the UNHCR representative in the former Yugoslavia, had happened to be on the Serbian-Bosnian border. He later recounted with horror Day Two of Bosnia’s internationally recognized independence:

When I arrived at the bridge [over the Drina River, which separates Serbia from Bosnia] I could hear explosions of artillery and mortar fire. There was great agitation on the Serbian side. Almost a kilometer from the bridge there were militiamen and JNA [YFA] soldiers, all along the river. The whole area was militarized. I insisted on being allowed to cross the bridge. They let me pass at my own risk. I went over to the Bosnia side....

I realized I was at serious risk. I could see trucks full of dead bodies. I could see militiamen taking more corpses of children, women and old people from their houses and putting them on trucks. I saw at least four or five trucks full of corpses. When I arrived the cleansing had been done. There were no people, no one on the streets. It was all finished. They were looting, cleaning up the city after the massacre. I was convinced they were going to kill me.<sup>36</sup>

America had seriously miscalculated, its actions producing an effect opposite from the one intended. Far from reinforcing stability, preventing or containing the

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<sup>35</sup> United States of America, President, Statement, “[President Bush’s Statement on the Recognition of Bosnia and Herzegovina, Croatia and Slovenia],” Washington, D.C., 7 April 1992, Document No. 174 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 521-522. For European recognition, which took place a day earlier, see European Communities (EC), [Council of Ministers], “[EC Declaration on Recognition of Bosnia and Herzegovina],” Luxembourg, 6 April 1992, Document No. 173 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 521.

<sup>36</sup> Mendiluce quoted in Silber and Little, *Yugoslavia*, 223.

conflict, the Bosnian recognition precipitated a high-intensity, brutal war that tore apart Bosnia. The American-led recognition was the first serious miscalculation that substantially worsened the conflict, making the weakest side even more vulnerable--an important risk and responsibility for coercive peacemakers to understand when undertaking peacemaking.<sup>37</sup>

Zimmermann, however, argued that America did not miscalculate, and that the Bosnian recognition was not a mistake: his line of reasoning emphasized that Belgrade had planned the war long before America took decision to recognize Bosnia:

The decision [to recognize Bosnia] has been controversial in light of the Serbian aggression that followed it. It needn't have been. Milosevic and Karadzic had been embarked [sic] for nearly a year on a comprehensive strategy to tear away two-thirds of Bosnia and incorporate it into Serbia ("Yugoslavia"). Western recognition didn't provoke that aggressive strategy, nor would the lack of Western recognition have deterred it, as Serbian propagandists charge.<sup>38</sup>

It is true that the Serbian leadership had already devised a plan to subdue Bosnia—under the codename “Ram”—in the fall of 1991. However, Ram’s existence, revealed by the independent Belgrade media more than three months before Croatia’s recognition, and more than six months before Bosnia’s recognition, should have been

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<sup>37</sup> The second serious miscalculation came in 1999, during the Kosovo crisis. Regrettably, the 1992 miscalculation had not received sufficient scholarly attention or public scrutiny; a year later, America joined the French and the British in laying the blame on Germany and the recognition of Croatia that allegedly led to the Bosnian civil war. The failure to examine past mistakes paved the way for the events of 1999, when America was to miscalculate again with respect to Serbia and precipitate Serb attacks against Kosovo Albanians. For more on the second American miscalculation, see Chapter Eight.

<sup>38</sup> Zimmermann, *Origins of a Catastrophe*, 192. Zimmermann’s account has many inherent contradictions; the above citation is one example. Provided that American recognition of Bosnia did not precipitate the Bosnian war, as affirmed by Zimmermann, it is not clear why the Croatian recognition was wrong: it could not have had an influence on the Bosnian war that was provoked, so we are told by Zimmermann, by the Belgrade leadership’s long-prepared strategy of aggression. Yet, Zimmermann would devote lengthy passages of his book to the supposedly inherent wrongs of the timing and terms set for Croatian recognition and its bad influence on Bosnia, even as he maintained that the Bosnian war had been determined long ago by the Belgrade leadership rather than shaped by international events, American-led recognition included. In fact, Zimmermann’s reasoning makes sense only if one reads his account as a defense of American foreign policy: non-recognition of Croatia, and early recognition of Bosnia. For Zimmermann’s negative view of Croatian recognition, see, e.g., Zimmermann, *Origins of a Catastrophe*, 173, 176-177.

acknowledged by the American leadership as one more warning sign of what could happen if Bosnia were to move to independence in disregard of the Serb will.<sup>39</sup>

One reason why the American leadership miscalculated was that it misunderstood the Croatian war of 1991. The conflict de-escalated in Croatia following its recognition; the American assumption had, therefore, been that recognition of Bosnia would have a similarly positive effect. According to a German official closely involved in the crisis,

All those who jointly took this decision [to recognize Bosnia] cherished the hope that the internationalization of the Bosnian issue ensuing from recognition would, as in the case of Croatia, have a dampening effect on Serb aggressiveness.<sup>40</sup>

However, this international plan remained unrealized and provoked the situation it had hoped to avoid: conflict escalation. The reasons for this unfavorable outcome lay in the fact that the circumstances of Bosnia differed from those of Croatia. The recognition of Croatia came at a time when the war in Croatia was over as far as Serbia was concerned: Croatia's recognition came after Serbia had established its control over the "Serbian areas" in Croatia. Instead of planning more fighting, Belgrade eagerly awaited the arrival of a UN peace force that would freeze the situation on the ground to Serb benefit, hoping that the UN deployment would deter the Croats from retaking these areas.

Thus, the recognition of Croatia did not, as had been assumed in 1992, moderate the Serbian behavior; instead, the recognition moderated Croatian behavior. In exchange for the German-led recognition, Zagreb agreed to the UN deployment under the Vance plan, despite considering its terms unfavorable. Zagreb also gave up, for the time being,

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<sup>39</sup> For the revelation of the Serbian plan to subdue Bosnia ('Ram') well before international recognition of Bosnia, see Laura Silber, "Transcript Reveals Milosevic Link to Yugoslav Army," *Financial Times* (London), 30 September 1991, available from Lexis-Nexis Universe, accessed 10 December 1999.

<sup>40</sup> Libal, *Limits of Persuasion*, 145. Michael Libal was the Head of the Southeast European Department at the German Foreign Ministry and was responsible for the daily handling of the German policy towards the former Yugoslavia during the 1991-1995 period; in this capacity, he was also responsible of coordinating the German position with the common European guidelines regarding the former Yugoslavia.

its option of self-defense: it decided to let the YFA withdraw, with all its weapons, from Croatia to Bosnia, as demanded by both Serbia and the Western powers.<sup>41</sup>

The Bosnian recognition, on the other hand, came at the early stage of the crisis, before Serbia had secured its actual control over territories and before Sarajevo agreed to a peace plan analogous to the Vance plan for Croatia. When Bosnia was recognized there existed no Bosnia peace plan that had a promise of turning the Serbian plans into reality.

Washington argued that Germany was responsible for the Bosnian war because it had set a precedent with the Croatian recognition that America felt obliged to follow.<sup>42</sup> However, Washington is responsible for its own decisions. Furthermore, Washington did not really follow the Croatian precedent. Instead, America recognized Bosnia in order to prevent violence and urged the abandonment of the peace plan that had the Serb support.

Moreover, it was not the Bosnian recognition *per se* that triggered the war: rather, it was the fact that the Lisbon principles of settlement (i.e., Bosnia's partitioning) were discarded in exchange for the recognition of a unitary Bosnia under the Muslim-led Sarajevo government. The Serbs launched the war as soon as President Izetbegovic renounced the Lisbon principles, escalating even more so in the aftermath of recognition, in the hope its actions would force the international community to accept the reality of Bosnia's division. In other words, the Serbs wanted to force the international mediators to return to the Lisbon principles, which Sarajevo had rejected in response to American encouragement and offer of unconditional recognition.

Accordingly, in their talks with international officials, the Belgrade leaders did not complain about the Bosnian recognition *per se*, but about the fact that it was "premature"—or carried out before there was an agreement on Bosnia's division. Thus,

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<sup>41</sup> For details, citations from documents, and references, see Chapter Four.

<sup>42</sup> Zimmermann, *Origins of a Catastrophe*, 191.

while meeting with UN Secretary-General Boutros Boutros-Ghali, Borisav Jovic

deplored a lack of initiative to continue with the Lisbon negotiations:

The EC has made a big mistake in that it did not initiate further talks among the three constitutive national communities [in Bosnia], but has worsened the situation with its premature recognition. However, recognition was carried out and must be accepted as a fact while we look for an acceptable political solution.<sup>43</sup>

In other words, as in the case of Croatia, so in the case of Bosnia as well, Belgrade did not oppose independence for Bosnia—it “only” wanted an agreement on the new borders and demanded that the recognition be deferred until Zagreb and Sarajevo consented on new borders that satisfied the Serbs. From the Serb perspective, the Lisbon settlement would have ensured a peace in Bosnia, as it held a promise that the Bosnian Serbs could eventually split away from Sarajevo without having to wage a war.

Thus, America miscalculated because it urged Sarajevo to abandon the Lisbon principles, believing that the unconditional recognition of a unitary Bosnia would have imposed a solution and deterred the war aimed at dividing Bosnia. Washington’s actions precipitated the Bosnian war to the degree that its particular decision led to the execution of the plans that the Serbs had drawn in the previous months, during the war in Croatia.

Already on 5 December 1991, Jovic and Milosevic came up with a strategy, taking a decision that would prove fatal for Bosnia later:

We [Milosevic and Jovic] have analyzed the situation before the recognition, most probably imminent, of Croatia and Slovenia, and the recent European Community calls addressed to all the republics to split away from Yugoslavia.<sup>44</sup> We believe that Bosnia-Herzegovina and Macedonia will also be

<sup>43</sup> Borisav Jović, *Последњи Дани СФРЈ* (Last Days of SFRY), 2<sup>nd</sup> ed. (Kragujevac, Serbia: Prizma, 1996); for the quote, see Jovic’s diary entry for 12 April 1992, p. 442; emphasis added in underlying by the author of this study. Borisav Jovic was one of the key Serbian decision-makers in 1991, and he published his diary in 1995. Unless otherwise noted, all citations from Jovic—usually identified as “Jovic’s diary entry”—are translated from Serbian and Cyrillic into English by the author of this study. See also the report of Jovic’s meeting with UN Undersecretary Vladimir Petrovski, in Jovic’s diary entry for 12 April 1992, p. 441.

<sup>44</sup> In late 1991, the EC was negotiating a break-up of Yugoslavia (the Carrington peace plan), eventually coming up with guidelines for recognizing new states, in the hope of imposing standards of acceptable international behavior, such as respect for the existing borders in Europe. Hence, all the republics of the

recognized soon, and we are analyzing our position in the light of these upcoming events.

Macedonia is a simple matter. There is no danger of ethnic conflict. Serbs are not endangered. If Macedonia wants to secede, we must reach a settlement on the withdrawal of the army and the division of the military property.

On the other hand, Bosnia-Herzegovina is a big problem. The conflict among nations has already started. The Muslims and the Croats abandoned JNA [YFA] and formed their own paramilitary formations. The JNA is practically composed of Serbs and Montenegrins only, but coming from all the Serbian lands [i.e., Serbia, Montenegro, Bosnia, and Croatia]. When Bosnia-Herzegovina is internationally recognized, JNA will be declared a foreign army and will be told to withdraw, which cannot be avoided. In this situation, the Serb population in BIH [Bosnia-Herzegovina], which did not form its own paramilitary units, will be unprotected and endangered.

Sloba [Slobodan Milosevic] thinks that we should recall, from the JNA in Bosnia-Herzegovina, all citizens of Serbia and Montenegro, and send all citizens of Bosnia-Herzegovina there. In this way, we will avoid a chaos created by soldiers having to cross from one republic [Serbia] into another [Bosnia] when international recognition comes. This will also enable the Serbian leadership in Bosnia-Herzegovina to take over command of the Serbian part of the JNA...

We immediately call Veljko Kadijevic [Yugoslav Army Chief] to join our conversation. Sloba tells him, simply, to redeploy the Army—all soldiers originating from Bosnia-Herzegovina should be redeployed there, and vice versa [all soldiers from Serbia and Montenegro should be moved to their mother republics]. We tell Veljko that this redeployment is strategically and politically indispensable.<sup>45</sup>

Several weeks later, on 24 December 1991, YFA Chief Kadijevic informed

Serbia's leaders that about 90 percent of the YFA had been redeployed in accordance

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former Yugoslavia and the former Soviet Union could "apply for" recognition, regardless of whether internal political conditions for independence have been met, such as an agreement on independence move among various ethnic groups, central government's effective control over territory, etc. For these guidelines, see European Communities (EC), [Council of Ministers], "[EC Declaration Concerning the Conditions for Recognition of New States] Adopted at the Extraordinary EPC Ministerial Meeting," Brussels, 16 December 1991, Document No. 144 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 431-432; also available as UN Doc. S/23293, Annex I. See also Chapter Four, which gives details regarding this EC recognition policy.

<sup>45</sup> See Jovic's diary entry for 5 December 1991, p. 420.

Jovic's diary, which concerns the 1989-1992 period, is now being used by the officials of the International Criminal Tribunal for the Former Yugoslavia in the proceedings against Slobodan Milosevic. As in all other citations from Jovic, this citation was also translated, from Serbian and Cyrillic, into English by the author of this study; for a comparable translation, see excerpts from Jovic's diary published in English by a journal of the Institute for International Relations of Zagreb: Dušan Bilandžić, review of *The Last Days of the SFR Yugoslavia: Extracts from a Diary*, by Borisav Jović, *Croatian International Relations Review* (Zagreb) 2, no. 3 (April-June 1996): 31-35, for the relevant quotes, see pp. 34-35.

with the agreement of 5 December 1991, adding that only about 10 to 15 percent of the YFA personnel in Bosnia was non-Bosnian.<sup>46</sup>

Thus, as the international community, believing it was helping peace, pressured Zagreb into lifting the blockades against the YFA facilities, the YFA withdrew with weapons into Bosnia to regroup and transform itself into the Bosnian Serb Army.<sup>47</sup> This move helped create the situation in which the YFA units in Bosnia included those most motivated to fight against Sarajevo: the Bosnian Serbs. The war in Bosnia thus became the Bosnian civil war rather than Belgrade's aggression against Bosnia: Belgrade feigned its indifference and claimed to have no influence over the Bosnian Serbs.<sup>48</sup>

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<sup>46</sup> See Jovic's diary entry for 25 December 1991, p. 421. The YFA was meant to be an all-Yugoslav institution designed to promote the Yugoslav policy of "brotherhood and unity." For that reason, the conscripts from Serbia were more likely to serve outside of Serbia (i.e., in Bosnia, Croatia, or Slovenia). By the late fall of 1991, the YFA had already largely disintegrated and had included the overwhelming majority of Serbs and Montenegrins. Nevertheless, its professional soldiers, conscripts, and mobilized reserve soldiers were still deployed outside their republics. In other words, many Bosnian Serbs were in YFA units in Serbia and Macedonia, while YFA units in Bosnia-Herzegovina included Serbs from Serbia. After the YFA internal restructuring in accordance with the Serbian plan outlined in the text above, the YFA in Bosnia consisted of the Bosnian Serbs, who would be more motivated to fight against Sarajevo than would Serbs from Serbia, Vojvodina, or Montenegro. That point seemed crucial in view of the YFA's low morale during the war in Croatia, when the mobilized soldiers from Vojvodina and Serbia proper were reluctant to respond to the call for mobilization or would flee from the battlefield in Croatia. For these alarming reports on the state of the YFA in the fall of 1991 (i.e., during the Croatian war), see Jovic's diary entries for the period 12-28 September, pp. 383-391; see also Chapter Four.

<sup>47</sup> For the EC and NATO statements that explicitly called on Croatia to lift the blockades of the YFA facilities and permit the YFA withdrawal from Croatia (into Serbia and Bosnia), see, e.g., European Communities (EC), [Council of Ministers], "[EC] Declaration on Yugoslavia," The Hague, 18 October 1991, Document No. 123 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 356-357 (also available as UN Doc. S/23155, Annex); North Atlantic Treaty Organization (NATO), "Statement Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council," Rome, 8 November 1991, Document No. 129 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 380-381. See also "Geneva Accord," 23 November 1991, Document No. 134 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 412-413; also available as UN Doc. S/23239, Annex. The international pressure exerted on Croatia to lift the blockades against the YFA facilities in Croatia has been extensively discussed and annotated in the previous chapters, and some of the international texts to this effect have been cited in Chapters Three and Four.

<sup>48</sup> Milosevic appearances, in which he feigned indifference, were part of the deception that Serbia was running against America. Serbia would thus claim that American condemnation of and, later, sanctions against Serbia were unjust because Serbia's citizens had been withdrawn from the YFA units in Bosnia. Milosevic would ironically ask Zimmermann, "Should I be blamed if Serbs are responsible for violence in

America was completely unaware of this well planned Serbian deception.

According to American Ambassador Zimmermann,

We knew that in addition to its direct support for the Bosnian Serbs since the spring of 1991, the JNA [YFA] leaders had infiltrated fresh troops into Bosnia from Slovenia and Croatia, as the wars in those republics ended. What we didn't know was that in early 1992 they began to transfer out of Bosnia all soldiers who were not Bosnian Serbs and bring in Bosnian troops from other parts of Yugoslavia. The result, by the time fighting began in Bosnia in the spring of 1992, was a formidable Bosnian Serb army [placed under the command of Karadzic and Mladic], soon to grow to a strength of eighty to ninety thousand. This cynical masterstroke, the joint conception of Milosevic and JNA, gave the Bosnian Serbs the immense military advantage over the Croats and Muslims that sustained their victories and their atrocities over three years.<sup>49</sup>

The outbreak of the war in Bosnia has the elements of a “strategic surprise attack.” The surprise lies in the strategy rather than the tactics, and the attack is highly detrimental and of major consequence to the outcome. Several well-researched case studies confirm that the main reason for a surprise does not lie in a lack of a relevant piece of information being available but, instead, in the tendency to dismiss warning signs as insignificant within a given analytical framework: it is only in retrospect that such signs prove meaningful.<sup>50</sup>

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Chicago?” (Zimmermann, *Origins of a Catastrophe*, 193). For Milosevic's pretense of being unconcerned about Bosnia and its Serbs, see Zimmermann, *Origins of a Catastrophe*, 179, 193-200.

<sup>49</sup> Zimmermann, *Origins of a Catastrophe*, 185-186. Zimmermann's account, which is correct on what the Serbia did in Bosnia, contains several mistakes. The YFA did not begin restructuring in the early spring of 1992, as asserted by Zimmermann. Instead, the YFA began its restructuring in Bosnia, as evident from Jovic's diary entries previously cited, in early December 1991--not as a consequence of the end of the war in Croatia, as Zimmermann said above--but as the result of the international pressure placed upon Zagreb to lift its blockades against the YFA facilities and to permit the YFA withdrawal into Bosnia. The YFA restructuring in Bosnia, as evident from the previous citations in the text, was completed by the end of December 1991—the event had taken place about four months before America recognized Bosnia.

<sup>50</sup> For military theory on surprise attack and historical case studies, see Klaus Knorr and Patrick Morgan, eds., *Strategic Military Surprise: Incentives and Opportunities*, with contributions by Michael Doyle, Michael Handel, and Richard Betts (New Brunswick, N.J.; London: Transaction Books, 1983). See also a well-done study on the Yom Kippur War, a famous case study of a strategic surprise attack, as well as an analysis of deception and intelligence failure: Michael I. Handel, *Perception, Deception and Surprise: The Case of the Yom Kippur War*, Jerusalem Papers on Peace Problems, no. 19 (Jerusalem: The Hebrew University, Leonard Davis Institute for International Relations, 1976). For intelligence failure and surprise, see Abram N. Shulsky, *Silent Warfare: Understanding the World of Intelligence*, 2<sup>nd</sup> rev. ed., revised by Gary Schmitt, with a foreword by Roy Godson, Intelligence and National Security Library, ed. Roy Godson (Washington, D.C.; New York; London: Maxwell Macmillan-Brassey's, 1993). How coercive diplomacy can lead to a surprise attack, see the case study of Pearl Harbor in Alexander L. George, *Forceful*

America had more than enough information indicating that the Serbs would launch a war, despite a lack of information about the YFA transformation into a Bosnian Serb Army. America, however, chose to disregard the warning signs.

The behavior of the YFA in Croatia and Bosnia during the Croatian war of 1991 should have left little doubt about the upcoming war in Bosnia if Sarajevo were to choose independence without permitting the secession of the Bosnian Serbs. The almost seven months of the Serbian war against Croatia--in which the Bosnian Serbs had fought alongside the Croatian Serbs, while the YFA intervened only on the side of the Serbs — did not bode well for Bosnia. Furthermore, it was illogical for American decision-makers to entertain the idea that the YFA would protect peace in Bosnia when they were aware of the YFA's attacks on Dubrovnik, Vukovar, and other Croatia's cities.<sup>51</sup>

Moreover, in almost every meeting with Western officials in the fall and winter of 1991, Croatian officials warned that the Western policy, which insisted on the lifting of the YFA blockades in Croatia and the YFA's withdrawal into Bosnia, would lead to bloodshed in Bosnia. Zagreb warned that the YFA would regroup and attack Bosnia—an outcome that seemed predictable also in view of the existence of the Serbian plan "Ram," which was revealed well before the YFA was to withdraw from Croatia into Bosnia.<sup>52</sup>

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*Persuasion: Coercive Diplomacy as an Alternative to War*, with a foreword by Samuel W. Lewis (Washington, D.C.: United States Institute of Peace, 1991), 21-23. America miscalculated again in 1999 and was surprised by the Serb strategic surprise attack upon the Kosovo Albanians. Some of the authors mentioned here are cited in Chapter Eight, which draws some parallels between the Serbian responses to the Bosnian peacemaking of 1992 and the Kosovo peacemaking of 1999, respectively.

<sup>51</sup> For these Croatia events and references, see Chapters Three and Four. See also Traynor and Vulliamy, "Army Pours In Despite New Croatia Ceasefire;" Champion, "Muslims Release Serbian Leader After Threats;" Dempsey and Silber, "Bosnians Urge EC to Monitor Serb Incursions."

<sup>52</sup> For the revelation of the Serb intention to attack Bosnia, a revelation that was made public well before the international recognition of Bosnia, see Silber, "Transcript Reveals Milosevic Link to Yugoslav Army." For Croatian warnings that the YFA withdrawal would lead to the Bosnia bloodshed, see Yves Heller, "Yougoslavie: Tandis que lord Carrington tente d'obtenir un nouveau cessez-le-feu La Croatie met en garde contre l'extension de la guerre a la Bosnie-Herzegovine," *Le Monde* (Paris), 15 November 1991, available from Lexis-Nexis Universe, accessed 15 December 1999. See also Tomac, *Iza zatvorenih vrata*, 121-122 (citation follows later in the text). See also Chapter Four, which shows some of the international pressure placed upon Zagreb to lift the blockades and permit the YFA withdrawal into Bosnia.

Furthermore, the Bosnian Serbs refused to participate in the Bosnian independence referendum in the spring of 1992, demanding, instead, Bosnia's partitioning. Moreover, because the Muslim and Croat deputies voted for the Bosnian sovereignty decision in the fall of 1991, the Bosnian Serb delegates left the Sarajevo Parliament, warning that Bosnia would descend into a war like Croatia.<sup>53</sup>

And finally, several months before the Bosnian recognition, the American Ambassador was warned that the YFA disapproved of Sarajevo's move towards independence. When Zimmermann tried to urge greater understanding for the position of Sarajevo, YFA Chief Kadjevic responded as follows:

You can follow the road of Germany with its early recognition policy; that road leads to bloodshed. Or you can follow Vance's road in search of a comprehensive political solution; that road leads to peace.<sup>54</sup>

Following "Vance's road" in the Bosnian context meant that, in the Serbian understanding, America should have supported the Lisbon negotiations on dividing Bosnia as a way to guarantee Bosnian peace. Instead, America encouraged Sarajevo to renege upon its commitment to the Lisbon agreement by offering unconditional recognition for a single Bosnia within its existing borders.

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<sup>53</sup> The Bosnian Serbs warned of a threat of war as soon as Bosnia made a step towards independence. When the Bosnian Parliament—against the opposition of the Bosnian Serb delegates—was to proclaim Bosnia's sovereignty in October 1991, the Bosnian Serb deputies walked out of the Bosnian Parliament. At that time, Bosnian Serb leader Karadzic said that Bosnia would descend "into a hell." Furthermore, the Bosnian Serbs threatened to partition Bosnia when Sarajevo decided to apply for EC recognition and hold an independence referendum. However, the Serb threats did not materialize at the time of the referendum because Europe engaged Sarajevo in the Lisbon negotiations, whose successful conclusion was of great importance to the Bosnian Serbs. For the Serb threats, see Judah and McElvoy, "Bosnian Sovereignty Vote Widens Rift;" "Bosnia Warns It Won't Be Divided," *Courier-Mail*, 17 October 1991, available from Lexis-Nexis Universe, accessed 16 January 2004; "Serbs Threaten Bosnia with Violent Breakup," *Toronto Star*, 25 January 1992, available from Lexis-Nexis Universe, accessed 16 January 2004.

<sup>54</sup> Kadjevic quoted in Zimmermann, *Origins of a Catastrophe*, 185. The meeting took place on 6 January 1992, or a week before Croatia's recognition and three months before Bosnia's recognition.

Thus, there were many warning signs, and it was not a lack of relevant information that was responsible for the American miscalculation; instead, the problem lay in the analytical framework in the light of which warning signs had been dismissed.

It is highly probable that America miscalculated because it projected an idealized version of its own history and present-day society onto Bosnia's realities. Americans tend to forget their own history of violent nation-building; instead, they tend to view other countries' identity disputes in terms of their own present-day experiences of building a multiethnic diverse society. Yet, this American model is highly inappropriate to the existential identity conflicts in the former Yugoslavia.

Identity strains in today's America are not comparable to the sovereignty disputes in the former Yugoslavia. America's ethnic tensions are generally no longer over sovereignty, security, or land, as opposed to the conflicts in Bosnia or Kosovo. Thus, American ethnic disputes are rarely existential in nature, a divisive element of identity conflicts in the former Yugoslavia (and the Middle East), as already pointed out in Chapters One and Two. Instead, American domestic strains have been over the scope of rights and equal opportunity for its different ethnic groups; these groups do not dispute their overarching American identity and do not seek to break away from Washington.

On the other hand, the Bosnian dispute has not been over equality and the scope of rights for Bosnia's Serbs, Croats, and Muslims. Instead, the very idea of a common Bosnian identity has been disputed by the majority of its Serbs and a considerable number of its Croats, who cannot agree, for example, on the common Bosnian citizenship. The focus of Bosnian Serbs has not been how to achieve more equality within the Bosnian system, but how to break away from Sarajevo.

Bosnia has never been “multiethnic;” the term itself was unknown in Titoist Yugoslavia. The Bosnian citizens never truly formed one political community. Instead, Bosnia was a multinational state: political power was shared by three Bosnian nations, each with a distinct identity, and some with strong allegiance to the neighboring states.

The American projection of its wishful thinking about Bosnia—the thinking that is at least partially responsible for Washington’s miscalculation—is evident from the American depiction of the Bosnian conflict in terms of “racism;” frequent allusions that the American “melting pot” values were at stake in Bosnia; and an inconsistent treatment of the Croatian and the Bosnian problems by American diplomats like Zimmermann. The American Ambassador portrayed the secessionist Bosnian Serbs as nationalists who wanted to create an “apartheid” regime in Bosnia because they were “just angry” at the “democratic” process which had turned them into a “minority.” At the same time, Zimmermann saw the Croatian Serbs as “abused” and “traumatized,” with justified fears of Croatian independence in view of Croatia’s Ustashi past, fears that had been dislodged, according to Zimmermann, by Croatia’s “authoritarian” leadership, which also sought to “humiliate” the YFA.<sup>55</sup>

It looks as if America expected that Bosnia’s experience would be different than Croatia’s because the Bosnian Serbs could be induced to live under a government that American diplomats saw, in contrast to their perception of Croatia, as being “democratic,” “representative,” and “multiethnic.”

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<sup>55</sup> Such descriptions and insinuations permeate the memoirs of the last American Ambassador to Titoist Yugoslavia: Zimmermann, *Origins of a Catastrophe*; see, in particular, pp. 74-76, 95, 139, 159-160, 175, 176, 184, 196, 218. See also Warren Zimmermann, “The Balkan Imperative; Why It’s Up to America to Save A [capitalized, sic] Besieged Multi-Ethnic Society,” *Washington Post*, 24 April 1994, available from Lexis-Nexis Universe, accessed 9 December 1999. See also Chapter Seven, which revisits the problem of how and why America misunderstands the Balkans and, hence, comes up with an inappropriate policy.

However, the above views do not correspond to the actual history or to the 1991 circumstances in Croatia and Bosnia.

During World War II, Bosnia was included in the Independent State of Croatia, and the Bosnian Muslims fought alongside the Croats in the Ustashi formations. Some Bosnian Muslims eventually created their own formations, such as the Thirteenth SS (Handžar) Division, composed entirely of Bosnian Muslim volunteers and notorious for its atrocities over the Serbs. Given its proximity to Serbia, Bosnia also had the Serb Chetniks on its territory, even more so than did Croatia; the Serb Chetniks committed atrocities against the Muslim and Croat civilians. As a result of the activities of several armies operating on Bosnian territory during World War II, most importantly the Muslim/Croat Ustashi, the Serb Chetniks, and the multinational Tito's Partisans, Bosnia suffered huge civilian losses—more than any other republic of the former Yugoslavia.<sup>56</sup>

In brief, there is no reason to suppose that Croatian history was “traumatic,” while Bosnian was not; if the prospects of a peaceful change were to be predicted by looking at a country's history, there is no reason to suppose that the change in Bosnia would be any more peaceful than the change in Croatia. In fact these double standards that typify the attitudes of the American diplomats and journalists seem to project American wishful thinking that highly mixed states like America and Bosnia--unlike more ethnically homogenous states like Croatia--are the product of consensual, peaceful nation-building.

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<sup>56</sup> A total of 174,000 Bosnian civilians were killed during World War II, of which 85,000 died in prisons and labor camps, including the Ustashi-run camp of Jasenovac. The number of the Bosnian victims at the Ustashi prisons and labor camps (85,000) is almost twice as high as that of Croatia; the latter lost altogether 48,000 citizens to prisons and labor camps, Jasenovac included. Furthermore, it should be noted here that, during World War II, Bosnia lost more people (316,000) than did either Croatia (271,000) or Serbia (273,000). During World War II Bosnia lost altogether 164,000 Serbs, in addition to 64,000 Croats and 75,000 Muslims. For the World War II casualty figures, see Vladimir Žerjavić, “The Losses of Yugoslav Population in the Second World War,” in *Geopolitical and Demographic Issues of Croatia*, ed. Ivan Crkvenčić and Mladen Klemenčić, translated by Ellen Elias-Bursač et al., Geographic Papers, ed. Andrija Bognar, no. 8 (Zagreb: University of Zagreb, Department of Geography, 1991), 96-97, 100. See also historical part in Chapter Two.

They reveal the American need to validate the myth that America emerged out of a peaceful accommodation of differences, instead of a violent, repressive nation-building and the imposition of the dominant Anglo-Saxon identity upon other cultures and diverse peoples, as well pointed out by Benjamin Schwarz.<sup>57</sup>

Accordingly, a number of pro-Bosnian advocates have de-emphasized the Bosnian history of disunity. They have disregarded that the Ottoman Bosnia had been harsh to non-Muslim minorities and have failed to convey the seriousness of the bloodshed in Bosnia during World War II. Furthermore, they have often disregarded Serb (or Croat) insecurity vis-à-vis Bosnia's history even as they, paradoxically, have emphasized these points with respect to Croatia.<sup>58</sup>

Moreover, Zimmermann's vision of "traumatized" Serbs breaking away from a "nationalist" Croatia, as opposed to "nationalist" Serbs breaking away from a "multiethnic" Bosnia, reflected American policy-making divorced from the realities of the former Yugoslavia. Whatever differences may have existed between Zagreb and Sarajevo, the truth is that the Serbs in Croatia and Bosnia did not view themselves as being "Croatian" or "Bosnian," each with a distinct identity, grievance, or history. Instead, the Croatian and Bosnian Serbs who wanted to split away from Zagreb and Sarajevo considered themselves first and foremost to be "Serbs:" they wanted to remain

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<sup>57</sup> For an excellent article, which exposes Zimmermann's moral rhetoric about "multiethnic" Bosnia as American insecurity over its own history of repressive nation-building, see Benjamin Schwarz, "The Diversity Myth: America's Leading Export," *Atlantic Monthly*, May 1995, 67. The problem will be revisited in Chapter Seven, which also includes citations from Schwarz.

<sup>58</sup> For an idyllic view of Bosnia's history that de-emphasizes past disunity and bloodshed, and calls for a military intervention to restore "multiethnic" Bosnia, see Robert J. Donia and John V.A. Fine, Jr., *Bosnia and Hercegovina: A Tradition Betrayed* (New York: Columbia University Press, 1994), particularly pp. 220-221, 280; Malcolm, *Bosnia*, particularly pp. 234, 251. It should be noted that Malcolm has written a history of Bosnia without mentioning the total World War II casualties for the Bosnian Serbs, Croats, and Muslims, and without paying attention to the victims of the Ustashi concentration camp of Jasenovac, in which a large number of Bosnian citizens died. For a Serb rejection of Malcolm's history of Bosnia, see a review written by a Serb historian: Aleksa Djilas, "Imagining Kosovo: A Biased New Account Fans Western Confusion," review of *Kosovo: A Short History*, by Noel Malcolm, *Foreign Affairs* 77, no. 5 (September/October 1998): 124-131.

in Yugoslavia, or else Serbia, and continue to live under the authority of Belgrade, rather than that of Zagreb or Sarajevo. Serbs' previous acceptance of life in Croatia and Bosnia had been based upon the premise that they would be living in a common (Yugoslav) state with Serbia. From their perspective, the Croatian and Bosnian boundaries lacked the legitimacy of state borders; only Yugoslavia was a legitimate state in their eyes.

In other words, as argued in Chapter Two, the problems among nations within Yugoslavia were not of recent making, fueled by the "ethnopolitics" of leaders at the time of the crises; instead, the problems were tied to the long-standing differences involving disputants' irreconcilable perspectives on nationhood, borders, history, and justice. These perspectives reflected the insecure identities and nationalist mythmaking, which lurked behind the façade of unified Titoist Yugoslavia.

The Serbian perspective that Yugoslavia's internal borders were irrelevant was fully visible in the pattern of the Serbian argument presented before the Badinter Arbitration Commission. Serbia did not make any essential distinction between Bosnia and Croatia that would have supported Zimmermann's assumption that Bosnia's independence move in 1992 would be any more peaceful than Croatia's had been in 1991. Serbia had contested the Badinter opinion that upheld the existing borders among the Yugoslav republics (*uti possidetis juris*); instead, Belgrade argued that only "nations" (i.e., not republics) were entitled to "self-determination up to secession." According to Belgrade, such purported right to self-determination did not apply to multinational federal units such as Croatia or Bosnia, where the Serbs were in the position of a "constitutive nation." Demanding the Serb right to split away from Zagreb and Sarajevo, Belgrade had argued that neither Croatia nor Bosnia should be recognized without a "prior negotiated territorial division." Finally, Belgrade warned that the recognition of Croatia and Bosnia

“within their present administrative borders...would be extremely dangerous and irresponsible act” that would “lead to new armed conflicts [in Bosnia] and intensify the violence...already under way [in Croatia].” In the end, Belgrade reiterated that the boundaries between Serbia and Croatia, as well as between Serbia and Bosnia-Herzegovina, were “*not borders in terms of international public law.*”<sup>59</sup>

In addition, it is very likely that America miscalculated not only because of its wishful thinking about Bosnia, but also because of its Western, and more particularly superpower, rationality implicit in its approaches to conflict management.

Though existing on the margins of conflict resolution theory, there are several works that question the cultural assumptions of the Western conflict resolution community, particularly assumptions with respect to the third party intervention in disputes where disputants seem unwilling to reconcile their deep-seated differences.<sup>60</sup>

The Western approach, which relies on rationality and power politics, assumes that disputants, particularly if weak, can be coerced into “reasonable” compromises: everybody should win something from a compromise and would, thus, opt for peace as a way to achieve at least a portion of one’s goals. However, high-stake positions may

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<sup>59</sup> For the Serbian reasoning and questions posed to the Badinter Commission, which resulted in the opinions No. 2 and 3, see the following documents: SFRY Presidency [Serbia and Montenegro], “Position of the SFRY Presidency,” 18 December 1991, Document No. 152a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 475-479 (for quotes, see pp. 479, 478); SFRY Presidency [Serbia and Montenegro], “Position of the SFRY Presidency,” 30 December 1991, Document No. 153a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 481-485 (for quotes, see p. 484; italics within citation were not added by the author of this study but belong to the Serbian argument). See also Milosevic’ editorial following his rejection of the Carrington plan for the former Yugoslavia in late 1991, partially cited in Chapter Four: Slobodan Milosevic, “Peace in Yugoslavia Requires Justice For All,” *USA Today*, 14 November 1991, available from Lexis-Nexis Universe, accessed 9 December 1999.

<sup>60</sup> Oliver Richmond, “Devious Objectives and the Disputants’ View of International Mediation: A Theoretical Framework,” *Journal of Peace Research* 35, no. 6 (1998): 707-722; Christopher Clapham, “Rwanda: The Perils of Peacemaking,” *Journal of Peace Research* 35, no. 2 (March 1998): 193-210; Paul E. Salem, “In Theory: A Critique of Western Conflict Resolution from a Non-Western Perspective,” *Negotiation Journal* 9, no. 4 (October 1993): 361-369. For more discussion on the problems raised in the above paragraph, see Chapter One, which cites from all three authors.

preclude compromises, and Western “sticks” and “carrots” may not induce disputants to truly contemplate moderation and reconciliation. As a result, disputants might formally negotiate in order to lift off pressure, while in fact harboring, as argued by Oliver Richmond, “devious objectives.” Disputants might negotiate in bad faith and engage in negotiations while planning to regroup, or they may outwardly negotiate in order to legitimize their positions and gain an ally, without being truly interested in peace.<sup>61</sup>

The Western approach was based on its particular understanding of the cost-benefit analysis that assumed that the disputants would respond to the inducements of “carrots” and “sticks.” In the Western estimation, if Belgrade were allowed to inherit the Yugoslav property at home and abroad, including the YFA with all its weaponry, then Belgrade should have, in return for this concession, been willing to respect Bosnian sovereignty, particularly in view of the forthcoming American recognition of Bosnia. American decision-makers assumed that Milosevic and the YFA could be moderated by American coercive diplomacy, for the weak disputants—so Washington believed—would not dare to defy the world’s only superpower—especially if there were also some rewards being offered to the Serbs. Zimmermann expressed this American calculus as follows:

Milosevic wanted to avoid economic sanctions and to win recognition for Serbia and Montenegro as the successor to Yugoslavia; we could offer him that recognition in exchange for his recognition of the territorial integrity of the four other republics, including Bosnia.<sup>62</sup>

As it turned out, however, the Serbian rationality and calculations were different than America had expected. Committed to its high-stake objectives, Serbia was not interested in a peace with some gains, but only in peace on its own terms. Thus, Belgrade used the participation of international negotiators to pursue its own high-stake objectives,

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<sup>61</sup> Richmond, “Devious Objectives,” 707-708.

<sup>62</sup> Zimmermann, *Origins of a Catastrophe*, 192.

such as inheriting the YFA weapons and redeploying the YFA to Bosnia.<sup>63</sup> Furthermore, Serbia's inheritance of the YFA weapons only reinforced the Serbian urge to resolve the Bosnian crisis to its advantage through the force of arms.

Faced by Serb territorial demands, Sarajevo had three options. The first was to heed the Serb warning and remain in a Yugoslavia that would now be, after the recognition of Slovenia and Croatia, even more dominated by Serbia. The second was to seek its independence by consenting to the Serb territorial demands and thus accept Bosnia's division. The third option was to pursue independence for all of Bosnia against the Serb wishes and risk a total war.

Like Croatia, Bosnia opted for both independence and territorial integrity. Consistent with its choice, one would have assumed that Sarajevo, having seen what had happened in Croatia in 1991, would have been thinking about how it would defend its goals. However, Sarajevo deferred all important decisions and responsibility to the international community. Sarajevo patiently followed all the steps prescribed by Europe or America, such as holding a referendum on independence; pursuing negotiations with the YFA that were theoretically supposed to preserve peace in Bosnia; and negotiating Bosnia's inner partitioning at Lisbon—not out of any desire to reach a compromise with Bosnia's Serbs and Croats, but in order to please Europe.

However, it was the American involvement that seemed to have provided most reassurance, giving Sarajevo the hope it could pursue its goal of independence and territorial integrity without incurring major costs. Despite Sarajevo's expectations, the reality is that there were no international guarantees provided for the possibility case of the international policy turning sour: the possibility that America might turn out to be

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<sup>63</sup> For these events, see also Chapter Four.

wrong in its calculation was apparently rejected by Washington as not worth considering. Thus, before it decided on its initiative, Washington did not think through, what it should do to support Sarajevo in case the Serbs turned to arms to realize their goal of Bosnia's division, despite American-led recognition of Bosnia.

“The policy was to encourage Izetbegovic to break with the partition plan,” said a high-ranking State Department official who asked not to be identified. “It was not committed to paper. We let it be known we would support his Government in the United Nations if they got into trouble. But there were no [other] guarantees, because Baker didn't believe it [the war] would happen.”<sup>64</sup>

America should have helped Sarajevo—not because the sole superpower is obliged to help in the making of new states—but because Washington incurred, by the nature of its engagement, a moral responsibility to help Sarajevo. Instead, Washington shifted to others all responsibility for the outcome of its policy, and rather successfully so: Washington argued that Germany's recognition of Croatia had been “premature” and detrimental to peace in Bosnia, and that the UN arms embargo had been responsible for supposedly freezing the imbalance in power between Belgrade and Sarajevo.<sup>65</sup> In reality, it was Washington's Bosnia policy that had triggered the Bosnian war, and it was Western early policy focused on peaceful conflict resolution, rather than a UN arms embargo, that helped create military disparity.

Europe should have helped Bosnia for moral reasons as well. Europe's moral responsibility for helping Bosnia derived from the fact that Europe's positions taken during its early involvement had shifted the balance of power among the Yugoslav actors.

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<sup>64</sup> Binder, “U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992.”

<sup>65</sup> See, e.g., the opinion given by Secretary of State Warren Christopher in “Christopher ‘Inherited’ Bad Bosnia Options,” *USA Today*, 17 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000. Germany fought back this American charge. See, e.g., an opinion by the German Ambassador to the U.S.: Immo Stabreit, “Yugoslav Break-up: Don't Blame Germany,” *Washington Post*, June 29, available from Lexis-Nexis Universe, accessed 23 February 2000. See also David C. Unger, “Germany Is Not to Blame for Bosnia,” *New York Times*, 7 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Roger Boyes, “Bonn Fights Back as Allies Try to Pin Blame for War,” *Times* (London), 22 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000.

The international involvement had created a military disparity severely disadvantageous to Sarajevo, despite Zagreb's repeated warnings in 1991, and apparently Europe's verbal reassurances that the YFA weapons removed from Croatia would not be used in the war against Sarajevo. According to Tomac, then Vice-President of the Croatian Government, Europe ignored Croatian warnings and wanted to reassure both Zagreb and Sarajevo that the YFA redeployment out of Croatia would not be detrimental to peace in Bosnia:

We tried to explain to the EC monitors, Mr. Carrington, Mr. Vance, European and American politicians, that they would bear great responsibility for what would take place in Bosnia-Herzegovina if they allowed that the huge weapons systems from the blockaded barracks in Croatia be transferred into Bosnia-Herzegovina. We demanded that they do not issue us ultimatum demanding that we unblock the YFA facilities and let these weapons into Bosnia-Herzegovina. We demanded that these YFA weapons in Croatia be placed under the international control. All of this could have been done easily, since the YFA facilities were blockaded in Croatia. We demanded that the YFA be disbanded.... But they did not want to hear anything, let alone follow our suggestions...[EC monitors] took the inventory of the YFA weapons in Croatia, writing down the serial numbers of the tanks and canons, guaranteeing that these weapons would not be used in the war. They reassured Alia Izetbegovic that the YFA would protect peace in Bosnia-Herzegovina. It is difficult to believe that such experienced politicians did not know what would happen, even more so in view of the fact that they saw the realization of the future [Bosnian] scenario in Croatia.<sup>66</sup>

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<sup>66</sup> Tomac, *Iza zatvorenih vrata*, 122; the passage cited above was translated from Croatian by the author of this study. For a comparable translation of the relevant passages and more information available in English, see excerpts of this book by Tomac published in English: Zdravko Tomac, *The Struggle for the Croatian State...Through Hell to Democracy*, translated by Z. Kos et al. (Zagreb: Profikon, 1993), 166-170; see pp. 168-169 for the passage cited above. Needless to say, nobody went to check the serial numbers of the Serb tanks used against Bosnian independence, nor was the record-taking of weapons systems withdrawn from Croatia any real reassurance unless coupled with a Western public commitment to use force against the Serbs if the YFA should turn against Bosnia. For Croatian public urgings to disband the YFA, see Croatia, [Press conference], "Croatian Government News Conference Yugoslav Army Should Be Disbanded," *BBC Summary of World Broadcasts*, 25 January 1992, available from Lexis-Nexis Universe, accessed 16 January 2000. See also Croatia, President, "Statement of the Government of the Republic of Croatia: Zagreb, 8 June 1992," Document No. 204 in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publishers), 603-604; also available as UN Doc. S/24086, Annex. See also "Tudjman on Talks with Lord Carrington [no punctuation] Discussion on UN Peace-Keeping Forces," *BBC Summary of World Broadcasts*, 15 November 1991, available from Lexis-Nexis Universe, accessed 15 January 2000; Judy Dempsey, "Danger of Army with Nowhere to Go; Yugoslav Forces May Turn Their Attention to Bosnia-Herzegovina," *Financial Times* (London), 16 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999. For the Slovenian warnings, see Judy Dempsey, "Slovene Minister Says Federal Army Must Be Found a 'Home'," *Financial Times* (London), 19 December 1991, available from Lexis-Nexis Universe, accessed 14 December 1999.

Herein lies the futile and even detrimental nature of third party involvement in a case of deep-seated differences, with disputants lacking either basic trust or a common framework within which the respective differences could be accommodated. It was not possible to bridge the gap between the Bosnian Serbs who, on the one hand, wanted to split away from Sarajevo, and the Bosnian Muslims who, on the other, wanted independence for a single, undivided Bosnian state. In the belief they were fostering peace, the international mediators in fact played into the disputants' own objectives—such as Sarajevo's pursuit of independence, and Belgrade's goal to re-deploy the YFA from its positions in Slovenia and Croatia to locations in Bosnia—two mutually contradictory goals! The result was that international involvement precipitated, rather than deterred, the outbreak of violence in Bosnia!

To be sure, given the disputants' mutually irreconcilable, high-stake positions, conflict escalation seemed to have been inevitable-- with or without the participation of coercive peacemakers. However, once they became involved, the peacemakers' actions played into the disputants' own insidious objectives, and became a new and influential factor contributing to the conflict's escalation. Consequently, coercive peacemakers do bear responsibility for the outbreak of the Bosnian war.

One wonders whether it might have been better if the international community had made it clear from the outset of its involvement that Sarajevo was responsible for its own choices regarding its pursuit independence, without giving any rhetorical reassurances that might have been misunderstood by Sarajevo. Under such circumstances, Bosnia might have decided that either independence was not a viable option, or it might still have opted for independence while preparing for defense. The latter option might not have preserved unified Bosnia, but it might have prevented the

disastrous wipe-out of 1992, when the Serbs enjoyed a clear military advantage over the Bosnian Muslims and, thus, managed, within a short period of time, to place about two thirds of Bosnia under Serb control. Moreover, this option would have made it clear to Sarajevo's leaders that they were responsible for the outcome of their decisions, without leaving them with an impression that the Western powers engaged in Bosnian peacemaking would be more active in defending Bosnia's independence.

With the possibility of worsening an existing situation always a risk for coercive peacemakers to consider, the preferred international option in situations such as Bosnia might be non-involvement--not because the world does not care about would-be Bosnians, but because staying out might be the best course of action for those who do not want to do much and are unwilling to bear responsibility should their actions aggravate disputes.

In the end, it was not Europe and America that coerced Serbia; it was Belgrade that imposed its own preferences upon the Western powers. Washington, soon to be caught up in presidential elections, passed the buck to Europe. The outbreak of the Bosnian war convinced Europeans that it was time to return to the Lisbon principles; as Belgrade desired, all the subsequent peace proposals turned around the idea of Bosnia's partitioning. Europe also, inadvertently, helped Belgrade by threatening Croatia with sanctions if Zagreb established a military alliance with Bosnia that Sarajevo now wanted; Europe did not wish to see more fighting, but demanded instead peaceful negotiations on dividing Bosnia.<sup>67</sup>

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<sup>67</sup> For the media reports on the intention of Zagreb and Sarajevo to form a military alliance in 1992, see Alan Philips, "Bosnia and Croatia in Anti-Serb Alliance," *Daily Telegraph* (London), 17 June 1992, available from Lexis-Nexis Universe, accessed 17 January 2000. For the Serb denouncement of the Muslim-Croat alliance, see "TANJUG [Yugoslav News Agency] Says Alliance Between Croatia and Bosnia Aims to 'Legalise' 'Aggression'," *BBC Summary of World Broadcasts*, 18 June 1992, available from Lexis-Nexis Universe, accessed 16 January 2000. For European opposition to the Muslim-Croat military alliance, see Carol J. Williams, "Croats Joining Bosnians in Battle Against Serbs: Balkans: Officially, Croatia Isn't Helping, But Joint Defense Pact Apparently Encourages Open Involvement," *Los Angeles Times*, 18 June 1992, available from Lexis-Nexis Universe, accessed 17 January 2000. For

Furthermore, the international demands for a negotiated solution based on Bosnia's partitioning strengthened the voice of those within Croatia who shared President Tudjman's belief that the key to Croatia's problem lay in dividing Bosnia: Belgrade would give up its territorial claims in Croatia in exchange for Zagreb's acquiescence in a division of Bosnia that benefited the Serbs. The newly restructured Croatian government was more willing than its predecessor to discuss Bosnia's partitioning--now being urged by European negotiators willing to accommodate the Serb demands.<sup>68</sup>

Finally, with international urging, UN peacekeepers were deployed as envisaged; hence Serbia dealt with only one conflict at a time--first Croatia, then Bosnia, and lastly Kosovo—rather than having to withstand the pressure of all three conflicts at once.

Thus, Serbia had successfully defied the world's sole superpower and accomplished its goals despite the international diplomatic and economic pressure.

Could the war have been avoided if America supported the Lisbon agreement?

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Sarajevo's eagerness for a military alliance with Croatia, see Blaine Harden, "Sarajevo Sees Relief in Croats' Advance: Artillery Called Threat to Serbs' Siege Guns," *Washington Post*, 24 June 1992, available from Lexis-Nexis Universe, accessed 17 January 2000. For the British opposition to the Croatian military alliance with Bosnia, see "M. Tudjman fait etat de severes critiques de Lord Carrington" (Mr. Tudjman severely criticizes Lord Carrington), Agence France Presse, 26 June 1992, available from Lexis-Nexis Universe, accessed 17 January 2000.

<sup>68</sup> Since Croatian policy now changed towards striking a deal with Serbia and supporting European negotiations on Bosnia's division, the opponents of the Croatian policy on Bosnia's division left the top positions in the Croatian Government and Army. Among the first to leave were Zdravko Tomaca, Vice-President of the Croatian Government, and Antun Tus, Chief of the newly formed Croatian Army, both of who believed that Zagreb should have formed a military alliance with Bosnia already in 1992, despite the British/European threats of sanctions. Tomac's book is an excellent source presenting the dilemmas of Croatian politicians and their disagreements over Bosnia. For a Croatian argument denouncing deals with Serbian President Milosevic and negotiations on Bosnia's partitioning, see Zdravko Tomac, "Bosnia and Herzegovina: The Achilles' Heel of Croatian Politics," in *The Struggle for the Croatian State... Through Hell to Democracy*, translated by Z. Kos et al. (Zagreb: Profikon, 1993), 233-255. These passages are an abbreviated, "softened" version for English-speaking audiences. For a more comprehensive account, which openly attacked the British policy of Bosnia's partitioning, together with affirming that Croatia had a right to set up a military alliance with Bosnia despite the British threats, see Zdravko Tomac, *Tko je ubio Bosnu? Iza zatvorenih vrata (drugi dio)* (Who killed Bosnia? Behind closed doors, Second part) (Zagreb: Birotisak, 1994), 9-55. For a reference in the Western press on the big disagreement over Bosnia between President Tudjman and some members of the Croatian Government, Tomac included, see Jelena Lovic, "The Knife over Bosnia," *Independent* (London), 3 August 1992, available from Lexis-Nexis Universe, accessed 16 January 2000. For the Croats' anger at Tudjman's policy of negotiations with Serbia on partitioning Bosnia, negotiations that were conducted under European sponsorship in Geneva, see Marcus Tanner, "Croatia Reeling After Loss of Bosnia Outpost," *Independent* (London), 8 October 1992.

In the opinion of this study, the Lisbon agreement, even if concluded, would not have prevented the Bosnian war. In addition, though its policy helped trigger violence, America's actions were not the cause of the Bosnian war. The assumption of this study is that—if not through American “provocation”—the Bosnian war would have been started in some other manner. Given the disputants' irreconcilable perspectives, a lack of trust, and some sinister designs, war in Bosnia would seem to have been inevitable.

This statement does not seek to absolve America from responsibility for the consequences of its mistakes, its miscalculation, or its failure to respond when its coercive diplomacy precipitated violence. However, American responsibility for the Bosnian war should not be overstated. The subsequent peacemaking strategy based on the Lisbon principles (i.e., the VOPP) not only failed to end the Serb war against Sarajevo, but also precipitated a new war, between the Bosnian Croats and the Bosnian Muslims. In view of the deep disagreements over borders and VOPP failure, it is more likely that the Lisbon negotiations would not have been successfully concluded but would have precipitated a Bosnian breakdown by triggering fighting over new borders.

**Vance-Owen Peace Plan (VOPP) Did Not Win the Bosnian Serb Support,  
While It Precipitated the Muslim-Croat War in Bosnia (1993)**

In early January 1993, Lord David Owen and Cyrus Vance proposed a new peace plan: Bosnia would be divided into *de facto* “Muslim,” “Serb,” and “Croat” provinces.<sup>69</sup>

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<sup>69</sup> The VOPP did not speak of “Muslim,” “Serb,” or “Croat” provinces, but envisaged that some would be predominantly Muslim, Serb, or Croat, and assigned the top-level administration in each province to one among the three Bosnian nations. The text above discusses the plan in terms of the “Serb,” “Muslim,” or “Croat” provinces for the sake of linguistic expediency. For the text of the peace plan, maps, and other official papers connected with the peace plan, see “The Vance-Owen Plan,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 1: 249-274. The VOPP was an “interim” agreement leaving many issues open, to be resolved later, after the deployment of the peace force. French and British diplomats, in addition to some authors, have praised the plan as a great attempt to recreate sovereign Bosnia-Herzegovina. For

While the Croats signed the Vance-Owen Peace Plan (VOPP) almost immediately, and the Muslims accepted it reluctantly several months later, it was the Bosnian Serbs who proved the most resistant of the disputants. Even though the VOPP proposal had been drafted to reflect the principles demanded by the Serbs, the Bosnian Serbs rejected the VOPP despite urgings by Belgrade not to do so.<sup>70</sup>

Serbian President Milosevic argued that the VOPP was favorable to the Serbs because it gave them 45 percent of Bosnia, while envisaging consensual decision-making, whereby the Bosnian Serbs would be able to oppose any future unfavorable decisions (e.g., the final agreement on borders). Milosevic told the Pale Serbs he had received European guarantees regarding further territorial concessions, most particularly concerning the Posavina corridor that linked the Serb holdings in Western Bosnia and

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Woodward, the plan was a "heroic effort to move away from the presumption of ethnic partitioning:" Susan Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings, 1995), 304. For Glenny, it was "an exceptionally good document" that was wrongfully denounced by the United States: Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War*, rev. and updated ed. (New York: Penguin, 1993), 224. For the other side of the story, see Silber and Little's analysis of dangers that the plan posed for Bosnian unity and sovereignty: Lord Owen's "clarifications" on how the plan would be implemented leave no doubt that Bosnia would remain a divided state, with the Bosnian Serbs possibly holding much more territory than today after Dayton (Silber and Little, *Yugoslavia*, 277-280). See also Jonathan Eyal, "Peace, or Myth Wrapped In Folly?" *Independent* (London), 4 May 1993. See also Serbian leaders' letter urging the Bosnian Serbs to accept the plan because the plan would eventually lead to the realization of the Bosnian Serb objectives: Serbia and Montenegro, "Message of 26 April by Cosic, Milosevic and Bulatovic to Bosnian Serb Parliament," Document No. 218 in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 2:1334-1337; portions of the letter are cited later in the text.

<sup>70</sup> The Bosnian Serbs rejected the VOPP because they wanted the certainty that comes with a final agreement (the VOPP was intended as an 'interim' agreement) and because they would not surrender the territories they controlled, as explained later in the text above. They eventually signed the VOPP in Greece because of the international wrangling by their friends--Serbia, Greece, Britain, and France; supporters of the Bosnian Serbs had, basically, wanted to save the them from making a mistake by rejecting what they recognized as a very favorable proposal. However, the plan was eventually abandoned, though for different reasons: America refused to join in the implementation of the plan, while Europe did not want to do it on its own. For how the Bosnian Serb signature was extracted in Greece in early May 1993, see Silber and Little, *Yugoslavia*, 281-283.

Croatia with Eastern Bosnia and Serbia proper. He also asserted that some VOPP aspects feared by Pale would not be implemented because they seemed unworkable.<sup>71</sup>

Milosevic, in fact, calculated—based upon how the Vance plan had been implemented in Croatia—that the Bosnian Serbs’ territorial gains would not be reversed, while international peacekeepers would keep the Sarajevo authority at bay. According to Lord Owen’s “clarifications” given to Milosevic, the implementation of the plan envisaged that the UN would keep the Bosnian Muslim and Croat forces out of the proposed Muslim and Croat provinces in the areas from which the Bosnian Serb forces would be required to withdraw.<sup>72</sup> Thus, there was a strong chance that the Bosnian Serbs—who then controlled about 70 percent of Bosnia—would eventually have their own entity stretching over a larger territory than originally anticipated by the plan.

Thus, Milosevic turned himself from a war-maker into a peacemaker by urging, in his message to the Serb Parliament in Pale, that the Bosnian Serbs should accept the “interim” VOPP plan and negotiate the outstanding issues rather than keep on fighting:

It is our firm conviction that the remaining open questions of the so-called interim arrangements and map can be more successfully resolved through the procedure envisaged by the Plan than by rejecting it and continuing the confrontation and bloodshed. The importance of the remaining open questions cannot be compared with the enormous human and material sacrifices that prolongation of the civil war entails.<sup>73</sup>

This turn of the events again confirms the limits of coercion already seen in Croatia during 1991. Threats had not deterred the Serbs from attempting to redraw new borders by force; Belgrade had shifted to a peace strategy only after the Serbs had first established control over certain areas in Croatia and then decided to enlist the

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<sup>71</sup> Serbia and Montenegro, “Message of 26 April 1993 by Cosic, Milosevic and Bulatovic to Bosnian Serb Parliament,” 1334-1337. See also Silber and Little, *Yugoslavia*, 277-280; see in particular the citation by Nikola Koljevic, Bosnian Serb Vice President, at page 279.

<sup>72</sup> Serbia and Montenegro, “Message of 26 April 1993 by Cosic, Milosevic and Bulatovic to Bosnian Serb Parliament,” 1334-1335.

<sup>73</sup> *Ibid.*, 1335-1336.

international community as an ally against the Croats, who wanted to retake the areas that Zagreb had lost to the Serbs.<sup>74</sup>

Likewise, the threats of sanctions and forceful recognition of Bosnia did not deter the Serbs in 1992. Instead, Belgrade supported the Bosnian Serbs against Sarajevo, helping launch the strategic surprise attack on the eve of Bosnia's internationally recognized independence.

However, by 1993 the Belgrade leaders concluded that the Bosnian Serbs had won enough on the battlefield and that the time was right to accept the international mediation that would legitimize the newly created realities in Bosnia while also helping to lift the sanctions against Belgrade.

Thus, in their message to the Bosnian Serb deputies at Pale, the Belgrade leaders urged the VOPP acceptance, based on their changed cost-benefit calculus:

The citizens of Yugoslavia, Serbia and Montenegro have demonstrated the greatest degree of solidarity with you, which has been much above their resources. They will continue to express this solidarity, regardless of all the threats... However, in their name, we wish to say this: at a time when you have been guaranteed equality and a right to decide by consensus, as a constituent people, and the territories being offered to you, you have no right to endanger and expose to international sanction [sic] the ten million citizens of Yugoslavia, on account of outstanding questions, which are of incomparably less consequences than the results achieved. We simply want to tell you that you must exercise moderation in your demands.<sup>75</sup>

Thus, a year into the brutal Bosnian war international negotiators presented the Serbs with a favorable proposal, leaving some issues still to be resolved later, possibly to the Serb satisfaction. Nevertheless, the Bosnian Serbs rejected the plan, despite Milosevic's urgings. The most difficult problem proved to be the international demands that the Bosnian Serbs should get less than a half of Bosnia-Herzegovina's territory.

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<sup>74</sup> For details, citations, and references, see Chapters Three and Four.

<sup>75</sup> Serbia and Montenegro, "Message of 26 April 1993 by Cosic, Milosevic and Bulatovic to Bosnian Serb Parliament," 1336-1337.

According to John Zametica, the Bosnian Serb spokesman, about 64 percent of Bosnian land was registered to the Bosnian Serbs, most of who had lived in rural areas. Thus, the Bosnian Serbs believed that any settlement that would offer them control of less than two-thirds of Bosnian territory was “unjust.”<sup>76</sup>

Moreover, it was difficult for Pale to retreat and accept a plan that gave the Serbs 45 percent of Bosnia at a time they controlled over 70 percent of Bosnia’s territory.

According to Zametica,

There now prevails among Bosnian Serbs a mind-set of angry defiance. From their standpoint, they fought this war and they won. Many of them died, some of them in massacres ignored by the international media. A sentimental “world opinion” is now trying to snatch success and security out of their grasp.<sup>77</sup>

Thus, while pro-Bosnian advocates criticized the VOPP as “appeasement” rewarding “Serb aggression,” the Pale leadership rejected the plan. In the Bosnian Serbs’ view, too little land was offered: the international demands were unreasonable and would destroy them as a people. They had incurred high casualties while fighting for the control of territories—they could not now surrender them peacefully to their foes.<sup>78</sup>

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<sup>76</sup> John Zametica, “Squeezed Off the Map: Bosnian Serbs Refuse To Be Fobbed Off With a Settlement Which Leaves Them Worse Off Than Before the War,” *Guardian* (London), 11 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000. John Zametica was a lecturer at the University of Westminster; previously, he had been with the International Institute for Strategic Studies, London. He also served briefly, in 1993, as the porte-parole of Bosnian Serb leader Radovan Karadzic. The author of this study could not check whether 64 percent of Bosnia’s land has been registered to the Serbs. Nevertheless, the author of this study does not find Zametica’s argument very convincing. It is true that most of the Bosnian Muslims, having descended from historically privileged class, tend to live in cities; most of the Serbs and Croats, on the other hand, who used to be serfs under the Ottomans, would tend to live on farms. However, it is not quite reasonable to argue that Muslims should accept a small fraction of Bosnia just because most of Bosnian farms have been registered to Serbs.

<sup>77</sup> Zametica, “Squeezed Off the Map.”

<sup>78</sup> Of course, the Bosnian Serbs established control over the areas at the expense of the Muslims and the Croats. However, the Pale deputies did not care about Croat or Muslim casualties and refugees, but about those of the Bosnian Serbs, incurred in order to place these areas under the Pale control. Altogether 97,300 Bosnian Serbs died in Bosnia during the 1992-1995 war. That number is extremely large, particularly if compared to the Serb casualties during the Croatian war, where the total Serb war losses were below 6,500: more precisely, 6,436 Serbs according to the Croatian Serb sources. (Croatia also lost over 16,000 Croats in the Croatia war). Altogether, Bosnia lost 278,000 people in the war of 1992-1995: 140,800 Bosnian Muslims; 97,300 Serbs; 28,400 Croats; and 12,300 other nationalities. For the Bosnia war casualties, see Helsinki Committee for Human Rights in Bosnia and Herzegovina, “Report about Human Rights Situation in Bosnia and Herzegovina, January-December 1999,” Report No. 34A-12/99, Sarajevo, 31 December

That perspective imprisoned Bosnian Serb politicians, who were accountable to their immediate constituencies within Bosnia--as opposed to the Serbs from Serbia and President Milosevic, who could adopt a broader perspective acknowledging the VOPP's overall benefits. The Bosnian Serbs rejected the VOPP despite the strong pressure from Belgrade and the international community, which proposed this plan—against the opposition of Sarajevo and some reluctance among the Croats—because it believed that this plan would bring the Bosnian Serbs aboard the peace process.

Meanwhile, the VOPP had already precipitated war between the Bosnian Muslims and the Bosnian Croats, because it proved difficult to divide the mixed areas through negotiations.

Ever since the outbreak of the Serb war against Bosnia in the spring of 1992, a tenuous peace had reigned between the Muslims and the Croats of Bosnia--but peace, nevertheless. The Muslims, who had not prepared for the war, at first fought within the Bosnian Croat formations. Eventually the two separate armies emerged, but both were at first fighting the Serbs rather than each other. Thus, except for a few sporadic incidents, in 1992 there had been no armed conflict between the Bosnian Croats and the Muslims.

Lord Owen and Cyrus Vance proposed their plan for dividing Bosnia in January 1993, in a situation defined by the particulars of territorial control and the rising Muslim-Croat tensions in Central Bosnia. The Serbs controlled well over two-thirds of Bosnia, while the Muslims and the Croats were squeezed into less than a third of Bosnia's

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1999, available from <http://www.bh-hchr.org/statements/34-12-99.htm>, accessed 4 December 2000. For the Croatia war figures on the Serb side, see Savo Štrbac, "Poginuli i nestali Srbi na području RH i bivše RSK u ratu 1990-1995. godine" (Documents: Killed or missing Serbs on the territory of the Republic of Croatia and the former Republic of Serbian Krajina in the war of 1990-1995), *Наш глас: Лист за друштвена питања Срба у Хрватској* (Our Voice: Journal for the Social Question of Serbs in Croatia) (Zagreb) 5, no. 47 (August 1998): 14-19. For the Croatia war figures on the Croat side, see "Zrcalo: Ratni demografski gubici—20.091 osoba" (Mirror: Demographic War Losses—20,091 persons), *Vjesnik* (Zagreb), 24 February 2001. See also Chapter Four, which gives more details and references pertaining to the Croatian war casualties.

territory. Sarajevo, which refused to believe that war was coming to Bosnia and did not prepare for the war, controlled very little land. On the other hand, the Bosnian Croats, who had prepared for war and succeeded in defending some areas against Serb attacks, controlled most of the territory that had not fallen to Serb control. However, the Croats saw the areas they had defended, such as Central Bosnia, swamped by the Muslim refugees that had been expelled by Serb forces from Eastern Bosnia.<sup>79</sup>

The VOPP proposed dividing the mixed areas of Central Bosnia between the Bosnian Muslims (VOPP province no. 7) and the Bosnian Croats (VOPP province no. 10).<sup>80</sup> According to a testimony given before the International Criminal Tribunal for the Former Yugoslavia (ICTY), the principle underlying the VOPP was “that there should be a division of power with one nationality being predominant in some zones but not to the prejudice of the other nationalities.”<sup>81</sup>

Unlike the Bosnian Serbs or Sarajevo, the Bosnian Croats immediately accepted the VOPP.<sup>82</sup> Following their acceptance, they were eager to turn the plan into reality, for they feared their control might slip away in light of the steady inflow of the Muslim

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<sup>79</sup> The deception that concentrated most of the weapons in the Serb hands and the strategic surprise attack in the spring of 1992 had permitted the Serbs to realize an easy and speedy control of most of Bosnia. Thus, by 1993 the Serbs had established control and ethnically cleansed about 70 percent of Bosnia, including large parts of Eastern Bosnia, with pre-war Muslim majority. For the Serb cleansing of Eastern Bosnia, see United Nations (UN), Economic and Social Council, Commission on Human Rights, 50<sup>th</sup> Session, Item 12 of the Provisional Agenda, “Situation of Human Rights in the Territory of the Former Yugoslavia,” First periodic report by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, E/CN.4/1994/3, 5 May 1993, available from [http://www.haverford.edu/relg/sells/reports/mazowiecki\\_05may93.htm](http://www.haverford.edu/relg/sells/reports/mazowiecki_05may93.htm), accessed 10 December 2002.

<sup>80</sup> United Nations (UN), International Criminal Tribunal for the Former Yugoslavia (ICTY), *The Prosecutor v. Tihomir Blaskic* (IT-95-14, ‘Lasva Valley’), Statement of the Trial Chamber at the Judgement Hearing, 3 March 2000, press release no. 474, available from <http://www.un.org/icty/pressreal/bla-sumj000303e.htm>, accessed 9 December 2002; see in particular points 38 and 39.

<sup>81</sup> *Ibid.*, point 38; emphasis added by the author of this study.

<sup>82</sup> The plan gave large parts of ethnically mixed Central Bosnia to the Bosnian Croats in order to encourage them to accept Bosnia’s partitioning as soon as possible, rather than help Sarajevo fight Bosnia’s division. The European negotiators insisted on the partitioning principle, believing it necessary to bring the Serbs aboard the peace process. Their hope was that the Croats and the Serbs would sign, thus making Sarajevo isolated and vulnerable to pressure to accept Bosnia’s division. It did not turn out that way: Pale refused to sign, while Sarajevo signed late and reluctantly, hoping that their signature would bring in military intervention against Pale. The Bosnian Croats, however, signed immediately, as soon as the plan was proposed, in January 1993.

refugees. While Central Bosnia used to have an equal pre-war balance of Croats and Muslims, with the arrival of Muslim refugees from Eastern Bosnia, the ethnic balance of Central Bosnia shifted significantly to the Croats' disadvantage. As the Croat-Muslim balance in Central Bosnia shifted, so did the Croat-Muslim tensions in Central Bosnia increased. Thus, Bosnian Croats began treating the mixed areas as "Croat" provinces as soon as they had signed the agreement in January 1993. According to the investigation carried out by the ICTY:

As of 15 January 1993, Mate Boban [Bosnian Croat leader] sent an ultimatum to the Muslims ordering them *inter alia* to hand over their arms. Faced with their refusal, the Croatian forces conducted operations meant to "croatise" some territories by force. Hundreds of Muslims were arrested and many imprisoned... Most had to dig trenches, often under inhumane conditions and exposed to enemy fire. In so doing, they were beaten, even killed, and sometimes used as human shields.<sup>83</sup>

Thus began the first serious clashes between the Bosnian Croats and the Bosnian Muslims. However, despite sporadic fighting breaking out in some areas, the conflict was contained for a few months. Nevertheless, tensions continued to grow from January through April 1993, as Muslims resisted the affirmation of Croat authority, such as placing the flag of the self-proclaimed Croat Community of Herzeg-Bosna on the official buildings in the "Croat" provinces according to the VOPP.<sup>84</sup>

With the news of a new wave of the Muslim refugees arriving from Eastern Bosnia, the Bosnian Croats initiated a number of offensive actions, apparently with the goal of sending the Muslim population into flight out of Central Bosnia. On 16 April

<sup>83</sup> UN, ICTY, *The Prosecutor v. Tihomir Blaskic* (IT-95-14, 'Lasva Valley'), point 41.

<sup>84</sup> UN, ICTY, *The Prosecutor v. Tihomir Blaskic* (IT-95-14, 'Lasva Valley'), point 42; United Nations (UN), Economic and Social Council, Commission on Human Rights, 50<sup>th</sup> Session, Item 12 of the Provisional Agenda, "Situation of Human Rights in the Territory of the Former Yugoslavia," Second periodic report, by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights. E/CN.4/1994/4, 19 May 1993, available from <http://www.unhcr.ch/huridocda/huridoca.nsf/>, accessed 9 December 2003. See also United Nations (UN), International Criminal Tribunal for the Former Yugoslavia (ICTY), *The Prosecutor of the Tribunal against Enver Hadzihanovic, Mehmed Alagic, and Amir Kubura* (IT-01-47, 'Central Bosnia'), Indictment, available from <http://www.un.org/icty/indictment/English/had-ii10713e.htm>, accessed 28 October 2002.

1993, Croat irregular forces killed dozens of civilians at Ahmici, a Muslim village situated in the Lasva Valley, placed in the “Croat” province No. 10 by the VOPP.<sup>85</sup>

This was the beginning of an all-out war between the Muslims and the Croats in Central Bosnia. Encouraged by the example set by the Serbs and by the international willingness to accept new realities which had been created by ethnic cleansing and partitioning, the Bosnian Croats wanted to ensure their control over Central Bosnia’s mixed areas.<sup>86</sup> When British troops expressed their dismay at the outbreak of the atrocious war in Central Bosnia, Adrian Hastings pointed out that the events had something to do with the British policy that supported Bosnia’s partitioning:

The people in the areas concerned are now paying the price in blood for the armchair arrangements of Geneva... Vitez itself was 45 per cent Croat and 41 per cent Muslim in the 1991 census, Travnik was 36 per cent Croat and 45 per cent Muslim, Mostar 33 per cent Croat, 34 per cent Muslim.... Yet all these were included within Croat cantons. Almost inevitably local Croat leaders wish now to ensure that the paper plan is turned quickly into reality, which is impossible

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<sup>85</sup> UN Special Rapporteur Mazowiecki visited the area shortly after the incident and reported on the Ahmici massacre in his Second periodic report (UN Doc. E/CN.4/1994/4, 19 May 1993). The Hague Tribunal indicted a number of Bosnian Croats for the massacre of Muslim civilians, giving one of its longest sentences to Tihomir Blaskic (forty-five years), who was then in charge of the regular Bosnian Croat forces. The Zagreb government arrested and tried the real perpetrators responsible for the Ahmici massacre, who were in charge of the Bosnian Croat irregular forces responsible for the massacre, while Blaskic’s sentence was appealed. On the appeal, the Court reduced the sentence, and Blaskic was freed. “Tihomir Blaškić nakon 8 godina i 4 mjeseca stigao u Hrvatsku” (Tihomir Blaskic returns to Croatia after 8 years and 4 months), *HRT Vijesti* (Croatian Radio-Television News), 2 August 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/08/02/HRT009.html>, accessed 20 August 2004. Some have argued that a recently published book on the Muslim-Croat conflict, which dispelled the popular myth about Croatia’s aggression against Bosnia, and which also showed that the Bosnian Muslims attacked the Croats of Central Bosnia (the events are presented later in this Chapter), has influenced the Court; however, Blaskic disagreed with that opinion. “Blaškić: Knjiga Charlesa Shradera nije utjecala na smanjenje moje kazne” (Blaskic: Charles Shrader’s book has not influenced the Court’s decision to reduce my sentence), *HRT Vijesti* (Croatian Radio-Television News), 11 August 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/08/11/HRT014.html>, accessed 20 August 2004.

<sup>86</sup> Most Western scholars disregard the Muslim-Croat conflict, and, in the absence of knowledge, ascribe everything to the predetermined Serbian-Croatian plan to divide Bosnia, ignoring the role of the VOPP in triggering the Muslim-Croat conflict. This tendency is especially present among the authors who, like Lord Owen, favor the Serbian side or look benevolently upon the proposals for Bosnia’s partitioning (see also previous references to Woodward and Glenny). Though overall pro-Bosnian, Silber and Little nevertheless provide useful insight into the outbreak of the Muslim-Croat conflict. They belong to the few authors who paid attention to the role of Muslim-Croat relations and the VOPP in the outbreak of violence. See Silber and Little, *Yugoslavia*, 291-302. For first-hand media reports on the outbreak of the conflict in Central Bosnia, see Ian Traynor, “British Troops Tell of ‘Hell’ in Bosnia Fighting,” *Guardian* (London), 20 April 1993, available from Lexis-Nexis Universe, accessed 23 February 2000.

without the removal of a large part of the Muslim population. The Vance-Owen plan is in point of fact a recipe for ethnic cleansing.<sup>87</sup>

The ICTY was also of the opinion that the VOPP negotiations triggered the Muslim-Croat war in Central Bosnia:

The Vance-Owen Plan as such never came to apply on the ground but the Croats, and in particular the Bosnian Croats, bore a heavy responsibility in conducting the war in anticipation of its implementation and in willing its unilateral execution.<sup>88</sup>

Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, visited the area and reported that both Croats and Muslims were victims of the new war in Bosnia that had been triggered by the VOPP.<sup>89</sup> According to Mazowiecki,

The peace plan, according to which Bosnia and Herzegovina would be divided along ethnic lines, has been used in order to create ethnically homogenous areas.<sup>90</sup>

To be sure, the causes of the war did not lie with the plan, but primarily with the weak Croat loyalties to Bosnia, President Tudjman's policy, and Sarajevo's overall disregard for the Croat needs, despite its multiethnic rhetoric.<sup>91</sup> However, the volatile situation in Central Bosnia quickly deteriorated into violence once peacemakers intervened guided by an idea of preventing and mitigating conflicts by negotiating the partitioning of mixed areas. Furthermore, it can be concluded that the outbreak of the

<sup>87</sup> Adrian Hastings, "Letter: Solution That's Part of the Problem," *Guardian (London)*, 22 April 1993, available from Lexis-Nexis Universe, accessed 23 February 2000.

<sup>88</sup> UN, ICTY, *The Prosecutor v. Tihomir Blaskic* (IT-95-14, 'Lasva Valley'), point 40; emphasis added by author of this study. It is to be noted that later Lord Owen would try to get Muslims and Croats to implement the plan on a bilateral basis, and that an agreement was signed to this effect.

<sup>89</sup> See Second periodic report by Mazowiecki (UN Doc. E/CN.4/1994/4, 19 May 1993). See also United Nations (UN), Economic and Social Council, Commission on Human Rights, 50<sup>th</sup> Session, Item 12 of the Provisional Agenda, "Situation of Human Rights in the Territory of the Former Yugoslavia," Fifth periodic report, by Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, E/CN.4/1994/47, 17 November 1993, available from <http://www.unhchr.ch/huridocda/huridoca.nsf/Documents?OpenFrameset>, accessed 9 December 2002.

<sup>90</sup> For the quote, see Second periodic report by Mazowiecki (E/CN.4/1994/4, 19 May 1993). See also Michael Binyon, "Vance-Owen Plan Blamed For 'Ethnic Cleansing'," *Times (London)*, 20 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000.

<sup>91</sup> For example, when in 1991 the Serbs started cleansing the Croat villages in Bosnia (during the Croatian war), such as the Croat village of Ravno, Bosnian President Izetbegovic did not condemn the Serb actions and did nothing for these Bosnian Croat refugees. Nor did Sarajevo take any actions to reassure the Croats (or the Serbs) of the safety of their positions in a future Bosnia. Such actions reinforced the feeling that there is little future for the Croats in the Muslim-dominated Bosnia.

Muslim-Croat war was connected to the VOPP from the fact that heavy fighting only erupted in the mixed areas affected by the VOPP policy of partitioning (e.g., Central Bosnia)—not in any areas where the partitioning policy was not pursued (e.g., Northern or Western Bosnia).<sup>92</sup>

In late May 1993, a month after the Muslim-Croat fighting had begun, the VOPP collapsed in the wake of transatlantic quarrelling over Bosnia. America did not want to put its own forces on the ground in Bosnia, while it criticized the European partitioning plan (the VOPP) as morally unjust. The new administration in Washington advocated the lift-and-strike option: lifting the arms embargo against Sarajevo and striking the Bosnian Serb positions. Europeans found that option unacceptable, for it would endanger the lives of their peace-keepers on the ground; Europeans argued that America was talking tough with the European lives without being willing to put any American lives at risk.<sup>93</sup>

Eventually, both the VOPP and the lift-and-strike option were abandoned in exchange for a minimalist, humanitarian policy--declaring "safe areas" in Bosnia--a policy that was

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<sup>92</sup> Moreover, the idea of partitioning Bosnia also provoked conflict among the Muslims themselves in the Bihac pocket, Western Bosnia. In the late summer of 1993 an atrocious civil war erupted among the Bosnian Muslims, after Lord Owen, now aided by Thorvald Stoltenberg, had proposed yet another plan to divide Bosnia. To secure support for this plan, Lord Owen tried to introduce a "competing government" of Muslim Bosnia at the Geneva peace talks. Seeking to exploit the differences among the Bosnian Muslim leaders with respect to the end of the war in Bosnia, Lord Owen broadened the Bosnian Muslim delegation in the Geneva peace talks in order to soften the hard-line stance of Bosnian President Izetbegovic, who opposed Bosnia's partitioning. Soon a war erupted among the Bosnian Muslims in the Bihac area, whose leader Fikret Abdic was tempted to go along with the proposal for Bosnia's partitioning, against the wishes of the Sarajevo Government. The Bihac conflict received little worldwide attention, despite the atrocities and ethnic cleansing involved; it lasted until 1995, when the Bosnian forces loyal to President Izetbegovic defeated Abdic. For some indication as to how the international mediators exploited the Bosnian Muslim differences in order to make Sarajevo accept ethnic partitioning, see the pro-Bosnian account by Silber and Little, *Yugoslavia*, 304. For the newly proposed peace plan, see "The Stoltenberg-Owen Plan," in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 1: 275-329.

<sup>93</sup> See, e.g., Henry A. Kissinger, "In Bosnia, 'Peacekeeping' Forces Will Be 'Peacemakers'," *Los Angeles Times*, 16 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; George Jones, William Weekes, and Alan Osborn, "Bosnia The Debate: Hurd Tells US Lifting Muslim Arms Ban Would Worsen War," *Daily Telegraph* (London), 30 April 1993, available from Lexis-Nexis Universe, accessed 23 February 2000.

tantamount to the Western acceptance of the Serb territorial gains. Bosnian Muslims rejected this “safe areas” plan as an attempt to place them into “reservations.”<sup>94</sup>

Following this disappointment, Sarajevo launched a major military offensive in late May 1993: the offensive displaced a number of Croats from Central Bosnia and led to Sarajevo’s atrocities against the Bosnian Croats. In the situation where the Serbs held well over two-thirds of Bosnia and the outside world was unwilling to do anything to reverse the Serb territorial gains—neither bomb the Serb positions nor lift the arms embargo against Sarajevo—the Bosnian Muslims launched the offensive “Neretva 1993” in search of a viable space for their own state. They saw their opportunity in Central Bosnia: the area had already been flooded by large numbers of disgruntled Bosnian Muslim refugees from Eastern Bosnia, who had fled from Bosnian Serb forces as the Serbs were “cleansing” Eastern Bosnia. Sarajevo thus turned against the Bosnian Croats, who were an easier target available to compensate the Muslims for the territorial losses suffered at the hands of the Serbs in Eastern Bosnia.<sup>95</sup>

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<sup>94</sup> For new international policy on Bosnia, which was tantamount to the VOPP abandonment and temporary acceptance of Serb territorial gains, see “Joint Action Program of 22 May 1993 of France, the Russian Federation, Spain, the United Kingdom and the United States of America,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 2: 1337-1339. For Sarajevo’s rejection of the new plan, see Bosnia-Herzegovina, Permanent Mission to the United Nations, “Statement of 1 June 1993 of the Republic of Bosnia and Herzegovina Permanent Mission to the United Nations,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 2: 1340-1343. For media reports, see Eliane Sciolino, “Conflict in the Balkans; Allies Announce Strategy to Curb Fighting in Bosnia; U.S. Offers Planes, Not Men,” *New York Times*, 23 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Elaine Sciolino, “U.S. and Russia Agree on Strategy Accepting Serbian Gains for Now,” *New York Times*, 21 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Paul Quinn-Judge, “Allies Marvel at US Balkan Shifts,” *Boston Globe*, 25 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Laura Silber, “Allies Accused of Agreeing to a ‘Carve-up’ of Bosnia,” *Financial Times*, 24 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Chuck Sudetic, “Allies’ Plan Angers Bosnian Muslims,” *New York Times*, 25 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Carol J. Williams, “President of Bosnia Rejects Plan,” *Los Angeles Times*, 24 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; Paul Lewis, “Hostility to Allies’ New Plan For Bosnia Increases at U.N.,” *New York Times*, 25 May 1993, available from Lexis-Nexis Universe, accessed 23 February 2000.

<sup>95</sup> Ian Black, David Fairhall, and Christopher Stephan, “Diplomatic Bungling ‘Fuelled Bosnian War’,” *Guardian* (London), 9 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000; John

Maggie O’Kane, the British Journalist of the Year (1993), reported from Central

Bosnia in early June 1993 as follows:

A new and brutal army is gathering strength in central Bosnia. It is the army of the dispossessed. The army of Muslim men, whose jutting ribs in their barbed-wire [Serb-run] detention camps appeared on our television screens last autumn [1992], is now rampaging through the region.

They call themselves the 17<sup>th</sup> Brigade—the refugee brigade—and they number between 2000 and 3000. “We are the strongest of the fighters—the strongest brigade,” said a former radio technician, aged 21, who spent 50 days at Omarska, one of the Serbs’ most notorious detention camps in northern Bosnia.

“I joined the 17<sup>th</sup> Brigade to get back what I lost. We are doing to them [the Croats] what was done to us [the Muslims]. . . . I feel sorry for them because we have suffered the same way [at the hands of the Serbs] but we have no choice. We cannot survive otherwise.”

They fight separately from the other, local Muslim brigades but, together, they outnumber the Croats six to one.

The men of the 17<sup>th</sup> Brigade have been traveling through central Bosnia, moving their forces to help defend the besieged towns of Sarajevo and Gorazde.

Fullerton [Dateline: Travnik, Bosnia], “Croats Flee Moslem Assault on Travnik,” *Financial Times* (London), 9 June 1993; “Muslims Wrest 2<sup>nd</sup> Town From Croats,” *International Herald Tribune*, 17 June 1993. See also Silber and Little, *Yugoslavia*, 291-302. For murder, torture, and even the mutilation of Croats by the Bosnian Muslim forces, see Fifth periodic report by Mazowiecki (E/CN.4/1994/47, 17 November 1993). International public opinion, which favored the Bosnian Muslims because they were presented as the main victims of the Bosnian war, disregarded the Bosnian Muslims’ atrocities committed against the Bosnian Croats. Though rather late, the ICTY eventually indicted a high-level Bosnian Muslim for the atrocities against the Bosnian Croats during that time period: United Nations (UN), International Criminal Tribunal for the Former Yugoslavia (ICTY), *The Prosecutor of the Tribunal against Sefer Halilovic* (IT-01-48-I, ‘Grabovica-Uzdol’), Indictment, available from <http://www.un.org/icty/indictment/English/hal-ii010912e.htm>, accessed 28 October 2002. It should be noted that many of the facts about the Sarajevo offensive against the Bosnian Croats as well as this study’s analysis clash with the conventional knowledge, which holds that the Bosnian Muslims were merely seeking to defend themselves against the Croat “aggressors.” However, this study’s analysis, based on a close examination of first and secondary sources, supports the view that the Muslims were also attacking the Croats—rather than merely defending themselves against the Croat attacks, as the international public opinion has believed it. At present time, conventional knowledge about the Muslim-Croat conflict in Central Bosnia is being brought into question thanks to Charles Shrader. This military historian has demonstrated that the Bosnian Muslims were attacking the Bosnian Croats, and that the Muslim attacks had started fairly early, already in January 1993: Charles R. Shrader, *The Muslim-Croat Civil War in Central Bosnia: A Military History, 1992-1994*, *Eastern European Studies*, no. 23 (College Station: Texas A&M University Press, 2003). Though the author of this study did not consult the book at the time of the writing, Shrader’s work—by now familiar to the Croatian public—has reinforced this study’s conclusion as follows: the Bosnian Croats and the Bosnian Muslims began fighting each other for the control of the mixed areas of Central Bosnia as soon as the international mediators proposed the VOPP, in January 1993, while a major conflict escalation followed in the late spring, after the Bosnian Muslims had felt abandoned by the international community and had turned against the Bosnian Croats to compensate for their territorial losses suffered at the hands of the Serbs. According to some, Shrader’s work has influenced the work of the Hague Tribunal, which freed Bosnian Croat general Tihomir Blaskic, previously sentenced to forty-five years in prison. However, though upholding the book’s validity, Blaskic denied the book’s influence on the proceedings, arguing that the new argumentation had been presented in the appeal before the book was published: “Blaškić: Knjiga Charlesa Shradera nije utjecala na smanjenje moje kazne” (Blaskic: Charles Shrader’s book has not influenced the Court’s decision to reduce my sentence).

But there they have little hope against the Serbian forces. In central Bosnia they know they can win.

The Vance-Owen plan means nothing here. The language of diplomacy that bounces around the television satellite links of Western Europe is of another world. Here there is a medieval smash and grab for survival and this time it was the Croats who are being forced out of their homes carrying what they can on the back of hay carts...

The streets of the town of Travnik, which they [men of 17<sup>th</sup> Brigade] now control, were deserted. Around it smoke from burning Croat villages wafted into the sky.<sup>96</sup>

Lord Owen tried to prevent this turn of the events by asking the Bosnian Croats and Sarajevo to implement the VOPP on a bilateral basis, since both parties had already signed the agreement:

Towards the end of May [1993] I had initiated negotiations between the Bosnian Muslims and Bosnian Croats, nominally still in the same government, for a set of decrees that the government of Bosnia-Herzegovina might issue so as to begin instituting the VOPP on a bilateral Muslim-Croat basis. These largely concerned human rights issues, but also included the establishment of a Military Committee and of the provinces and their governance.<sup>97</sup>

But that agreement predictably failed, and Lord Owen, unable to admit that his peacemaking had worsened the Bosnian conflict, laid the blame solely on the Croats and America: according to Lord Owen, Washington's unwillingness to join Europe to enforce the VOPP had encouraged the Croats to "carve out" Croat areas. There would have been peace in Bosnia, assumed Lord Owen, if the VOPP had been implemented.<sup>98</sup>

Lord Owen's accusation of Washington's culpability for the Bosnian fighting disregards the fact that the Croats had already, in January 1991, begun "carving out" their areas--as soon as the VOPP had been proposed and accepted by the Bosnian Croat leadership, and not after America had later refused to join Europe in implementing the

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<sup>96</sup> For the quote in the text above, see Maggie O'Kane [Dateline: Travnik, Bosnia-Herzegovina], "Muslims Wreak Revenge," *Guardian* (London), 9 June 1993, available from Lexis-Nexis Universe, accessed 23 February 2000. For the indictment of the commanders of the Bosnian Muslim 17th Krajina Brigade, see UN, ICTY, *Prosecutor against Hadzihasanovic, Alagic, Kubura* (IT-01-47, 'Central Bosnia').

<sup>97</sup> David Owen, *Balkan Odyssey* (New York, San Diego, London: Harcourt Brace, 1995), 173.

<sup>98</sup> *Ibid.*

plan. It is also highly doubtful that the Muslim-Croat bilateral agreement negotiated by Lord Owen fell apart because of the Croats: they had every interest in seeing the VOPP implemented on a bilateral basis with Sarajevo. The realization of the VOPP would have ensured that the mixed areas of Central Bosnia would have become Croat provinces, while the war with Sarajevo, in which the outnumbered Bosnian Croats proved vulnerable, would lead to the Croat loss of control over Central Bosnia. The party who did not want the VOPP were the Bosnian Muslims: giving Central Bosnia to the Croats would have left Sarajevo controlling only about 5-10 percent of Bosnia's territory, since the militarily stronger Serbs then controlled about 70 percent of Bosnia.

Under such circumstances, the Muslim-Croat war continued to escalate, as the Croats tried to hold onto Central Bosnia—which belonged to them according to the VOPP and the Owen bilateral agreement—while the Bosnian Muslims, finally realizing that the Western powers would not intervene on their behalf against the Serbs, fought in order to secure some land for a state of their own. In the course of the one-year war, the Croats lost control over a half of Central Bosnia, the area in which the majority of the Bosnian Croats had lived before the conflict.<sup>99</sup>

America eventually ended the war in the spring of 1994 by pressuring both Sarajevo and Zagreb to set up a military alliance and the Federation in Bosnia. Negotiated by General John Galvin, former NATO commander, the 1994 agreement permitted the Muslim-Croat war to end, but the dispute continued at another level.<sup>100</sup>

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<sup>99</sup> Only a quarter of all pre-war Croats of Bosnia-Herzegovina had previously lived in the ethnically compact, but sparsely populated, Western Herzegovina. Before the war, the majority of Croats used to live in Central and Northern Bosnia, the areas from which the vast majority of the Bosnian Croats have been displaced by the Bosnian Muslims or the Bosnian Serbs.

<sup>100</sup> For the text of the Federation agreement (also called the Washington agreement), see: "Framework Agreement for the Federation," 1 March 1994, Document No.I.1-13a in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 83-89; also available as UN Doc. S/1994/255, Attachment I. See also "Declaration Concerning the Constitution of the

The failure of the VOPP and the outbreak of the Muslim-Croat conflict in Central Bosnia—one year after Bosnia's recognition and the onset of the Serb war against the Bosnian Muslims and the Bosnian Croats—have demonstrated several points.

First, it is very difficult to reach agreement on partitioning ethnically mixed areas through negotiations, and those who engage in such peacemaking efforts run the risk of precipitating violence and encouraging ethnic cleansing. The outbreak of the Muslim-Croat war, stimulated by the VOPP peacemaking efforts, casts a shadow of doubt on the claims that the Bosnian war could have been prevented if only Zagreb and Sarajevo had agreed to accept territorial losses prior to their recognition.<sup>101</sup> It seems that conflict escalation and ethnic cleansing may be inevitable before disputants would be willing to accept new realities and truly endorse partitioning agreements.<sup>102</sup>

Second, disputants continue to fight for their high-stake objectives despite the international efforts at finding a compromise or a negotiated solution. In fact, disputants use international mediation to further their respective high-stake objectives. Consequently, international involvement can result in precipitating new rounds of violence, rather than preventing or mitigating conflicts, because disputants look for ways to incorporate their own objectives into international negotiating efforts.

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Federation of Bosnia and Herzegovina],” 18 March 1994, Document No.I.1-14 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 94-119. The latter document includes the proposed text of the Constitution of the Federation, which was approved by the Parliament of Bosnia and Herzegovina on 30 March 1994. For media reports, see Chuck Sudetic “Bosnian Factions Discuss Joining Forces,” *New York Times*, 13 March 1994, available from Lexis-Nexis Universe, accessed 12 December 2002. For more on the lack of resolution today, see the next two chapters on Dayton and post-Dayton Bosnia.

<sup>101</sup> Accordingly, it is highly likely that Bosnia would have descended into a war even if had not been for the U.S. policy that prematurely recognized Bosnia and scuttled the Lisbon agreement. See also this study's subsequent criticism of policy-makers and authors (e.g., Owen and Radan) who have argued that a negotiated partitioning agreement was possible and would have prevented the Bosnian war.

<sup>102</sup> That lesson has been reinforced by the Dayton peacemaking. An agreement on internal partitioning came only in 1995, after more than three years of the Bosnian war, and after Richard Holbrooke encouraged both the Muslims and the Croats to reverse some of the Serb territorial gains in Bosnia. See Chapter Six.

For example, both the Bosnian Croats and the Bosnian Muslims signed the VOPP, and yet, they were the parties who would now begin to fight. The Bosnian Croats accepted the VOPP immediately as a stepping-stone towards establishing their own state in Bosnia. The Bosnian Muslims, on the other hand, accepted the VOPP, late and reluctantly, in order to increase international pressure on Pale and Belgrade. Sarajevo calculated that the Serb refusal would be followed by an international military intervention aimed at rolling back the borders of the Bosnian Serb Republic. When that scenario did not happen, Sarajevo turned against the weaker Bosnian Croats to compensate for its losses suffered at the hands of the stronger Bosnian Serbs, even though Sarajevo had previously agreed to institute the VOPP on a bilateral basis.

Third, the problem of international leverage is a serious issue, for it presents the problems not only with the stronger Bosnian Serbs, but also with the weaker Bosnian Muslims, who were most dependent on the Western powers.

Positioned in between Serbia and Croatia, it looked as if Sarajevo would never be able to win, and that the only reasonable option for the outside powers would be to step in and pressure Sarajevo into admitting defeat by accepting the partitioning of Bosnia to the Serb and the Croat advantage. Though Sarajevo could easily prevail over the vulnerable Croats of Central Bosnia, it could never have prevailed, without the outside support, over Croatia and its Croats, who were seriously concerned by Sarajevo's drive towards Croatia's Adriatic Coast. However, despite being the party that was most dependent on outside support, Sarajevo did not fear the consequences of defying the outside powers that had forced it to sign the VOPP and the bilateral agreement with its Croats.

In fact, in 1993 the Western powers did not have much leverage over either the stronger Bosnian Serbs or the weaker Bosnian Muslims because the international

demands were unacceptable to either side. The Serbs could not give up control over vast portions of Bosnia in order to settle for the 45 percent assigned by the VOPP, while the Bosnian Muslims could not accept being squeezed into the “reservations.” The only significant leverage that the outside powers had was over Zagreb, which was exposed to the threats of sanctions for the two, mutually contradictory, policy reasons--these threats worked because of the potential gain for Croatia in each case.

First the British threatened sanctions if Zagreb were to set up a military alliance with Sarajevo in response to the Serb strategic surprise attack on Bosnia in late March 1992. Britain and France wanted to see peaceful negotiations on territorial division, not a military offensive by Zagreb and Sarajevo to fight off the Serbs. Croatia would indeed forego the proposed military alliance in the hope that its support for the international efforts to partition Bosnia would pay off politically: help return to Croatia its territories lost in the war of 1991 as well as gain some Croat-inhabited parts of Bosnia.<sup>103</sup>

About two years after Britain had threatened Zagreb with sanctions if it should set up a military alliance with Sarajevo to fight Bosnia’s partitioning, America stepped in with the opposite policy. Washington now urged a military alliance between Zagreb and Sarajevo, and was willing to support forceful solutions based on the idea that Bosnia had to be preserved in some form.<sup>104</sup>

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<sup>103</sup> Herein lies the main reason why the VOPP was drafted in a way beneficial to the Croats, by giving them large areas of nationally mixed Central Bosnia: it was the British reward to the Croats, because Zagreb abandoned the idea of helping Sarajevo fight off the Serbs, and rallied its support, instead, to European efforts to negotiate Bosnia’s partition. Britain wanted to make sure that the Croats would sign—and expected that the Serbs would naturally sign on—so that the Muslims would be isolated and then pressured into signing. See previous references to the Croatian divisions over its Bosnia policy, Sarajevo’s eagerness for a military alliance with Zagreb, and a shift in Croatian policy in response to the British threats; see, in particular, Philips, “Bosnia and Croatia in Anti-Serb Alliance,” Harden, “Sarajevo Sees Relief in Croats’ Advance;” Williams, “Croats Joining Bosnians in Battle Against Serbs;” “M. Tadjman fait etat de severes critiques de Lord Carrington” (Mr. Tadjman severely criticizes Lord Carrington).

<sup>104</sup> In view of the British previous policy directed against the Bosnian territorial integrity and the Muslim-Croat alliance, it is no wonder that Britain and France, in addition to UN officials, would remain highly critical of Washington when it set up a military alliance between Zagreb and Sarajevo in 1994, arguing that

American coercive diplomacy worked in the case of Croatia, even though the Washington demands were the reverse of the previous international demands. By then Zagreb had clearly seen the pitfalls of its policy on Bosnian partitioning: support for the VOPP did not return to Zagreb the territories lost in the war of 1991, while it exposed the Bosnian Croats to the Sarajevo attacks and led to the international criticism of Croatia in which Britain, ironically, was the leading Western country.

Moreover, American pressure on Croatia to help preserve Bosnia was coming in the package with Washington's support for Croatia's territorial integrity, the most important of Croatia's objectives. Zagreb's main concern was to preserve the territorial integrity of Croatia, not to incorporate the portions of Bosnia's territory inhabited by Croats. Its policy on Bosnia's division was motivated by the theory advocated by President Tudjman that the best way to return Croatia's lost areas was for Zagreb to agree to "compensate" Serbia by acquiescing in the division of Bosnia to the Serb advantage.<sup>105</sup>

Fourth, the VOPP failure pointed to the problem of peacemakers' lack of commitment to the peace process and disputants' well-being. The Western powers engaged in peacemaking with the assumption that they would be able to impose a "reasonable" compromise, and thus ensure peace with a minimum effort on their part. However, such an outcome was not a possibility because of disputants' major disagreements about borders. Instead, the outside pressure for a negotiated agreement

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this move would only prolong the Bosnian war. For this British and French criticism of Washington, see Robert Block, "US Accused of Aiding Bosnian Forces," *Independent* (London), 12 November 1994, available from Lexis-Nexis Universe, accessed 12 December 2002; Bruce Clark and Chrystia Freeland, "New World Order Going Badly Wrong: Bruce Clark and Chrystia Freeland Explain the Dispute on Handling the War in Bosnia," *Financial Times* (London), 19 November 1994, available from Lexis-Nexis Universe, accessed 12 December 2002. Furthermore, Britain and France were critical when America later supported the limited Muslim-Croat offensive that helped reverse some of the Serb territorial gains in 1995, the reversal that was necessary to the successful conclusion of the Dayton agreement (see Chapter Six).

<sup>105</sup> Other Croatian politicians, such as Zdravko Tomac, argued that only insistence on the territorial integrity of both Bosnia and Croatia would return Zagreb its lost territories. For these Croatian differences, see Tomac, *Struggle for the Croatian State*, 233-255.

played into the disputants' own, often nefarious objectives, and led to conflict escalation. Yet, despite the conflict escalation triggered by peacemaking, the Western powers did not feel a sense of responsibility for imposing an end to violence once it had become clear that their involvement had merely worsened the dispute.

For example, since Europe had urged the disputants to embrace the VOOP, and had moreover pressured the Muslims and the Croats to institute the VOOP on the bilateral basis, then Europe had incurred responsibility to step in to mitigate the conflict between the Muslims and the Croats and help reverse the Serb territorial gains. Instead, Europe immediately abandoned the VOOP, shifting responsibility for the VOOP failure onto America, which had refused to join Europe in the VOOP implementation.<sup>106</sup> Yet Britain and France had military capabilities of their own and could have imposed the VOOP if they wanted to do so. If unprepared to enforce the agreement without America, Europe should not have launched itself into the VOOP negotiations without Washington's support, for it turned out that its interference only worsened the lot of the local people.

The VOOP failure and the conflict escalation in 1993 brought to surface major divisions between America and Europe, as well as among the European states. No Western power was willing to put its forces into Bosnia to help end the war; instead, they began quarrelling over who was responsible for the Bosnian mess. Then, though Washington, Paris, and London had deep differences regarding Bosnia, all three agreed that Bonn should be blamed, picking as their scapegoat the timing of Croatian recognition. According to France, Germany's "premature and precipitous" recognition of Croatia ruined the chances for a peaceful settlement of the Yugoslav crisis.<sup>107</sup>

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<sup>106</sup> The accusation of America for undercutting Europe and the VOOP stretches throughout Owen's book, being one of the main themes of his *Balkan Odyssey*; see in particular pp. 107-108, 112, 117, 121, 173.

<sup>107</sup> "Bosnie Roland Dumas met en cause les responsabilites 'ecrasantes' de l'Allemagne et du Vatican dans 'l'acceleration de la crise,'" *Le Monde* (Paris), 22 June 1993, available from Lexis-Nexis Universe, accessed

The quarrel led to a controversy among policy-makers and scholars regarding what the Western powers should have done at the very beginning of the conflict. Namely, some have argued that recognition of new states should have been delayed until all the disputants agreed on new borders. For example, Lord Owen found it “incomprehensible” that Europe rejected, at the outbreak of the conflict in the summer of 1991, a secret Dutch proposal to redraw internal boundaries: the EC Ministers considered the Dutch proposal a dangerous precedent unsuitable for the mixed Yugoslav republics:<sup>108</sup>

It is true that there could not have been a total accommodation of Serb demands; but to rule out any discussion or opportunity for compromise in order to head off war was an extraordinary decision. My view has always been that to have stuck unyieldingly to the internal boundaries of the six republics within the former Yugoslavia...before there was any question of recognition of these republics, as being the boundaries for independent states, was a folly far greater than that of premature recognition itself. The refusal to make these borders negotiable greatly hampered the EC's attempt at crisis management in July and August 1991 and subsequently put all peacemaking from September 1991 onwards within a straitjacket that greatly inhibited compromises between the parties in dispute.<sup>109</sup>

Along the same line of reasoning, a number of policy-makers, scholars, and lawyers have challenged the Badinter opinions that upheld the existing borders among the Yugoslav republics (*uti possidetis*), arguing that new borders should have been negotiated, together with the transfer of population, prior to recognition of the new states. They argued that the Badinter principles were neither legal nor justified in view of the escalating violence, suggesting that a better option would have been to delay recognition until the new states had agreed to accept territorial losses in exchange for recognition.<sup>110</sup>

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23 February 2000. German responses have already been annotated; see, e.g., Unger, “Germany Is Not to Blame for Bosnia;” Stabreit, “Yugoslav Break-up: Don't Blame Germany.” See Chapter Four for more details and references regarding the recognition of Croatia, the event that was the outcome of a common European policy rather than of an isolated German action, as commonly believed.

<sup>108</sup> Owen, *Balkan Odyssey*, 33.

<sup>109</sup> *Ibid.*

<sup>110</sup> Besides Lord Owen's *Balkan Odyssey*, 31-34, see also an account by another European negotiator who supported ethnic partitioning: Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 73-80, 374. See also Woodward, *Balkan Tragedy*, in particular pp. 183-189. For the reasoning that underlies a typical argument against “premature recognition,” see Védrine, then

The consequences of applying the Badinter Borders Principles were disastrous for the SFRY. While any solution to the question of borders presents its own particular problems, it is suggested that an approach based upon plebiscites and orderly and voluntary transfers of persons represents a far more palatable alternative to the approach taken in the case of the SFRY, if only because fewer lives are likely to be lost and shattered.<sup>111</sup>

It is highly likely that the Badinter Commission was guided by the EC policy rather than by law. As demonstrated in Chapters Three and Four, in 1991 Europe felt an urgent need to affirm the existing borders and peaceful conflict resolution in a post-communist Europe and thereby pre-empt quarrels over new borders, most importantly in the former Soviet Union.<sup>112</sup> It is also true, as evident from this Chapter, that the international support for Bosnian territorial integrity—recognition of Sarajevo without an agreement on Bosnia's partitioning—precipitated the Bosnian civil war in 1992.

Nevertheless, one should not assume that there existed an option more likely to avert the Bosnian tragedy. Namely, in view of the VOPP failure—the Bosnian Serb rejection, as well as the escalating conflict between the Bosnian Croats and Muslims—it is highly questionable that a prior agreement on the negotiated break-up could have been secured. It is very unlikely that Bosnia could have been divided peacefully, given the

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a close aide of French President François Mitterrand: Hubert Védrine, "La tragédie yougoslave" (Yugoslav tragedy), in *Les Mondes de François Mitterrand: À l'Élysée: 1981-1995* (The Worlds of François Mitterrand: At Élysée, 1981-1995) (Paris: Fayard, 1996), 591-680, see in particular 621. For the legal and political arguments against the Badinter opinion on *uti possidetis*, see, e.g., Peter Radan, "Post-Secession International Borders: A Critical Analysis of the Opinions of the Badinter Arbitration Commission," *Melbourne University Law Review* 24 (April 2000), available from Lexis-Nexis Universe, accessed 3 December 2002; Hurst Hannum, "Self-determination, Yugoslavia, and Europe: Old Wine in New Bottles?" *Transnational Law and Contemporary Problems* 3, no. 1 (1993): 58-69; Steven R. Ratner, "Drawing a Better Line: Uti Possidetis and the Borders of New States," *The American Journal of International Law* 90 (October 1996), available from Lexis-Nexis Universe, accessed 23 December 2002. The views expressed by the authors cited above constitute a challenge to the Badinter opinions that upheld the existing borders, and hence to the EC policy during the Croatian war of 1991 and the U.S. policy on Bosnia; the latter has consistently upheld Bosnia's territorial integrity. The views expressed by critics like Radan also go against arguments advanced by a number of authors already cited such as Zimmermann and Malcolm.

<sup>111</sup> Radan, "Post-Secession International Borders."

<sup>112</sup> In addition, Europe believed that adhering to the *uti possidetis juris* principle would entail the least costs for the disputing parties, as evident from its objection raised to the Dutch proposal, as quoted by Owen. For the EC concerns underlying its support for the existing borders, see Chapters Three and Four.

disputants' conflicting views of borders, Bosnia's national mixture, and the lack of international leverage over disputants engaged in a high-stakes identity dispute.

Nonetheless, Lord Owen believed that Europe's refusal to negotiate new borders from the start of the conflict "inhibited compromises between the parties in dispute."<sup>113</sup> This formulation would suggest that the leverage is needed to bring to bear upon all the disputants in order to extract a compromise in which each disputant would not only have to bear some losses but also be rewarded by some gains. Yet, the only leverage that Owen had proposed concerned the weaker disputants: non-recognition until Zagreb and Sarajevo should agree on new borders. Namely, Lord Owen had no suggestion as to how to extract concessions from the stronger side: the Serbs. Yet, the Bosnian Serbs were the only party that rejected the VOPP—the plan proposed by Lord Owen himself--though the plan was drafted in accordance with the Lisbon (i.e., partitioning) principles as demanded by the Bosnian Serbs.

The problem of international leverage over the Serbs emerged as soon as Europe engaged in the Lisbon negotiations, before Bosnian recognition. It was not possible to conclude an agreement because Bosnian Serb leader Radovan Karadzic demanded the "territories where Serbs [were] the majority, or where there [were] some Serbs, or where Serbs used to live, or where they [needed] land to fill out their territories."<sup>114</sup> Besides the problem of the Serbs' perspective on borders, there existed the problem of the Serbs' relative strength, which made the Serbs less likely to compromise. As the YFA had withdrawn from Croatia into Bosnia, the YFA units in Bosnia had transformed themselves into a Bosnian Serb army. Under such circumstances, the Bosnian Serbs had

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<sup>113</sup> Owen, *Balkan Odyssey*, 33, emphasis added by the author of this study.

<sup>114</sup> Bosnian President Izetbegovic quoted in Zimmermann, *Origins of a Catastrophe*, 191.

no incentive to give up any of their territorial claims and ensure an early fair settlement reflecting a compromise among the Bosnian disputing parties.

Moreover, it is highly doubtful that all of the Yugoslav conflicts could have been pre-empted by a negotiated partitioning agreement for all of Yugoslavia. It is important to remember that the Carrington plan, proposed in the fall of 1991, failed as soon as Europe had raised the Kosovo question: Serbia argued that the Bosnian and Croatian borders should change to accommodate the Serb desire to split away from Zagreb and Sarajevo, but Serbia rejected any discussions about Kosovo, asserting the problem to be Serbia's "internal" question.<sup>115</sup>

It also remains unclear whether Sarajevo and Zagreb would have been willing to trade recognition in exchange for the permanent loss of territory: their acceptance of the Western proposals was not motivated by their interest in a compromise on partitioning but, instead, by their desire to cultivate international support for their fight to restore the territorial integrity of Bosnia and Croatia, respectively. As this Chapter has demonstrated, even weaker disputants—such as Sarajevo that attacked the Bosnian Croats despite its previous agreement to the VOPP—are capable of resisting international efforts to impose solutions they consider to be detrimental to their interests.<sup>116</sup>

Furthermore, it is highly questionable that leaders could agree to the partitioning agreements against the pressures of their constituencies. For example, even though President Tudjman and President Milosevic reputedly engaged in the secret negotiations to divide Bosnia and keep Croatia intact in return, these talks never produced the intended result of avoiding a Serbian-Croatian war by reaching a common understanding

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<sup>115</sup> For details and references, see Chapter Four.

<sup>116</sup> Besides the Sarajevo example given above, there also exists the example of Croatia in the fall of 1991: Zagreb, though eager to please Europe, still attacked the YFA barracks (Chapter Three). See also the Kosovo Chapter, which explains how the Serbs resisted the most powerful alliance in the world.

on Bosnia. In the end, Milosevic did give up on the Croatian Serbs, as he had allegedly promised to Tudjman in 1991; however, Milosevic did so only in 1995, after Croatia had won the war against its Serbs, and Belgrade had acquiesced in Croatian victory because it needed Croatian support for the successful conclusion of the Dayton agreements.<sup>117</sup>

Finally, even if an agreement on new borders could have been secured, it is difficult to believe that a prior partitioning agreement could have prevented conflict, because the VOPP demonstrated great difficulty in dividing the mixed areas peacefully. It is more likely that such an agreement, if secured at all, would have facilitated a violent expulsion of minorities; most likely Bosnia could not have been divided through a strategy of plebiscites and orderly population exchanges.<sup>118</sup> Rather than preventing conflict, such a partitioning agreement would have precipitated violent ethnic cleansing.

Yugoslavia's history also warns against a notion of reaching a settlement on Bosnia's partitioning without major difficulties. During World War II, efforts at partitioning were accompanied by atrocities, when the Croat/Muslim Ustashi and the Serb Chetniks fought for their own respective solutions in Bosnia. It was for that reason that the Yugoslav communists and the AVNOJ had decided to reaffirm Bosnia's historic borders, for it had proven difficult to divide the land that was "neither Serbian, nor Croatian, nor Muslim, but [was] equally Serbian and Muslim and Croatian."<sup>119</sup>

Accordingly, the British diplomatic sources during World War II concluded that it would

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<sup>117</sup> For details and references, see Chapter Six.

<sup>118</sup> For a suggestion that Bosnia could have been divided more peacefully, through plebiscites and population exchanges, see Radan, "Post-Secessionist International Borders."

<sup>119</sup> For the quote describing Bosnia above, see: Yugoslavia (SFRY), National Antifascist Council of the National Liberation of Bosnia and Herzegovina, "[The Resolution of the First Session of the National Antifascist Council of the National Liberation of Bosnia and Herzegovina]," 25-26 November 1943, quoted in "Position of the SFRY Presidency," 18 December 1991, Document No. 152a in *Yugoslavia Through Documents: From its Creation to its Dissolution*, ed. Snežana Trifunovska (Dordrecht, Netherlands; Boston; London: Martinus Nijhoff Publishers, 1994; distributed in U.S. by Kluwer Academic Publish), 477. For the full quote (the entire passage) and related discussion, see Chapter Two.

be impossible to divide Bosnia peacefully, and that any such option would entail violent transfers of population and would require forceful imposition by the Allied powers.<sup>120</sup>

To be sure, ethnic partitioning can provide solutions, given disputants' lack of reconciliation that would permit the creation of a common state. That has been evident from the relative success of the Dayton agreements, which ended the Bosnian war, by calling for a two-tier Bosnia, divided between the Serbs, on the one hand, and the Muslims and the Croats, on the other. However, the successful imposition of the Dayton agreements and the end of the war in Bosnia should not overshadow the fact that the negotiations on ethnic partitioning succeeded only after the ethnic cleansing had been carried out on the ground, thereby facilitating a partitioning agreement. Nor should it obscure the fact that while placing its signature at Dayton, Sarajevo did not give up its goal of accomplishing a single, unified Bosnia. Thus, negotiations on ethnic partitioning have their limits, too, and they offer a poor prescription for preventing conflicts--even though partitioning arrangements can bring about a fragile peace overseen by foreign powers, as evident from post-Dayton Bosnia.

### **Conclusion**

Some believe that it was wrong to recognize Croatia and Bosnia before agreement on new borders, and that such an agreement could have been secured and would have preserved peace because the rationale for the Serb wars against Croatia and Bosnia would have been removed. Others think that the Badinter opinions that upheld the existing

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<sup>120</sup> Great Britain, Foreign Office, "Foreign Office Paper on Bosnia-Herzegovina, Printed 31 July 1944," [FO 371/37601], 786. For more details and references, see Chapter Two.

borders were correct, demanding strong measures to prevent, or later punish, the Serb “aggression” against the internationally recognized borders of new states.<sup>121</sup>

However, neither international insistence on the existing borders nor enforced negotiations on new borders would have ensured that this conflict would have been resolved amicably. It was not possible to reach any agreement peacefully in view of the extensive national mixing and the disputants’ very divergent and mutually conflicting perspectives on borders, history, nationhood, and statehood. Both options seem to call for the outside powers to repress violence, because the disputants would continue to fight to determine to whom the disputed territories would belong. This is evident from the fact that the Serbs fought against the existing borders becoming international, while the Croats and the Muslims fought back to avoid the division of Croatia and Bosnia, respectively. Furthermore, the abandonment of the Lisbon (partitioning) principles precipitated the Serb war against Bosnia in 1992, while the VOPP negotiations on partitioning Bosnia precipitated the Muslim-Croat war in 1993, without bringing the Bosnian Serbs aboard the peace process.

Since the two rather different international policies produced comparable results—conflict escalation—it seems that the real problem is less about which option could have enforced a negotiated, peaceful settlement onto disputants than it is about acknowledging the limits and costs of forceful interventions undertaken against the lack of disputants’ reconciliation and the presence of their “devious objectives.”<sup>122</sup> Regardless of which option the outside powers might decide to pursue, the conflicts might escalate,

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<sup>121</sup> Policy-makers and scholars belonging to these two different trains of thought have already been extensively discussed and annotated: see, e.g., Owen’s and Radan’s arguments versus those of Zimmermann and Malcolm.

<sup>122</sup> “Devious objectives” is a phrase borrowed from Richmond. The author has argued that disputants can negotiate in bad faith, or for reasons other than a peace settlement: Richmond, “Devious Objectives,” 707.

thus creating a need for the outside powers to step in to impose division, be it along existing internal borders or newly redrawn borders.

The lessons offered by the 1992-1993 Bosnian peacemaking also include this: coercive peacemaking should not be undertaken by outside parties without a commensurate sense of responsibility for the outcome of their actions. Nonetheless, in 1992 and 1993, Western powers were unwilling to bear the costs, choosing instead to let conflicts escalate and the local people pay the price of a Western involvement that had arguably worsened, rather than mitigated, the Bosnian disputes by failing to impose a peaceful settlement and by playing, instead, into the disputants' own schemes.

## CHAPTER SIX

### DAYTON PEACEMAKING

#### America Ends the Bosnian War (1995)

##### Introduction

This Chapter focuses on the Dayton peacemaking, throwing light onto why America succeeded in ending the Bosnian war. It first deals with the Washington calculus that led to its involvement. It then analyzes why Washington succeeded in bringing Belgrade and Sarajevo aboard the peace process in 1995, even though Europe had previously failed. It argues that Washington's pragmatic focus on peace—by then necessary since Bosnia had come to involve some limited American interests—led to a change in the American Bosnia policy: acceptance of Bosnia's internal partitioning.

Washington ended the Bosnian war by supporting a limited use of force that helped roll back the borders of the Bosnian Serb Republic and thus make bearable, in the Serb eyes, the peace proposal that had been previously rejected by the Bosnian Serbs. Furthermore, the American threat of abandonment was a powerful strategy to pressure Sarajevo into accepting peace, particularly since the Dayton agreement held some promise for Bosnia's eventual unification by formally acknowledging Bosnia's international legal personality.

This Chapter demonstrates some benefits of coercive peacemaking, while also displaying its limits and costs. America succeeded in ending the Bosnian war, a goal that had previously eluded Europe and the UN. However, the result was an internally divided Bosnia, while peace was created at the expense of Bosnia's "peace refugees."

### **American Calculus: Bosnian Peace and Stability**

The Bush Administration had recognized Bosnia in 1992 with the aim of preventing a Bosnian war over new borders. Its coercive diplomacy, however, had failed to deter the Serbs, who had launched a strategic surprise attack against the newly recognized state. When America's actions had precipitated the Serb war against Bosnia, the Bush Administration failed to follow up with any additional measures to help Sarajevo defend its independence. Instead, Washington's support for Bosnia was limited to condemnatory UN resolutions and criticism of the European peace proposals for Bosnia's partitioning. In 1994, the Clinton Administration helped set up, against European wishes, a military alliance between Zagreb and Sarajevo. America also sponsored the Federation of the Bosnian Croats and the Bosnian Muslims within Bosnia; its establishment ended the one-year war between the Bosnian Croats and Sarajevo.<sup>1</sup>

However, it would not be until 1995 that America would step in to end the war between the Serbs, on one hand, and the Croats and the Muslims, on the other. Why did America wait so long to get involved? Or, why did it finally decide to do so in 1995?

The real impetus for Washington's involvement did not originate from humanitarian concerns, but from American domestic politics and a dilemma then being faced by US President Bill Clinton. On the one side was the Republican-dominated Congress, which had urged the lifting of the arms embargo against Sarajevo. On the other side was America's obligation to help extract European peacekeepers then in Bosnia: Europe had announced it would pull out if the arms embargo were to be lifted. Thus, America would have needed to deploy its own ground forces to help with a withdrawal

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<sup>1</sup> For these events and references, see Chapter Five. Like the previous chapter, this chapter also uses the term "Bosnian Muslims," instead of "Bosniaks." The idea behind this usage is to avoid confusion among readers. Most of sources then referred to Bosniaks as "Muslims," as the latter term was the official term used by Titoist Yugoslavia. For more on terminology, see the beginning of Chapter Five. It should be noted that "Sarajevo" and "Bosnian Government" also stand for the Bosnian Muslim authorities.

that would have occurred under chaotic circumstances and would have led to at least some American casualties. Yet, America's failure to help in the withdrawal of European peacekeepers would have had dramatic consequences for the future of NATO's cohesion and the already strained transatlantic relations.<sup>2</sup>

By that time, many European countries were openly talking about withdrawal. The UN peacekeepers in Bosnia were either being taken hostage when they tried to threaten the Bosnian Serbs or else remained passive witnesses to the ongoing violations of humanitarian law. The peacekeepers' hostage crisis exposed the bankruptcy of the international policy in Bosnia: the Bosnian Serbs took 370 UN peacekeepers hostage, releasing them only after NATO suspended air strikes against the Serb positions.<sup>3</sup>

Moreover, the downfall of Srebrenica and the UN's inability to prevent the massacre of over 7000 Muslims-- the largest crime in Europe since the end of World War II--was the final blow to the international community's ineffective peace efforts.<sup>4</sup> The French President remarked that it would have been better for the UN to leave Bosnia than to "remain only to observe, and to be, in a way, accomplices in the situation."<sup>5</sup>

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<sup>2</sup> William Drozdiak, "Clinton's Balkan Shifts Erode Europeans' Confidence," *International Herald Tribune*, 7 June 1995; "White House Goes On the Offensive to Defend Bosnia Policy," *International Herald Tribune*, 8 June 1995; Ian Davidson, "Retreat Into Panic: UN Withdrawal from Bosnia Could Damage the Atlantic Alliance," *Financial Times* (London), 7 June 1995.

<sup>3</sup> "Serbs Free Last Captives As UN Agrees to Demands," *International Herald Tribune*, 19 June 1995; John Darnton, "Hostage Crisis Drives France and Britain to Reconsider Bosnia Role," *International Herald Tribune*, 3-4 June 1995. For the problem of the safe areas, see United Nations, Security Council, "Report of the Secretary-General Pursuant to Security Council Resolution 982 (1995) and 987 (1995)," S/1995/444, 30 May 1995, available from <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N95/160/38/PDF/N9516038.pdf?OpenElement>, accessed 20 January 2004.

<sup>4</sup> According to the International Committee of the Red Cross, the Bosnian Serbs killed 7079 Bosnian Muslims in Srebrenica between 12 July and 16 July 1995; the ICRC figure quoted in Richard C. Holbrooke, *To End a War*, rev. ed. (New York: Random House, 1998; New York: Modern Library Paperback Editions, 1999), 70. For an account of life in, and the downfall of, Srebrenica, see Jan Willem Honig and Norbert Both, *Srebrenica: A Record of a War Crime* (New York: Penguin, 1997). For the UN report on Srebrenica, see United Nations (UN), General Assembly, 54<sup>th</sup> Session, "Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica," A/54/549, 15 November 1999, available from <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/348/76/IMG/N9934876.pdf?OpenElement>, accessed 20 January 2004.

<sup>5</sup> French President Jacques Chirac quoted in Holbrooke, *To End a War*, 71.

On 14 June 1995, Richard Holbrooke reminded President Clinton of the existence of Op Plan 40-104, already endorsed by the NATO Council, which envisaged the deployment of 20,000 NATO troops to help with the withdrawal of European peacemakers. Washington's non-involvement was no longer considered an option: America had decided it had to help end the Bosnian war rather than send its troops into Bosnia's risky conditions in an action likely only to "implement failure."<sup>6</sup>

Thus, by the summer of 1995, there had emerged a need to end the Bosnian war, with Washington considering that it had a vested interest in creating a Bosnian peace, but not a compelling national interest that could justify American casualties. The presence of some important American interests, nevertheless, was seen to justify a limited military or political engagement. Washington's goal would no longer be the affirmation of a normative or moral order—such as its previous insistence on a single, "multiethnic" Bosnia, which had typified the American rhetoric when Washington did not feel obligated to get involved and thus had criticized European proposals for partitioning as morally wrong. Instead, Washington's goal had become simple and straightforward: ending a war that had implications for the future of NATO's credibility and political cohesion, and thereby for America's leadership in Europe.

Accordingly, Washington would now adopt a pragmatic approach consistent with its goal of a limited engagement for the sake of imposing the end of violence. America would now recognize the internal partitioning of Bosnia, albeit within the framework of a nominally sovereign Bosnian state. Also crucial to the American peacemaking efforts was the NATO campaign to bomb the Bosnian Serbs--not in order to create a single

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<sup>6</sup> Holbrooke, *To End a War*, 66-68; for the phrase quoted, see p. 68.

Bosnian state, as Sarajevo wished, but to alter the Serb calculus and make the negotiations on Bosnia's internal partitioning more productive.

### **Against European Wishes, America Supported Limited Force Against the Serbs**

After prolonged international failure, America finally managed to bring the Serbs aboard the peace process. The question is why America succeeded where others had failed, or what difference America made when compared to previous attempts that could not coerce the Serbs. As argued in this section, the main reason for the American success lay in the use of force to reverse Serb territorial gains and thus to make Bosnia's partitioning proposals—previously rejected by Pale—more acceptable to the Serbs, particularly when coupled with an offer of recognition for the Bosnian Serb Republic.

For years the European negotiators had proposed one partitioning plan after another in the hope of winning over the Serbs, but the Bosnian war continued to escalate. The Pale Serbs rejected the Vance-Owen Peace Plan (VOPP), while the fighting broke out between the Croats and the Muslims in the mixed areas of Central Bosnia, which were supposed to be divided by the VOPP. In view of the divergent perspectives on borders and extensive national mixing, it was not possible to redraw new borders in a peaceful manner: the third party would need to step in forcefully to impose partitioning. Without America's help, however, Europe was unwilling to impose the VOPP.<sup>7</sup>

The main problem proved to be the Bosnian Serbs, who continued to defy the international demands despite economic and diplomatic sanctions. They were the most uncompromising party and, short of using force, there was little leverage to be applied against them. Having inherited the weapons of the Yugoslav Federal Army (YFA) in

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<sup>7</sup> For more on the failure of the VOPP and the Muslim-Croat war in Bosnia, see Chapter Five.

Bosnia and having placed around 70 percent of Bosnia under their control, the Bosnian Serbs enjoyed unsurpassed military strength: they were unable to make the necessary concessions that would permit a peace settlement. The Pale deputies argued they could not accept the VOPP against the pressures of their local Serb constituencies.<sup>8</sup>

The Serbian leaders in Belgrade differed with the Pale deputies: they argued that the VOPP acceptance would eventually lead to the attainment of the Bosnian Serb objectives. By 1993 Belgrade wanted to see the Bosnian war end: it wanted the international sanctions against Serbia lifted. Nevertheless, the Pale Serbs refused to accept the VOPP despite the urging of Belgrade.

A year after the VOPP failure, a new peace plan was offered by Europe, Russia, and America. The Contact Group Plan (CGP) proposed an internal division of Bosnia according to which 49 percent of the territory would go to the Bosnian Serb Republic, and 51 percent would go to the Federation. While accepted by Sarajevo and the Bosnian Croats, the peace plan was rejected, again, by the Bosnian Serbs.

The problem with the 1994 plan was that, while international mediators found leverage over the weaker Muslims and Bosnian Croats, they could not find any effective measures to pressure the stronger Bosnian Serbs. Thus, it was envisaged that if the Serbs accepted the plan, while the Croats and the Muslims rejected it, the sanctions against the Serbs would be lifted, while the Federation would lose international support and financial assistance. In addition, the UN arms embargo against the Croats and the Muslims would be strictly enforced, while their forces would not be permitted to enter any of the areas surrendered by the Bosnian Serbs in accordance with the 1994 plan. At the same time, should the Bosnian Serbs refuse the 1994 peace plan, the plan envisaged only the

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<sup>8</sup> Laura Silber and Allan Little, *Yugoslavia: Death of a Nation*, rev. and updated ed. (New York: Penguin Books, 1997), 281. See also Chapter Five, which deals with the Bosnian Serb rejection of the VOPP.

tightening of sanctions against Pale and the extension and strict enforcement of the “exclusion zones” (i.e., safe areas). However, no international intervention action to reverse some of the Serb territorial holdings was contemplated.<sup>9</sup>

The 1994 CGP plan experienced the same fate as had the VOPP a year earlier: the proposal was supported by Milosevic but rejected by the Bosnian Serbs.<sup>10</sup> Convinced that it was time to preserve in peace what had already been won in war, Milosevic endorsed the CGP proposal and symbolically closed the Serbian border with Bosnia to demonstrate his disapproval of the Pale position.<sup>11</sup> According to Milosevic, the Bosnian Serb behavior was unappreciative of Belgrade and unhelpful to the Bosnian Serb cause:

“They reject peace in a moment when Republika Srpska has been granted half the territory of former Bosnia-Herzegovina and when, by accepting peace they would lift sanctions from those, without whom they would not exist.”<sup>12</sup>

So how did American involvement in 1995 come to make a difference?

America was willing to embrace a limited use of force that ushered in a peace based on newly created realities. Because their constituencies opposed it, the Bosnian Serb leaders could not agree to lose their territories through negotiations: they could only

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<sup>9</sup> For the Contact Group Plan, see “Communiqué of the Meeting of Foreign Ministers in Geneva, 13 May 1994,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 1: 337-339; for the proposed measures aimed at coercing the Bosnian disputants, see “Ministerial Text of 5 July 1994,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 1: 339-341. Because the Contact Group included the U.S., the lifting of arms embargo against Sarajevo was mentioned--but only as a distant possibility--because other members of the Contact Group (Europe and Russia) were opposed.

<sup>10</sup> For the letter that Milosevic sent to the Pale leaders, urging their acceptance of the VOPP, see Serbia and Montenegro, “Message of 26 April 1993 by Cosic, Milosevic and Bulatovic to Bosnian Serb Parliament,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 2: 1334-1337. For more details and references, see Chapter Five.

<sup>11</sup> These actions were criticized by the Serbian Orthodox Church, which now began to distance itself from Milosevic, denouncing Belgrade’s “unjust and inhumane sanctions” against the “crucified brothers in the Serbian Republic of Bosnia and the Serbian Republic of Krajina.” See Serbia and Montenegro, Serbian Orthodox Church, “Statement of 10 August 1994 of the Episcopal Conference of the Serbian Orthodox Church,” in *The International Conference on the Former Yugoslavia: Official Papers*, ed. B.G. Ramcharan (The Hague, London, Boston: Kluwer Law International, 1997), 2: 1369-1371; for the quote, see p. 1370.

<sup>12</sup> Milosevic quoted in Silber and Little, *Yugoslavia*, 342.

accept such losses through defeats on the battlefield. As Bosnian Serb fortunes began to change on the battlefield, a Serb will emerged, finally, to accept a settlement that would still preserve the Bosnian Serb Republic, albeit one within smaller borders.

In other words, America helped provide the leverage over the Bosnian Serbs that had previously been lacking during the European-led peacemaking efforts: previous negotiations had not been accompanied by the threat or actual use of force. This also explains why, in the fall of 1995, a big divide emerged between America and Europe when Richard Holbrooke demanded NATO air strikes and encouraged Zagreb and Sarajevo to take military action to reverse some of the Bosnian Serb territorial holdings.<sup>13</sup>

In addition, America would turn Slobodan Milosevic into a peacemaker: the leader of Serbia, unaccountable to the Serb constituencies in Bosnia, would become more accommodating during the final negotiations about the territorial distribution within Bosnia. In addition, Milosevic's direct involvement in the negotiations helped to resolve another important problem. From the American perspective, it was impossible to negotiate with indicted war criminals Radovan Karadzic and Ratko Mladic, men who would be arrested if they were to set foot onto U.S. territory. Instead, the Serbian President, whom the International Criminal Tribunal for the Former Yugoslavia (ICTY) had not yet indicted, would negotiate on behalf of the Bosnian Serbs.

After a two-year struggle with the Pale politicians, who refused peace proposals despite Belgrade's recommendation, Milosevic grew determined that the Bosnian Serbs would not spoil the chances for peace this time. The Serbian leader wanted a peace in Bosnia that would preserve the most important gains of the Serb war against Bosnian independence, while lifting the sanctions against Serbia. Thus, in the fall of 1995,

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<sup>13</sup> The use of force was one of the most important elements, and it will receive special attention later, following an overview of the reasons for the American success.

Milosevic obtained a written agreement from Pale on setting up the joint Yugoslav-Bosnian Serb delegation for the peace talks. Witnessed by Patriarch Pavle, Head of the Serbian Orthodox Church, the agreement came to be known as “The Patriarch Paper.”<sup>14</sup>

Milosevic was unemotional about the “sacred Serb land” and could thus more easily trade Bosnian Serb holdings to preserve an overall advantageous position for Pale. Unlike the Pale leaders who were accountable to their hard-line Serb constituencies in Bosnia, Milosevic could more easily surrender the areas conquered by the Bosnian Serbs and make the necessary territorial concessions. Milosevic traded with Bosnian Serb land with such ease that at some point, unknowingly, he traded away too much. During the negotiations at Dayton, the Bosnian Serb holdings shrank by 4 percent (they fell from 49 to 45 percent), while the Federation’s territory increased from 51 to 55 percent.<sup>15</sup>

Milosevic told the Holbrooke team not to involve the Bosnian Serb delegation in any talks regarding the maps. The Americans, nevertheless, brought Momcilo Krajsnik to the talks on the Sarajevo unification: the Bosnian Serb leader got enraged, vowing never to give up the Serbian held areas of Sarajevo.<sup>16</sup> Milosevic eventually made, from the Serbian point of view, a huge concession by giving up the Serbian-held part of Sarajevo to the Muslim-led Bosnian Government. Concerned that the Bosnian Serbs would not spoil the agreement as reached, Milosevic kept the agreement secret and did not show them any of the agreed upon maps until the negotiations were over and the agreement was ready to be signed.<sup>17</sup>

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<sup>14</sup> Holbrooke, *To End a War*, 105-106.

<sup>15</sup> *Ibid.*, 295. This situation eventually led to a great difficulty, as Sarajevo refused to give back any territories to the Bosnian Serbs, as recounted later in this Chapter.

<sup>16</sup> *Ibid.*, 255-256.

<sup>17</sup> The Bosnian Serbs were so angry that they refused to be present at the initialing ceremony at Dayton. They were enraged by the maps, particularly about the surrender of the Serbian part of Sarajevo to the Bosnian control. They were also upset at the proposal of NATO deployment, considering NATO to be an “occupying force.” Elaine Sciolino, Roger Cohen, and Stephen Engelberg, “In U.S. Eyes, ‘Good’ Muslims and ‘Bad’ Serbs Did a Switch,” *New York Times*, 23 November 1995.

Even though Milosevic proved accommodating at Dayton, he had, nevertheless, made clear the minimum terms that the international negotiators needed to respect in order to secure an agreement with the Serbs. Thus, after Milosevic had unknowingly surrendered too much of the Bosnian Serb land, the Bosnian Croats and Muslims had to give some land back to the Bosnian Serbs.<sup>18</sup> The Serbian President would not accept anything less than the recognition of a Bosnian Serb Republic stretching over 49 percent of Bosnian territory. Milosevic was very firm on that point:

“I can do many things...but I cannot give you more than fifty-one percent. This is my bottom line with Republika Srpska. We agreed to this before Dayton.”<sup>19</sup>

The above also indicates one more reason for the American success at Dayton. Washington offered the Serbs a carrot to encourage their agreement—the recognition of an autonomous Bosnian Serb Republic within a nominally sovereign Bosnia. According to the Geneva agreement, Bosnia-Herzegovina would be composed of two entities: the Bosnian Serb Republic, or “Republika Srpska” (RS), which would get 49 percent of Bosnia’s territory; and the Federation, which would have the remaining 51 percent of Bosnia.<sup>20</sup> Bosnian Serb Foreign Minister Aleksa Buha said that the Geneva agreement was acceptable because it recognized the sovereignty of the Bosnian Serb Republic.<sup>21</sup> Bosnian Serb leader Radovan Karadzic also welcomed the agreement, believing it was an important milestone in the process of all-Serb unification into a single state.<sup>22</sup>

The offer of recognition for a Bosnian Serb republic had been on the table already a year earlier when the Contact Group had offered a plan according to which there would

<sup>18</sup> Holbrooke, *To End a War*, 302.

<sup>19</sup> Milosevic quoted in Holbrooke, *To End a War*, 296.

<sup>20</sup> Holbrooke, *To End a War*, 138-141. See also “Milosevic Hails Geneva Accord,” 9 September 1995, *Agence France Presse*, available from Lexis-Nexis Universe, accessed 14 March 2000. The peace talks opened at Geneva, then resumed at New York, and finally ended at Dayton.

<sup>21</sup> “Bosnian Serb Minister: Peace Plan Grants Serb Sovereignty, Border Control,” *BBC Summary of World Broadcasts*, 5 October 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

<sup>22</sup> Gordon Barthos, “Partition of Bosnia an Old Idea Whose Time Has Come,” *Toronto Star*, 16 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

be a Bosnian Serb entity. Yet, that plan was rejected by the Bosnian Serbs in 1994: they would nevertheless welcome the Geneva principles in 1995 even though the offer was basically the same: 49 percent for a Bosnian Serb entity.

The chief reason why the Bosnian Serbs found the Geneva principles attractive was that, by the fall of 1995, they had begun losing territories to the Croats and the Muslims: America supported their offensive against the Bosnian Serbs and even initiated NATO air strikes against Bosnian Serb positions. The Bosnian Serb morale and expectations dramatically dropped as their territorial holdings fell from 70 to 50 percent of Bosnia-Herzegovina.<sup>23</sup> Under such circumstances, the recognition of a Bosnian Serb entity—even if comprised of “only” 49 percent of Bosnia—became acceptable in the eyes of the Bosnian Serbs, particularly when that offer of recognition came in a straightforward manner in 1995, unlike the secret promises with still uncertain outcomes that typified the previous peace plans (e.g., the VOPP).<sup>24</sup>

The limited use of force, which helped alter the Serb calculus and ushered in peace, was quite a feat for the Holbrooke negotiating team, which had to struggle against a reluctant Clinton Administration and an even more reluctant Europe: both were uncomfortable with Holbrooke’s forceful diplomacy and the refugees it helped to create. The American negotiator had to balance the diplomatic and military options throughout this period, while urging the support of the Washington and fighting off the European pressure for a cease-fire before the Serbs were aboard the peace process. And yet, the use

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<sup>23</sup> For a report on the low morale among the Bosnian Serbs, see Jane Perlez [Dateline: Banja Luka], “The Serbs: Banja Luka: Not a Target Of Assault, Yet Beaten,” *New York Times*, 2 November 1995.

<sup>24</sup> Previously, the recognition of the Bosnian Serb Republic was implied or promised during private talks between mediators and Serb delegations, as was the case of the VOPP. See “Message of 26 April 1993 by Cosic, Milosevic and Bulatovic to Bosnian Serb Parliament,” Silber and Little, *Yugoslavia*, 277-280. For more details, see Chapter Five.

of force proved crucial in providing leverage over the Serbs and redistributing the land among the Bosnian parties, thereby making the negotiations more fruitful.

America's forceful diplomacy started with its support, in the summer of 1995, for the Zagreb offensive that returned Croatia the areas it had lost in the war of 1991.

Whereas Holbrooke saw the offensive useful to its Bosnia peace initiative, Europeans worried over the fleeing Serbs and an approaching catastrophe. According to Holbrooke,

The Croatian offensive proved to be a wedge issue that divided not only Americans and Europeans, but the top echelons of the American government itself. Most officials saw these military thrusts as simply another chapter in the dreary story of fighting and bloodshed in the region. They felt that the duty of our diplomacy was to put a stop to the fighting, regardless of what was happening on the ground. For me, however, the success of the Croatian (and later the Bosnian-Croat Federation) offensive was a classic illustration of a fundamental fact: the shape of the diplomatic landscape will usually reflect the actual balance of forces on the ground. In concrete terms, this meant that as diplomats we could not expect the Serbs to be conciliatory at the negotiating table as long as they had experienced nothing but success on the battlefield.<sup>25</sup>

The launch of the military offensive by Croatia, and later also by Bosnia, also meant that Europe and Russia had failed to reign in Washington's unilateral peace initiative. The Holbrooke team generally did not consult the European negotiators, considering the Contact Group as "cumbersome" and "unworkable."<sup>26</sup>

The successful Zagreb offensive, which wiped out the Croatian Serb state, shifted the balance of power within Bosnia and, in the words of a member of Holbrooke's team,

<sup>25</sup> Holbrooke, *To End a War*, 72-73. For more on the Zagreb offensive, see Chapter Four.

<sup>26</sup> Holbrooke, *To End a War*, 84. This American attitude offended Europe. For that reason, it is no coincidence that the most vocal critics of Zagreb and its military offensive to reunify Croatia were those who remained highly critical of the American role in the Balkans. Their criticism did not spring from humanitarian concerns for the fleeing Serbs but primarily from resentment of America's unilateral initiative that had left Europe with no other option but to follow in the footsteps of America. European negotiator Carl Bildt is a good case in point: one of the strongest critics of Croatia, he was almost declared *persona non grata* in Croatia after he had compared the Zagreb offensive of August 1995 to the Serb take-over of Srebrenica, an assault which had resulted in the mass killing of over 7,000 Muslim men. Together with Holbrooke, Bildt officially co-chaired the Dayton negotiations; in reality, he was kept at a distance by Holbrooke and rendered superfluous at Dayton. Bildt's belittlement of Holbrooke and America's role in ending the Bosnian war has often come to light in Bildt's writing, as evident from later sections of this chapter, which cite Bildt.

“profoundly changed the nature of the Balkan game and thus [American] diplomatic offensive.”<sup>27</sup> It paved the way for the later peacemaking in Bosnia in the fall of 1995.

The opportunity presented itself when a mortar attack at the Sarajevo marketplace killed 35 people, a day after Holbrooke had warned the Bosnian Serbs about the possibility of NATO’s involvement in Bosnia.<sup>28</sup> This Serb massacre provided Holbrooke with an excuse to launch air strikes for the purpose of peacemaking.

The brutal stupidity of the Bosnian Serbs had given us an unexpected last chance to do what should have been done three years earlier. I told him [Strobe Talbott, Acting Secretary of State] to start NATO air strikes against the Bosnian Serbs—not minor retaliatory “pinpricks,” but a serious and, if possible, sustained air campaign... This was the most important test of American leadership since the end of the Cold War, I said, not only in Bosnia, but [also] in Europe.<sup>29</sup>

Yet no sooner had the Alliance initiated the air strikes than NATO needed to make a pause so that General Bernard Janvier of France—a top UN commander unhappy about the bombing campaign--could conduct negotiations with Bosnian Serb Army Chief Ratko Mladic. Holbrooke and Washington agreed to that pause, provided that NATO could resume the campaign. Some had warned, though, that it would be difficult to resume bombing, given the opposition of some of the European countries and NATO military commanders—an assessment that proved correct.<sup>30</sup>

The bombing resumed, nevertheless, because the Serbs sought to evade an agreement on Sarajevo.<sup>31</sup> In his message to Washington, Holbrooke said the following:

“If we do not resume the bombing, it will have lasted less than forty-eight hours. It will be another catastrophe. NATO will again look like a paper tiger. The Bosnian Serbs will return to their blackmailing ways... Give us bombs for peace. Give us resumption of the bombing by morning.”<sup>32</sup>

<sup>27</sup> Joe Kruzel cited in Holbrooke, *To End a War*, 73.

<sup>28</sup> Holbrooke, *To End a War*, 90-91.

<sup>29</sup> *Ibid.*, 92.

<sup>30</sup> *Ibid.*, 113, 118, 131.

<sup>31</sup> *Ibid.*, 131-132.

<sup>32</sup> Holbrooke cited in Holbrooke, *To End a War*, 132.

Not only did Holbrooke advocate air strikes in order to “soften” the Bosnian Serbs, but he also encouraged the Croats and the Muslims to roll back the Serb territorial gains so that the negotiators’ maps envisaging the 49:51 distribution of Bosnia’s land would correspond to the realities on the ground. The armies of Croatia and the Federation were gaining ground against the Bosnian Serbs, whose positions had been weakened by NATO air strikes. Holbrooke’s reasoning was the following:

It would be much easier to retain at the table what had been won on the battlefield than to get the Serbs to give up territory they had controlled for several years. I urged Tudjman to take Sanski Most, Prijedor, and Bosanski Novi—all important towns that had become worldwide symbols of ethnic cleansing. If they were captured before we opened negotiations on territory, they would remain under Federation control—otherwise it would be difficult to regain them in a negotiation.<sup>33</sup>

Holbrooke had to fight the American Administration, the NATO and the UN commanders, the Russians, and the Europeans, all of whom were opposed to the Muslim-Croat offensive. Thus, while Holbrooke was encouraging the Croatian President to help Bosnia, Rupert Smith, a British officer and Commander of the UN forces in Bosnia, called Holbrooke to inform him he was considering air strikes against the Croatian forces for having violated the international border between Croatia and Bosnia.<sup>34</sup>

When Holbrooke went to Belgrade, he was pleased to see that the military strategy had already produced some results. For the first time, Milosevic proposed a general ceasefire followed by an international conference. This proposal corresponded to the wishes of many Western leaders but not to those of Holbrooke: the American

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<sup>33</sup> Ibid., 160.

<sup>34</sup> Holbrooke, *To End a War*, 164. When Croatian forces tried to cross from Croatia into Bosnia, they met stiff Serb resistance, resulting in some UN casualties when the peacekeepers found themselves caught in between the two sides. The border crossing, however, was legal because Croatia and Bosnia set up a military alliance, envisaging coordinated actions: “Declaration on Implementation of the Washington Agreement, Joint Defence Against Serb Aggression and Reaching a Political Solution Congruent with the Efforts of the International Community,” Split, Croatia, 22 July 1995. Document No.I.2-105 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 391-396; also available as UN Doc. A/50/306-S/1995/609, Annex.

negotiator wanted the NATO bombing and the Muslim-Croat offensive to proceed until the Federation took back more territory from the Serbs:

We were struck by the change in his [Milosevic's] tone. Clearly, the Croat-Muslim offensive in the west and the bombing were having a major effect on the Bosnian Serbs. Milosevic seemed in a rush [to end the bombing and the offensive]. Not for the first time, I thought: the chances for a viable peace will improve if the bombing and the offensive continue, at least for a while.<sup>35</sup>

Eventually, as the Federation came into control of a half of Bosnia, and the international actors continued to exert pressure for peace, a cease-fire agreement was concluded between Sarajevo and the Bosnian Serbs. Concluded on 5 October 1995, the ceasefire was to become effective 5 days later, on 10 October 1995.<sup>36</sup>

As soon as the cease-fire agreement was concluded, Holbrooke left for Zagreb to encourage Croatia to step up the offensive to win back more territory for the Federation before the cease-fire entered into force five days later. Holbrooke told Tudjman:

“You have five days left, that’s all...What you don’t win on the battlefield will be hard to gain at the peace talks. Don’t waste these last days.”<sup>37</sup>

The Muslim-Croat offensive eventually ended when the situation on the ground corresponded more or less to the maps drawn up by the negotiators. In his message to Washington, Holbrooke justified his support for the offensive as follows:

Contrary to many press reports and other impressions, the Federation military offensive has so far helped the peace process. This basic truth is perhaps not something we can say publicly right now...In fact, **the map negotiation, which always seemed to me to be our most daunting challenge, is taking place right now on the battlefield**, and so far, in a manner beneficial to the map. In only a few weeks, the famous 70%-30% division of the country [to the benefit of Bosnian Serbs] has gone to around 50-50, obviously making our task easier.<sup>38</sup>

<sup>35</sup> Holbrooke, *To End a War*, 148.

<sup>36</sup> “Cease-fire Agreement for Bosnia and Herzegovina,” 5 October 1995, Document No. I.2.-123 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 424-425; also available as UN Doc. A/50/718-S/1995/920, Annex II. The agreement was concluded by Bosnian President Izetbegovic and the leaders of Bosnian Serbs, Radovan Karadzic and Ratko Mladic, with US Ambassador John Menzies and Serbian President Milosevic as witnesses.

<sup>37</sup> Holbrooke quoted in Holbrooke, *To End a War*, 199.

<sup>38</sup> Holbrooke cited in Holbrooke, *To End a War*, 168; emphasis added in bold by the author of this study.

In conclusion, Bosnia involved some limited American interests, like the future of NATO and American leadership; hence, America entered the conflict to help end the war. Force became the essential element of peacemaking because it helped create new realities, making the peace proposal more palatable to the Pale Serbs, who could not surrender the territories peacefully. Yet, the use of force was limited, aimed at supporting the international plan on Bosnia's division, which recognized the Serb stakes in Bosnia.

### **America's Challenge: A "Stubborn" Sarajevo Demanding Unified Bosnia**

Sarajevo created considerable difficulties for the Holbrooke negotiating team in search for peace in Bosnia. The Bosnian delegation did not want a peace based on the acknowledgment of a Serb republic within Bosnia. Instead, Sarajevo demanded that America be faithful to its previous rhetoric supporting a single, "multiethnic" Bosnia, a goal maintained by Washington during prior years when it had not felt any responsibility to step in to impose a peace settlement.

Once the Bosnian Serbs had been bombed into coming to the negotiating table, the American focus gradually turned to Sarajevo. The peace talks started at Geneva in early September 1995, continued in New York in late September 1995, and finally ended at Dayton, after twenty-one days of negotiations, on 21 November 1995. In these peace talks, it was the Bosnian delegation--rather than the Serbian or the Croatian--that became the main target of American pressure.<sup>39</sup>

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<sup>39</sup> This Chapter focuses on the Serbs and Sarajevo, whose relationship was the focus of the Dayton peacemaking. The Bosnian Croats were not the major target of the American pressure at Dayton because Zagreb had already accepted that the Bosnian Croats should not have an entity of their own in Bosnia in exchange for the American support for Croatia's territorial integrity. For the Muslim-Croat war and its end, as well as the establishment of the Federation in Bosnia, see Chapter Five. The present-day situation of the Bosnian Croats, whose position has deteriorated since Dayton, will be dealt in Chapter Seven.

The American pressure exerted upon Sarajevo was a new peacemaking element in 1995. Washington had previously supported Sarajevo in rejecting the European proposals on Bosnia's partitioning; however, Washington now strongly urged Sarajevo to accept the internal partitioning and the legitimacy of the Bosnian Serb Republic. Given its previous insistence on single, "multiethnic" Bosnia, America's turnabout left Sarajevo deeply disappointed and angered. Hence, the relations between the American and Bosnian delegations were strained and, at times, even hostile.

Sarajevo was engaged in a total war against the Serbs, aimed at overthrowing the Pale leadership and annihilating the Bosnian Serb republic. In the eyes of Sarajevo, "Republika Srpska" was an illegitimate entity built by "genocide," just as "Republika Srpska Krajina" had been in the eyes of Zagreb. Bosnian Prime Minister Haris Silajdzic affirmed Sarajevo's "right to liberate every inch of Bosnia-Herzegovina."<sup>40</sup>

Thus, the Bosnian Government wanted the NATO air strikes and the Muslim-Croat offensive to proceed until Bosnia was fully "liberated" and the country was "unified."<sup>41</sup> After all, that was the method used by Croatia, which had successfully incorporated--through the use of force--the self-declared Republic of Serbian Krajina.

The American negotiating team viewed the use of force differently. In contrast to Sarajevo's preference for "liberating" all of Bosnia from the Serb "aggressors," Washington pursued a limited objective by limited means: ending the Bosnian war by redistributing territorial holdings and by enshrining Bosnia's inner partitioning. To

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<sup>40</sup> Silajdzic quoted in Chris Hedges, "Diplomats May Talk Peace, But Bosnia Presses the War," *New York Times*, 29 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

<sup>41</sup> As the Bosnian Army was retaking towns from the Bosnian Serbs, it put up posters showing its intention to liberate all of Bosnia, all the way to the river Drina, or Bosnia's boundary with Serbia. The posters carried the slogans such as "Victory is our destiny" and "Only one Bosnia, all the way to the Drina." The Bosnian slogans quoted in Chris Hedges [Dateline: Kljuc, Bosnia], "As Bosnian Army Takes Serb-Held Town, Protectors Become the Protected," *New York Times*, 28 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

Holbrooke, the Muslim-Croat offensive was helpful to the negotiating process, but it did not mark the beginning of Bosnia's "liberation." America did not seek to wipe out "Republika Srpska" because it was aware of the constraining realities: the limits to which the Serbs could be pushed, the limits of what a Europe fearful of a "Muslim" state could accept, and the limits of what America was prepared to do in Bosnia.

One should also question why it was difficult to pressure Sarajevo into accepting the internal partitioning of Bosnia at Dayton. Sarajevo had agreed to such proposals previously—to the Lisbon proposal before Bosnia's recognition (1992), to the VOPP a year later (1993), and even to the CGP (1994), which had become a blueprint for Dayton, having enshrined the famous 49:51 territorial distribution within Bosnia. In view of its previous acceptance to such partitioning agreements, why should Sarajevo resist America's urging at Dayton to accept Bosnia's inner partitioning?

The answer is that Sarajevo had not negotiated in good faith. While the Serbs openly defied the "international community," Sarajevo did oblige international mediators. However, Sarajevo's acceptance of international proposals was a matter of a strategy seeking to generate international support. Sarajevo was no different than other weaker disputants: to please Europe, Ljubljana and Zagreb had suspended their declarations of independence in 1991, without ever giving up on independence.<sup>42</sup> Similarly, Sarajevo had agreed to the international proposals on Bosnia's partitioning because it had calculated that the Serb rejection, coupled with Sarajevo's formal acceptance, would provoke a military intervention against the Serbs, thereby helping the cause of Bosnia's unification.<sup>43</sup>

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<sup>42</sup> For details and references, see Chapter Three.

<sup>43</sup> For details and references, see Chapter Five.

Accordingly, Sarajevo had previously reneged upon the Lisbon agreement as soon as it was offered an unconditional American recognition. Furthermore, Sarajevo had launched the offensive against the Croats of Central Bosnia in order to gain territory, despite its prior agreement to the VOPP, which was supposed to be implemented on a bilateral Muslim-Croat basis. Thus, Sarajevo's commitment to a compromise based on internal partitioning had always been weak since it represented merely its strategy of fighting for its high-stake objective of a single, centralized Bosnia.<sup>44</sup>

However, the American led 1995 negotiations were different. This time Sarajevo's acceptance could no longer be used as a tactical move to pull in Western support for Sarajevo's war against the Serbs. Instead, this time Sarajevo understood that its acceptance would produce an actual agreement that would be implemented because the pragmatic Milosevic was in charge of the Bosnian Serb delegation rather than the defiant Pale leaders who clung to their maximal objectives. Sarajevo also understood that America was eager to conclude an agreement that would guarantee Bosnia's peace, even at the cost of its internal partitioning. In view of the clashing goals between Washington and Sarajevo, the American-Bosnian tensions were inevitable: Sarajevo accused America of betrayal for supporting Bosnia's division.<sup>45</sup>

This difficult American-Bosnian relationship had started at the Geneva peace talks, held between 5 and 8 September 1995.<sup>46</sup> According to Holbrooke, the American delegation obtained, from Milosevic, "unprecedented concessions" that had eluded international mediators for years. One important "concession" was the Serbian consent that Bosnia would "continue its legal existence," which the American negotiator interpreted as Bosnia's right to independence. Another important Serbian "concession"

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<sup>44</sup> For details and references, see Chapter Five.

<sup>45</sup> Holbrooke, *To End a War*, 181.

<sup>46</sup> For the Geneva negotiations, see Chapter 9 in Holbrooke, *To End a War*, 133-141.

was the agreement that Bosnia would continue to exist “within its present borders,” which Holbrooke presented as Belgrade’s rejection of its territorial claims on Bosnia.<sup>47</sup>

At the same time, Milosevic won the American support for the Serb-held areas in Bosnia to retain their name of “Republika Srpska” (‘Serbian Republic’). According to Holbrooke,

Izetbegovic continued to object for over an hour. From time to time, I left the room to speak to the White House about the bombing. It helped that Izetbegovic saw that I was fighting hard for something he desperately wanted—the resumption of bombing. But it was still difficult for him to agree to a document that contained the name Republika Srpska.

It was one in the morning. “We understand your problems with this,” I told the President, “but it is the best we can do with Milosevic at this time. We do not believe that the name Republika Srpska, awful though it is, means much as long as you get everything else—international recognition, defined borders, acceptance of your legal status. You had none of this before. We can’t get ‘Republika Srpska’ out of the draft. I’m sorry, but this is as much we can do.”<sup>48</sup>

When they heard the news from Geneva, the Bosnian Muslims grew unhappy.

According to *Oslobodjenje*, Sarajevo’s main daily,

Pragmatic American diplomacy gave something to everybody and took away a lot. The legality and international continuity of Bosnia was recognized but the RS [Republika Srpska]...was recognized too...In the situation where the entities will have their own governments, constitutions, police and finance, there is little left for the integral Bosnia. The sovereignty, if we understand it as a capacity to execute power over the whole territory, will not be possible to apply in the republic [of Bosnia-Herzegovina].<sup>49</sup>

The Sarajevo delegation disliked the Geneva principles, which it had accepted under Holbrooke’s pressure, and it wanted to avoid any further peace talks, to be held in

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<sup>47</sup> Holbrooke, *To End a War*, 129-131.

<sup>48</sup> *Ibid.*, 131.

<sup>49</sup> *Oslobodjenje* quoted in Adrian Brown [Dateline: Sarajevo], “Bosnian Greet Geneva Accord With Muted Resignation,” *Agence France Presse*, 9 September 1995, available from Lexis-Nexis Universe, accessed 14 March 2000. Sarajevo’s goal was “integral Bosnia”—Sarajevo’s own expression for a centralized state that is organized by a civic principle and that does not recognize collective rights for Bosnia’s three nations. For more on this Sarajevo’s objective, see Chapter Five.

New York. That turn of the events did not suit Holbrooke: he threatened to recommend the end of NATO air strikes should Sarajevo seek to boycott the peace talks.<sup>50</sup>

According to Holbrooke's memoirs, the contentious issue at New York was whether Bosnia would have a "European" system with a strong Prime Minister or an "American" system with a strong Presidency, with the Bosnian delegation favoring the former, and the American delegation offering the reality of the latter.<sup>51</sup> Milosevic strongly objected to "direct elections" by "popular vote," and he succeeded in removing both clauses from the draft.<sup>52</sup> On the other hand, the Bosnian delegation insisted that it could not accept an agreement that not only had been altered by the Serbs but also was without the "direct elections" clause.<sup>53</sup>

According to Holbrooke, the exchanges between the American and Bosnian negotiators were full of anger and carried out at high pitch, as Sarajevo accused America of betrayal. At one point it seemed as if a member of the Bosnian delegation would hit Holbrooke.<sup>54</sup>

After America's friendly persuasion had failed to convince the Bosnian delegation, the American negotiators resorted to coercive diplomacy and urged Sarajevo to either drop the request for "direct elections" or else face American sanctions: the loss of American support and public condemnation by the American President.<sup>55</sup>

We told Sacirbey that President Clinton would speak to the nation at 3:00 P.M. He would either announce the agreement and praise the Bosnians, or he would state publicly that New York had failed because of Sarajevo's stubbornness.<sup>56</sup>

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<sup>50</sup> Michael Dobbs, "Pursuing Peace At High Volume; U.S. Envoy's Pressure Tactics Reflect Turn in Bosnia Strategy," *Washington Post*, 22 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

<sup>51</sup> Holbrooke, *To End a War*, 179.

<sup>52</sup> *Ibid.*, 180.

<sup>53</sup> *Ibid.*, 181-183.

<sup>54</sup> *Ibid.*, 181.

<sup>55</sup> *Ibid.*, 181-183.

<sup>56</sup> *Ibid.*, 183.

While being very disappointed, Sarajevo eventually dropped its request for “direct elections.” Washington in turn made its public statement affirming its strong opposition to Bosnia’s partitioning, while announcing the agreement on Bosnia’s power-sharing arrangement envisioning a three-member Bosnian Presidency.<sup>57</sup>

In his book, Holbrooke did not share with his readers the full reasoning behind the Bosnian “stubbornness.” He avoided mentioning that, in order to end the war in Bosnia, America had to change its Bosnia policy, and that Sarajevo had been disillusioned by this change. Instead, Holbrooke preferred to blame the Sarajevo leaders’ inner struggles, offering an entrepreneurial view of the conflict, a view that emphasizes power-obsessed leadership and disregards the pressures of local constituencies on their politicians:

The Bosnian government’s opposition was caused not by the language changes in Belgrade but by a change of heart on the part of Silajdzic [Bosnian Prime Minister]. After thinking further about the draft language he had approved on September 15, Haris [Silajdzic] told Owen and Hill that he now felt it was “too American”; the presidency was too powerful. He now favored a more “European” system; that is, one with a strong prime minister and a weak presidency. Silajdzic’s annoyance was directed at Sacirbey [Bosnian Foreign Minister], not the Serbs; he felt that the draft approved by the Foreign Minister [Sacirbey], Izetbegovic’s political ally, had been designed to weaken him.<sup>58</sup>

The major concern of the Bosnian delegation had not been prompted by an internal power struggle or differences over linguistics or forms of democracy: the Bosnian delegation’s priority was the reunification of Bosnia. Thus, the Sarajevo delegation wanted to make certain that the Bosnian Serb Republic—whose recognition now seemed inevitable--would not remain a separate legal and political entity functioning beyond the reach of Bosnia’s central institutions. In addition, Sarajevo deeply resented

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<sup>57</sup> Holbrooke, *To End a War*, 183. For the media reports relating the Bosnian Muslim insistence on the “direct elections” clause and the Bosnian disappointment with America, see J.T. Nguyen, “Yugoslav Negotiators Report Agreement,” *United Press International*, BC Cycle, 26 September 1995, available from Lexis-Nexis Universe, accessed 28 March 2000; Adrian Brown, “Bosnians Digest New York Agreement,” *Agence France Presse*, 27 September 1995, available from Lexis-Nexis Universe, accessed 28 March 2000.

<sup>58</sup> Holbrooke, *To End a War*, 179-180.

the proposed three-man Bosnian Presidency, giving a preference to an “integral Bosnia”—a centralized citizens’ republic without any national power sharing. By insisting on “direct” or “popular” elections—rather than elections in which each Bosnian nation would elect its own representatives--the Bosnian Government tried to escape the reality of Bosnia’s inner division, while also ensuring power for the Muslim plurality, which could outvote the Bosnian Croat and Serb minorities, respectively.<sup>59</sup>

By the time the New York negotiations opened, Sarajevo had already lost any interest in the American sponsored negotiations, preferring to focus on winning back territories on the battlefield. Sarajevo also started evading the ceasefire agreement, especially after it had become clear that America was no longer supporting a single, “multiethnic” Bosnia. Moreover, the initial military successes of the Muslim-Croat offensive had raised Sarajevo’s hopes that it could liberate all of Bosnia and would not need to participate, therefore, in negotiations on Bosnia’s division. This situation in turn gave rise to the Western concern that the peace agreement might unravel.<sup>60</sup>

Holbrooke had not worried about Serb territorial losses as long as the Bosnian Serbs had been losing territories that the American negotiator already intended them to forfeit in order to facilitate the peace settlement. However, Holbrooke started to worry after the Federation gained control over a half of Bosnia, while Sarajevo began to balk at the peace proposal. Furthermore, the Western diplomats fretted that further attacks, especially on Banja Luka, could produce another Bosnian Serb exodus and risk drawing Serbia into the conflict.<sup>61</sup> Belgrade had already threatened to intervene if Sarajevo and

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<sup>59</sup> For more on Sarajevo’s objectives, see Chapter Seven.

<sup>60</sup> John Pomfret, “Muslims’ Battlefield Successes Imperil Peace Talks in Bosnia; Joint Offensive Against Serbs Spurs Desire to Extend Fighting,” *Washington Post*, 19 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

<sup>61</sup> Chris Hedges, “Extent of Croat-Bosnia Advance Threatens U.S.-Brokered Peace,” *New York Times*, 19 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

Zagreb did not stop the offensive against the Bosnian Serbs. "All means would be used, and this war would not end quickly," warned the Yugoslav Foreign Minister.<sup>62</sup>

Above all, Western diplomats worried that Sarajevo would not agree to peace in the case of continued military successes against the Bosnian Serbs.<sup>63</sup> There was every indication that Sarajevo, which had argued with Holbrooke in both Geneva and New York, would not really accept the proposed two-tier Bosnian structure and instead preferred to fight to control more of Bosnia. This situation was captured by the title in *The New York Times*: "Diplomats May Talk Peace, But Bosnia Presses the War."<sup>64</sup>

Herein lies one important reason why Holbrooke, who had previously supported the offensive over the protests of reluctant American and European officials, would now pressure Sarajevo and Zagreb for its end, ostensibly for humanitarian reasons. The truth is that Holbrooke wanted to see the end of the offensive because the Federation had succeeded in gaining control over a half of Bosnia. This territorial balance matched the goal of the American negotiating team as it remained focused on a peace settlement with a 49-51 territorial distribution within Bosnia. Thus began the Washington's pressure on Sarajevo to agree to a ceasefire. Using friendly persuasion, U.S. intelligence officers tried to convince Sarajevo to stop fighting because Sarajevo would not be able to prevail over the Serbs and could not rely on the genuine Croat support to continue the war.<sup>65</sup>

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<sup>62</sup> The Yugoslav Foreign Minister quoted in Stephen Kinzer, "Sides Position Selves for Bosnian Talks," *Houston Chronicle*, 23 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

<sup>63</sup> Dana Priest, "Croat, Muslim Offensive Raises Concerns; U.S. and U.N. Worried That Military Balance Could Be Disrupted," *Washington Post*, 19 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000; Hedges, "Extent of Croat-Bosnia Advance Threatens U.S.-Brokered Peace."

<sup>64</sup> Hedges, "Diplomats May Talk Peace, But Bosnia Presses the War."

<sup>65</sup> Holbrooke, *To End a War*, 193-195, 165. Holbrooke has not been entirely candid with his readers, for he has not explicitly stated the real reasons why he pressed for an end to the offensive, even though such reasons seemed logical in the context of his account and appear evident from the media reports cited in the previous footnotes. To be sure, America was rightfully concerned that Zagreb would not support the elimination of the Bosnian Serb Republic at the expense of the further Croat losses. However, the main problem was not the lack of the Croatian commitment to Bosnia. The Federation was in control of a half of Bosnia; that territorial control corresponded to the maps of the negotiators, who did not want to see further

When this strategy failed to convince Sarajevo, Holbrooke again resorted to coercive diplomacy:

Izetbegovic listened carefully and uncomfortably. His generals, he said, were still reporting advances in the west. "Your generals may be reporting advances that have not happened," Don [Kerrick] said. "Our own information is quite different. According to our best intelligence, the Federation now controls around fifty percent of the land. You would be risking a great deal if the Serbs took back some of your recent gains."

"Mr. President," I said, "this is a crucial moment. Our advice is given to you in friendship and sincerity. I hope you are right and we are wrong. But if you are wrong the price to your country will be enormous. If you want to let the fighting go on, that is your right, but Washington does not want you to expect the United States to be your air force. If you continue the war, you will be shooting craps with your nation's destiny."<sup>66</sup>

The American threat to abandon Sarajevo was a powerful coercive strategy.

President Izetbegovic agreed to a ceasefire, but demanded the quick reopening of gas and electricity to Sarajevo in exchange. Fulfilling the Bosnian demand meant forcing the Serbs to quickly clear the mines around Sarajevo, and Russia to turn on the pipeline without receiving the payment for past bills.<sup>67</sup> When Holbrooke urged a rapid international response to this Bosnian condition, Pauline Neville-Jones, the British member of the Contact Group, accused Holbrooke of trying to "set the UN and the Europeans up" for blame in case of the cease-fire's collapse.<sup>68</sup>

Given that Sarajevo could not say "no" to America, the Bosnian delegation adopted the strategy of outwardly negotiating and formally agreeing, while in fact undermining the peace talks by raising the new demands that would be difficult for others

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fighting or Bosnian military successes for fear the agreement might unravel. The latter concern was the real reason why Holbrooke pressed for the end to the offensive. According to some private reports that the author of this study heard in Zagreb, Holbrooke had actually asked Zagreb to withdraw its support from the Bosnian offensive in order to facilitate his job of forcing Sarajevo into accepting a ceasefire.

<sup>66</sup> Ibid., 195. At the time of the Dayton negotiations, Donald Kerrick was Brigadier General, U.S. Army, and a senior staff member at the National Security Council.

<sup>67</sup> Ibid., 195-196.

<sup>68</sup> Pauline Neville-Jones cited in Holbrooke, *To End a War*, 201. The cease-fire, however, did not collapse, as the Bosnian conditions were fulfilled.

to fulfill. Sarajevo hoped to create a situation in which the peace talks would unravel through a visible fault of somebody else.

This Bosnian undermining strategy then continued at Dayton. The Sarajevo delegation left American charts summing up Dayton's gains for the Bosnian side, designed to persuade Sarajevo to accept the peace deal, in the view of the Serbian President. One chart held the inscription, "Federation territory increased from 50% to 55% during Dayton talks."<sup>69</sup> When the Serbian President saw these charts, he angrily accused the Americans of deceiving him, for the 49-51 territorial distribution was the previous public commitment that Milosevic could not ignore.<sup>70</sup>

Thus, the Dayton negotiations entered a deadlock, as Milosevic demanded some of the land back, while the Bosnian delegation not only refused to oblige, but also raised some new demands.<sup>71</sup>

Eventually Sarajevo offered to give up some of the areas under Bosnian Croat control, without consulting the Croatian delegation first. When the Croatian negotiators saw the map, they were enraged: Croatian Defense Minister Gojko Susak accused Sarajevo of giving away the territories won "with Croatian blood."<sup>72</sup> It was later reported that the more Croatian Foreign Minister Mate Granic got upset, the more content the Bosnian President Izetbegovic seemed: the peace agreement which Sarajevo did not want would, it seemed, finally collapse, and it would apparently be the fault of Zagreb rather than Sarajevo.<sup>73</sup>

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<sup>69</sup> The chart inscriptions (original in bold capital letters) quoted in Holbrooke, *To End a War*, 295.

<sup>70</sup> The Holbrooke team was not sure whether Sarajevo revealed this detail to Milosevic as a "deliberate provocation" or through inadvertent carelessness. The Bosnian delegation maintained it was done accidentally; however, in the view of similar events, it was more likely a part of Sarajevo's strategy aimed at scuttling the peace agreement that Sarajevo did not want. See Holbrooke, *To End a War*, 295-296.

<sup>71</sup> Sciolino, Cohen, and Engelberg, "In U.S. Eyes, 'Good' Muslims and 'Bad' Serbs Did a Switch."

<sup>72</sup> The Croatian Defense Minister quoted in Holbrooke, *To End a War*, 300.

<sup>73</sup> Sciolino, Cohen, and Engelberg, "In U.S. Eyes, 'Good' Muslims and 'Bad' Serbs Did a Switch."

In the end, President Clinton asked President Tudjman to give back some “nontraditional Croatian territory in Western Bosnia” in order to achieve the 51-49 ratio of territorial distribution.<sup>74</sup> The Croatian President decided to offer four percent of the territory from the areas under Croat control, while asking that Sarajevo give back one percent.<sup>75</sup> The American delegation insisted that the Bosnian “giveback” should not be a hard thing because it could be done from the “theoretical land”—the land they did not control on the ground but that they had gained at Dayton, away from the scrutiny of media and through Milosevic’s concessions.<sup>76</sup>

However, much to the consternation of the American negotiating team, the Bosnian delegation was not forthcoming with any offer in order to seize what America believed was a great opportunity for Bosnia. U.S. Secretary of State Warren Christopher found this situation difficult to believe: “The Bosnian position is irrational. A great agreement is within their grasp, and they don’t seem able to accept it.”<sup>77</sup>

Holbrooke was noticing that the Bosnian delegation remained unhappy, even as the negotiations progressed beyond American initial expectations, such as the surrender of the Serb part of Sarajevo to the Bosnian Government.<sup>78</sup> Secretary Christopher expected Sarajevo to sign the agreement, saying that nobody could “responsibly walk away from these gains and allow his country to go back to war.”<sup>79</sup> Yet, the Bosnian delegation remained reluctant to acknowledge progress, leaving the American and European negotiators deeply worried.<sup>80</sup> It appeared that Sarajevo did not want any peace

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<sup>74</sup> President Clinton cited in Holbrooke, *To End a War*, 303.

<sup>75</sup> Holbrooke, *To End a War*, 302-303.

<sup>76</sup> *Ibid.*, 303

<sup>77</sup> Secretary Christopher quoted in Holbrooke, *To End a War*, 304.

<sup>78</sup> Holbrooke, *To End a War*, 294-295.

<sup>79</sup> Secretary Christopher quoted in Holbrooke, *To End a War*, 294.

<sup>80</sup> Holbrooke, *To End a War*, 304-305.

agreement. As Holbrooke put it, “even if Milosevic makes more concessions, the Bosnians will simply raise the ante.”<sup>81</sup>

When Secretary Christopher went to see President Izetbegovic, he found out that Sarajevo was unwilling to give back one percent of the “theoretical land” to the Pale Serbs. Unhappy about the American pressure and about the peace agreement in general, the Sarajevo politicians continued to complain. In the end, the American negotiators decided to issue an ultimatum to Sarajevo, as they had done previously in Geneva and New York.<sup>82</sup>

Christopher’s famous politeness and patience finally ran out, and he delivered the ultimatum in a tone that conveyed genuine anger. “Mr. President, I am truly disappointed,” he said, “at the fuzzy, unrealistic, and sloppy manner in which you and your delegation have approached this negotiation. You can have a successful outcome or not, as you wish. But we must have your answer in one hour. If you say no, we will announce in the morning that the Dayton peace talks have been closed down.” We rose to leave, and I added, “Not suspended—closed down. In one hour.”<sup>83</sup>

In one hour Sarajevo agreed to give back one percent of the territory to the Bosnian Serbs--but it raised a new condition: getting the town of Brcko in return.<sup>84</sup> This town was on the “Posavina Corridor,” which was crucial to the Serbs, as the corridor connected their holdings in Western Bosnia with those in Eastern Bosnia and Serbia proper. Thereby Sarajevo reopened one of the most contentious issues that threatened to bring down the entire peace settlement.

At that point Milosevic and Tudjman began to urge the American negotiators to press Sarajevo to accept the proposed peace settlement. When Holbrooke said he might need to close down the conference without an agreement, the Serbian President made his

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<sup>81</sup> Holbrooke quoted in Holbrooke, *To End a War*, 302.

<sup>82</sup> Holbrooke, *To End a War*, 304-305; Sciolino, Cohen, and Engelberg, “In U.S. Eyes, ‘Good’ Muslims and ‘Bad’ Serbs Did a Switch.”

<sup>83</sup> Holbrooke, *To End a War*, 305.

<sup>84</sup> *Ibid.*

final concession. Eager to get a settlement that was, overall, favorable to the Bosnian Serbs, Milosevic offered to put the status of Brcko to arbitration.<sup>85</sup>

President Izetbegovic accepted this offer with great reluctance, emphasizing that it was not a “just peace.”<sup>86</sup> Fearful that the Bosnian delegation might again change its mind at the last minute, the American negotiators urged the White House to announce the successful conclusion of the peace talks as soon as possible.<sup>87</sup> President Clinton made the announcement shortly thereafter, in the late morning on 21 November 1995, without waiting for the initialing ceremony scheduled for the afternoon.<sup>88</sup>

In conclusion, Washington successfully pressured Sarajevo into peace by threatening to withdraw its support for Bosnia. This abandonment would have exposed Sarajevo to peacemaking by Europe, which had shown to be far less sympathetic to Bosnian interests than America. Even though Washington was not prepared to do much for Bosnia, European involvement sounded even less promising: almost all European negotiators, from Lord Owen to Carl Bildt, had generally been more attentive to the needs of the Pale Serbs than to those of Sarajevo. France and Britain remained the chief critics of the Zagreb offensive to reunify Croatia and of the Muslim-Croat offensive to roll back some of the Bosnian Serb territorial gains. While Holbrooke had encouraged both offensives, British Defense Minister Malcolm Rifkind had gone to Belgrade to criticize the offensive against the Bosnian Serbs.<sup>89</sup>

America had leverage over Sarajevo and, thus, it succeeded in coercing its officials to accept Bosnia’s partitioning. Though angry over what it regarded as an

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<sup>85</sup> Ibid., 306-308.

<sup>86</sup> The Bosnian President cited in Holbrooke, *To End a War*, 309.

<sup>87</sup> Holbrooke, *To End a War*, 309.

<sup>88</sup> Ibid., 309-310.

<sup>89</sup> Emma Daly, “Serbs Meet Deadline to Pull Out Guns; Warning of Muslim Threat to Peace,” *Independent* (London), 18 September 1995, available from Lexis-Nexis Universe, accessed 13 March 2000.

American “betrayal,” Sarajevo accepted the peace settlement because it could not afford to lose America’s support. Besides, the ambiguous peace agreement—which recognized both Bosnia’s unity and its division—left the option for Sarajevo to continue its struggle to reunify Bosnia, particularly since its signature had secured the continued American involvement. Thus, the war would end, but the conflict would continue, entrapping the Western powers in Bosnia: Western stakes were raised by forcing the disputants into an agreement that was, in fact, an unworkable compromise.<sup>90</sup>

### **An American rather than a European Peace in Bosnia**

The Dayton agreement was finally concluded by the Presidents of Bosnia, Serbia, and Croatia. It was initialed at Dayton on 21 November 1995 and was signed in Paris on 14 December 1995.<sup>91</sup> Following the conclusion of the peace agreement after more than three and a half years of the atrocious war, the question arose why America had accomplished, within several weeks, a feat that had eluded Europe for years.

Europe became defensive, trying to minimize the American role in ending the Bosnian war. French Foreign Minister Hervé de Charette said that Dayton was not “an American peace,” while Prime Minister Alain Juppé, obviously referring to the Contact Group Plan (1994), argued that Dayton was no different than the “European plan presented 18 months ago.”<sup>92</sup> Top European diplomats argued that Europe had failed for two reasons: internal disunity and the lack of American support. They complained that

<sup>90</sup> For more on the Western entrapment in Bosnia, see Chapter Seven.

<sup>91</sup> “General Framework Agreement for Peace in Bosnia and Herzegovina Negotiated in the Wright-Patterson Air Force Base,” Dayton, 1-21 November 1995, initialed by the Parties on 21 November 1995, signed in Paris on 14 December 1995, with annexes, Document No. II-2 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 440-513; also available as UN Doc. A/50/790-S/1995/999, Attachment.

<sup>92</sup> The French officials quoted in Craig R. Whitney, “The Europeans: Success Has Many Fathers Among Allies,” *New York Times*, 23 November 1995. The Dayton agreement has the same territorial distribution (49:51) as the Contact Group Plan of 1994.

the “European Union countries pursued separate foreign policies on the Balkans,” while Washington had “blocked the progression of things.”<sup>93</sup>

Meanwhile, in the view of many American officials and journalists, the conclusion of the Dayton agreement demonstrated that America was still a major “European power,” whose presence was essential to preserving peace in a politically divided, “inefficient,” and “immoral” Europe. As a leading American journalist covering Bosnia put it, “America [had] abjured its unique ability to lead in Bosnia” to a Europe that was “too fragmented to be effective” and thus had tolerated for years “a European genocide”—until Holbrooke, with his “patriotic belief in American power” had come along and coerced the disputants into “a peace worthy of America’s name and values.”<sup>94</sup>

The Europeans persisted. Envoy followed envoy, plan followed plan. But their efforts were always undermined by the fact that the European Union is a trading giant and a military midget. The 15-member Union could provide soldiers in United Nations uniform to donate rice; it could not provide heavily armed soldiers to back tough policy decisions. Its defense arm, the Western European Union, still amounts to very little; and diplomacy, not backed by the credible threat of force, is a vapid thing, particularly in the Balkans, where borders were always drawn in blood.<sup>95</sup>

Following the conclusion of the Dayton agreement, America brimmed with pride over its success in ending the Bosnian war. Many American officials believed that the main lesson of Dayton was the following, as expressed by a senior diplomat in Brussels: “Without United States leadership, Europe couldn’t get its act together.”<sup>96</sup> This American

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<sup>93</sup> European officials quoted in Whitney, “Europeans: Success Has Many Fathers Among Allies.”

<sup>94</sup> Roger Cohen, preface to *Hearts Grown Brutal: Sagas of Sarajevo* (New York: Random House, 1998), xvii; Roger Cohen, “After the Vultures: Holbrooke’s Bosnia Peace Came Too Late,” review of *To End a War: From Sarajevo to Dayton—and Beyond*, by Richard Holbrooke, *Foreign Affairs* 77, no. 3 (May-June 1998): 107. See also “America, Still A European Power,” in Holbrooke, *To End a War*, 366-369.

<sup>95</sup> Roger Cohen, “Why the Yanks Are Going. Yet Again.” *New York Times*, 26 November 1995.

<sup>96</sup> An American diplomat quoted in Whitney, “Europeans: Success Has Many Fathers Among Allies.”

display of a feeling of moral, political, and military superiority towards Europe prompted many negative, even angry, comments from Europe.<sup>97</sup>

Some of the most persistent criticism of America came from Carl Bildt—the chief European negotiator who was supposed to co-chair the Dayton peace talks but, in reality, was kept at a distance by Holbrooke. Bildt argued that the American military might was irrelevant to the outcome because the Bosnian peace agreement was contingent on the American acceptance of Bosnia's internal partitioning.<sup>98</sup> According to Bildt,

At the end of the day, the Dayton peace settlement for Bosnia differed little from plans that had existed before the conflict started. What finally brought peace to Bosnia was not one military operation or another—whether by NATO in the air or by the Croatian army on the ground—but a concrete and realistic plan made by the major actors in the international community: the United States, Europe, and Russia.

Key to the settlement was the U.S. acceptance of a highly autonomous Republika Srpska within the framework of a very loose Bosnian state.<sup>99</sup>

The Bosnian war erupted, so believed some Europeans, because America had resisted Bosnia's partitioning at the outset, having brushed aside the Lisbon principles of settlement and, instead, spearheaded the international recognition of Bosnia. The Bosnian war went on, argued European critics, because America undercut European diplomatic efforts by encouraging Sarajevo to fight for a unified Bosnia. According to this European rationale, peace finally came to Bosnia only after America had pressured Sarajevo to

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<sup>97</sup> For European criticism of the American attitude towards Europe, including criticism of Holbrooke's idea of America being a major "European power," see Gilles Andréani, "In Defence of Europe," review of *Europe Adrift*, by John Newhouse, *Survival* 40, no. 1 (Spring 1998): 152-157. See also, William Wallace and Jan Zielonka, "Misunderstanding Europe," *Foreign Affairs* 77, no. 6 (November/December 1998): 65-79. For more, see sections on the transatlantic dispute in Chapter One.

<sup>98</sup> Carl Bildt repeats his ideas throughout his writings, from his review of Holbrooke's book to his own account of the Bosnian events. See, in particular, Carl Bildt, "Holbrooke's History," review of *To End a War*, by Richard Holbrooke, *Survival* 40, no. 3 (Autumn 1998): 187-191.

<sup>99</sup> Carl Bildt, "A Second Chance in the Balkans," *Foreign Affairs* 80, no. 1 (January/February 2001): 151.

accept what Europe had urged long ago while America had previously opposed: the partitioning of Bosnia.<sup>100</sup> Thus, a former European negotiator argued:

“If the United States had supported a settlement instead of quietly urging the Bosnian Government to fight on, we could have had peace a long time ago.”<sup>101</sup>

Is it really true that, as argued by the Europeans, the Bosnian peace was made possible by the newly found international unity and Washington’s acceptance of the European plan for Bosnia’s partitioning? Or is the opposite true, as claimed by Americans: that Washington coerced the Serbs into accepting Bosnia’s independence and the recognized borders, something that a weaker Europe could have never done?

The European argument is correct to the extent that it has pointed out that it was only at Dayton that America would accept Bosnia’s partitioning. America’s willingness to pressure Sarajevo into recognizing the Bosnian Serb Republic was an important factor for bringing the Serbs aboard the peace process. Despite the flexibility he had shown at Dayton in trading land under the Bosnian Serb control, President Milosevic had limits to what he could accept. His bottom line was the recognition of the Bosnian Serb Republic and the 49:51 territorial distribution within Bosnia: when that basic agreement was threatened, so was the conclusion of any peace settlement at Dayton.

However, the European criticism of America is wrong when it disregards the recognition of the Bosnian Serb Republic as being only one element that made the Dayton agreement possible. Furthermore, it is wrong to claim that the war raged on because America did not support the European plans for partitioning, encouraging Sarajevo to keep fighting. This European criticism ignores the fact that previous peace

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<sup>100</sup> Lord Owen has openly blamed America for prolonging the Bosnian war and the civilian suffering by opposing peace settlements proposed by Europe, such as the VOPP: David Owen, *Balkan Odyssey* (New York, San Diego, London: Harcourt Brace, 1995), see in particular pp. 364-367. For more information on policy-makers and authors entertaining similar arguments, see Chapter Five.

<sup>101</sup> Anonymous European negotiator—most likely Lord Owen—quoted in Whitney, “Europeans: Success Has Many Fathers Among Allies.”

plans failed because of the Bosnian Serb refusal. Though Sarajevo had negotiated in bad faith—hoping that its cooperative attitude and the Serb rejection would trigger an international intervention to its benefit—the Sarajevo officials did sign onto the European proposals, unlike the Bosnian Serbs. Yet, Europe was never willing to acknowledge the limits of enforced negotiations and the need for some military measures to enforce new borders on the disputants. When it proved difficult to divide the mixed areas of Central Bosnia and the conflict between the Croats and the Muslims escalated, Europe did not step in to enforce the plan it had proposed regarding Bosnia's partitioning: instead, Europe blamed Washington for refusing to join Europe in the VOPP implementation.<sup>102</sup>

Furthermore, the fact that a Bosnian peace was eventually made possible by acknowledging Bosnia's partitioning does not vindicate the European claims that an agreement on partitioning prior to recognition could have prevented the Bosnian war, or that the Bosnian peace could have been obtained well before 1995 if America had joined Europe in exerting pressure on Sarajevo. The effect that the VOPP had on relations between the Croats and the Muslims in Central Bosnia demonstrated that negotiations on partitioning nationally mixed territories could not prevent violence but could, instead, precipitate ethnic cleansing.<sup>103</sup>

Furthermore, the experience of the Dayton peacemaking has reinforced the point that some limited use of force may be necessary to make the negotiations on territorial division easier. Sarajevo resigned itself to some internal division only after years of fighting during which large parts of Bosnia were ethnically cleansed and the respective controls established. Furthermore, Pale accepted the 49-51 territorial distribution only after Zagreb and Sarajevo, with NATO support, reversed some of the Bosnian Serb

<sup>102</sup> See Chapter Five for this criticism of Europe and its failure to act after the VOPP negotiations had precipitated the fighting between the Bosnian Croats and Sarajevo.

<sup>103</sup> See Chapter Five for details and references.

territorial gains. Superficially, it is possible to look at Dayton's two-tier structure and argue that Europe was right, for internal partitioning did bring peace to Bosnia. In reality, however, one cannot conclude from the Dayton experience that the entire conflict could have been prevented if only Bosnia had not been recognized until there had been an agreement on internal partitioning. Nor can one assume that an early settlement would have been possible if only America had joined with Europe to force Sarajevo to accept partitioning through negotiations.<sup>104</sup>

Therefore, the European criticism of America has not been entirely justified, and one cannot call the Dayton agreement a "European peace," even though America copied the two-tier structure and the 49-51 territorial distribution proposed by Europe in 1994 (the Contact Group Plan). Dayton was, indeed, an "American peace." It would not have been possible without the American willingness to initiate a limited military action (NATO air strikes) and support the ground offensive of the Croats and Muslims which established a new, more equitable redistribution of land, thereby encouraging the Bosnian Serbs to agree to the peace plan they had previously rejected.

Europe was never willing to undertake any such limited military measures, despite the Serbs' continuous refusal of the peace proposals and despite the evidence that the Pale leadership felt unable to agree to plans giving them less than half of Bosnia at a time when they controlled about 70 percent of Bosnia's territory. Not only was Europe

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<sup>104</sup> See Chapters Four and Five for criticism of the French and British argument that an agreement on internal partitioning prior to the recognition of Zagreb and Sarajevo would have created the necessary leverage to impose a peaceful solution and prevent the war. See, in particular, references to Lord Owen, Hubert Védrine, and Peter Radan in Chapters Four and Five. As explained in these chapters, the problem with Lord Owen's argument is that it ignores that the international community had leverage only over the weak disputants, who were more compromising by virtue of their weakness—Zagreb and Sarajevo, which would have agreed, so they assume, to territorial losses in return for the recognition of independence. However, Lord Owen did not envisage any leverage over the Serbs—the stronger, and therefore more uncompromising, party, which rejected almost all the partitioning proposals and opposed even a limited autonomy for Albanian-populated Kosovo, let alone its secession. It should be noted that, short of use of force, peacemakers did not have leverage over the Serbs; yet, Europe continued to reject forceful solutions.

reluctant to support limited NATO air strikes against the Bosnian Serb positions, it also remained very ambivalent, if not openly opposed, to the ground offensive by the Muslims and Croats, which was nevertheless necessary to redistribute the land more equitably. Had it not been for America's pressure, Europe would have never acquiesced in the Zagreb and Sarajevo military offensives against the Croatian and Bosnian Serbs. Instead Europe would have sought—as was evident from its attitudes throughout the Bosnian war—to introduce sanctions against Zagreb for retaking the areas it had lost to the Serbs in 1991 and for offering Sarajevo military help to fight the Bosnian Serbs.<sup>105</sup>

When looking into the reasons for the European reluctance to intervene militarily, one should also critically examine the claim that this failure was a result of the imperfect process of European integration. If the European countries had truly wanted to use force, they could have revived the Western European Union as its military arm, or even put together an *ad hoc* coalition of European states. France and Britain are, after all, the military powers in their own right.

Besides their concern over the vulnerability of their own soldiers on the ground should fighting increase, European hesitance to resort to military solutions also stemmed from Europe's post-World War II ideological framework, which has placed Europe in disagreement with America over a number of the post-Cold War crises. After centuries of wars, most notably the last century's two devastating wars, Europe has become a pacified economic giant living through the experience of pooled national sovereignties. Through its relatively recent experience, Europe has developed its confidence in negotiations, economic stability, and democratic institutions as the paths to preserving peace. It seems

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<sup>105</sup> See Chapter Five, which relates how London, in 1992, threatened Zagreb with sanctions if Zagreb would go ahead with its military alliance with Sarajevo. London demanded negotiations on partitioning Bosnia, and eventually "rewarded" the Croats by assigning the mixed areas of Central Bosnia to the "Croat provinces" under the VOPP (1993). London thereby helped provoke the war between the Bosnian Croats and the Bosnian Muslims.

to project this experience worldwide, preferring to deal with international crises through economic measures, and expecting that negotiations, conducted in good faith, would produce desirable results. Herein lies the root of the European aversion to using force to solve international problems, and herein one can find the source of its criticism of American unilateralism and militarism, the Washington approach to the Bosnian peacemaking included.

However, projecting this European experience may not be appropriate to disputes such as those of Bosnia, where deep fault lines do not leave much common ground upon which a peace can be built through negotiations alone. Nevertheless, Europe's own recent experiences remained a powerful influence in shaping the European response to the Bosnian war: insistence on endless negotiations supported by political and economic measures while avoiding any military initiatives that might be necessary to end the war.

### **Forceful Solution Failed to Restore "Multiethnic" Bosnia**

As much as ending the Bosnian war has been a credit to America, one should also understand the limits of forceful solutions. The American forceful persuasion backed by some limited use of force failed to recreate a "multiethnic Bosnia." Instead, the forceful intervention brought in a basic order based upon partitioning, while also resulting in a parallel Bosnian Serb exodus from territories that returned to Sarajevo's control.

Herein lies one important reason for the American support for a two-tier Bosnia rather than a single Bosnian state. The forceful reunification of Bosnia would have uprooted most of the Serb populace, producing a large Serb exodus in view of their numerical strength in Bosnia. Belgrade could not have stayed out of this conflict, nor could it have absorbed the additional several hundred thousand Bosnian Serb refugees.

Support for Bosnia's partitioning earned America the criticism of those who had advocated the "liberation" of Bosnia—the Sarajevo officials and foreign scholars who believed that a military intervention could have recreated a single, "multiethnic" Bosnia. The pro-Bosnian authors found it hard to accept Holbrooke's decision against taking Banja Luka, which was ready to fall into the hands of Sarajevo as Serb morale had plummeted.<sup>106</sup> According to Noel Malcolm,

The possibility of a clear military solution to the war—a defeat of the Serb forces—was now closer than ever before. But it was not envisaged by the American-led diplomatic initiative, which turned instead to a reworking of the previous 'Contact Group' plan. Once again, the proposed division of land was 51 per cent for the Muslim-Croat Federation and 49 per cent for the Serbs, with the map remaining 'open for adjustment by mutual agreement'.<sup>107</sup>

The idea that a military solution could solve Sarajevo's problem with its Serbs was based on the premise that the Bosnian conflict was not a civil war involving different national communities with threatened identities, but instead a clear case of "outside aggression": thus, the use of military force would eject the "occupying" forces from Bosnia without presumably displacing the local Serb populace.<sup>108</sup> This belief had also been cultivated by an idea that identity conflicts in the former Yugoslavia had been engineered by corrupt, power-obsessed leadership, or by "war criminals" who maneuvered the local populace into hatred and wars.<sup>109</sup> Yet, every single case of Western-approved peacemaking—from Croatia to Bosnia to Kosovo—produced Serb

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<sup>106</sup> For the Bosnian Serb disappointment and the loss of morale, see Perlez, "Serbs: Banja Luka: Not a Target Of Assault, Yet Beaten."

<sup>107</sup> Noel Malcolm, *Bosnia: A Short History*, new updated ed. (Washington Square, N.Y.: New York University Press, 1996), 267.

<sup>108</sup> For such assumptions about the Bosnian conflict, see Malcolm, *Bosnia*, in particular p. 251. See also Robert J. Donia and John V. A. Fine, Jr., *Bosnia and Hercegovina: A Tradition Betrayed*, with maps by John C. Hamer (New York: Columbia University Press, 1994), see in particular pp. 279-280.

<sup>109</sup> See Chapter Two, in particular discussion and references to Warren Zimmermann, *Origins of a Catastrophe: Yugoslavia and its Destroyers*, with updated preface and epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999). For a typical post-Dayton argument along this line, see Mike O'Connor, "Obstacle to Unifying Bosnia: Politicians With Hands in Till," *New York Times*, 13 August 1997. See also Holbrooke, *To End a War*, in particular pp. 355-359, 364-366.

“peace refugees”—regardless whether the action was taken by “nationalist” Croatia, “moderate” Bosnia with a substantial international presence, or Western democracies in support of a “democratic,” “multiethnic” Kosovo.<sup>110</sup>

Force could not reintegrate the divided communities: it only produced new winners and new losers.

As journalist Chris Hedges put it, when Sarajevo retook Kljuc from the Serbs, there was a “reversal of fortune” in which the Serbs now felt the bitterness of exile.<sup>111</sup> By the time the peace talks had opened at Dayton, Banja Luka had to take care of 140,000 Serbs displaced by the Muslim-Croat offensive. All of sudden, Bosnian Serbs, who had

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<sup>110</sup> When around 100,000 Bosnian Serbs fled from the Sarajevo suburbs as a result of the international initiative to unify the divided city, then Carl Bildt, High Representative for Bosnia-Herzegovina, called these fleeing Serbs “peace refugees.” Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 198. Under the influence of Carl Bildt’s usage, the author of this study has adopted the term “peace refugees” for the fleeing Serbs from Croatia and Bosnia during Dayton peacemaking (1995); from Sarajevo, in 1996, as a result of a peaceful transfer of authority in accordance with the Dayton agreements; and from Kosovo after the NATO forces expelled the Serb forces from Kosovo (1999). Carl Bildt would have probably disagreed with this study’s usage, as he compared, for example, the Croatian military action of 1995 to retake the areas lost to the Serbs in the war of 1991 to the Serbian takeover of Srebrenica (see Bildt, pp. 73-80, and in particular p. 81). However, the Croatian Serbs were not forcibly expelled, while their casualties run in a few hundred, as explained in Chapter Four. On the other hand, the Bosnian Serbs deliberately killed over 7,000 men following the downfall of Srebrenica. Moreover, Washington encouraged the Croatian military operation because it was valuable to the Dayton negotiations. Carl Bildt, however, does not believe that the use of force was essential to peacemaking; instead, he believes that peace came to Bosnia in 1995 because America finally embraced the previous European plan on Bosnia’s division. (For Bildt’s criticism of the use of force against the Serbs, including the citation in which Bildt refutes Holbrooke, see the previous section in this Chapter. See also Bildt, “Holbrooke’s History.”) Nevertheless, this study has already established—contrary to Bildt’s opinion—that the Croatian and Bosnian military actions of 1995 were essential to the American-led peace initiative resulting in the Dayton agreements. Therefore, the author of this study believes it appropriate to call “peace refugees” all those who have been displaced as a result of some internationally endorsed peacemaking actions, whether these actions were supported by American diplomats in disagreement with Europe (i.e., Holbrooke’s support for the military offensive in Croatia and Bosnia in 1995); or were conducted by Americans and Europeans themselves (NATO in Kosovo in 1999); or else were overseen by an international presence supervising an implementation of a peace agreement. The last example was the case of the Sarajevo Serbs who fled when the international mission, headed by Carl Bildt, oversaw the unification of Sarajevo in 1996, the event that was in accordance with the Dayton agreements.

<sup>111</sup> Hedges, [Dateline: Kljuc, Bosnia], “As Bosnian Army Takes Serb-Held Town, Protectors Become the Protected.” See also Pomfret, “Muslims’ Battlefield Successes Imperil Peace Talks in Bosnia.”

previously rebuffed international aid agencies “as fit only for the weak,” had now become willing to accept assistance from whomever offered it.<sup>112</sup>

For this reason, Richard Holbrooke, who must have understood well the limits of force, opposed Sarajevo’s takeover of Banja Luka. The prospect of a ballooning Serb refugee crisis and increased pressure on Belgrade to enter the war on the side of the Bosnian Serbs was considered too great a risk. Thus, while encouraging President Tudjman to win more land for the Federation, Holbrooke clearly drew the line by discouraging the take-over of Banja Luka, the major Serb stronghold in Western Bosnia:

Banja Luka, I said, was a different matter...I told Tudjman, the city was unquestionably within the Serb portion of Bosnia. Even if it were captured, the Federation would have to return it to the Serbs in any peace negotiations. Finally, capturing Banja Luka would generate over two hundred thousand additional refugees. I did not think the United States should encourage an action that would create so many more refugees. I concluded my comments with a blunt statement: “Mr. President, I urge you to go as far as you can, but not to take Banja Luka.”<sup>113</sup>

America, therefore, was concerned about the Serb refugees, and opposed that the offensive should go beyond what was necessary to bring peace to Bosnia: accomplish an equal territorial distribution on the ground and thereby facilitate the final negotiations.<sup>114</sup>

Furthermore, the problem of “peace refugees” was also fully visible when, faced with the prospect of Sarajevo’s unification under the Dayton terms, Sarajevo’s Serbs fled from the parts of the city previously controlled by the Bosnian Serbs. Both Holbrooke, the father of the Dayton agreement, and some pro-Bosnian advocates blamed the exodus

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<sup>112</sup> For the figure of the 140,000 Bosnian Serb refugees cited, the beaten Serb morale, and citation in the text above, see Perlez [Dateline: Banja Luka], “Serbs: Banja Luka: Not a Target Of Assault, Yet Beaten.”

<sup>113</sup> Holbrooke, *To End a War*, 160.

<sup>114</sup> See references and citations in the previous section, which shows that Holbrooke encouraged the Muslim-Croat offensive until the Federation came into control of a half of Bosnia and Sarajevo began to balk at the American proposal for Bosnia’s partitioning.

on the Pale leadership, which allegedly forced the Sarajevo Serbs into flight in order to kill off the Western project of restoring a “multiethnic” Bosnia.<sup>115</sup>

However, the real reasons for the Serb flight lay with the lack of any reassurance of their safety and the general difficulty of reintegrating two hostile communities after years of a brutal war.

The serious alarm predicting the flight of the Sarajevo Serbs came during the public meeting between the residents of Serb-held Sarajevo and the Office of the High Representative (OHR) of Carl Bildt, held one month after signatures had been put on the Dayton agreement. The ordinary Serbs had serious concerns ranging from their fear of Bosnian revenge to whether they would be able to work or receive pensions under the new Bosnian authorities.<sup>116</sup> Many Serbs demanded some sort of local Serb government that would provide reassurance of their identity, security, and welfare:

“We are afraid. We do not want to live in an Islamic *djamajhirija* [a strict Islamic republic] under [Bosnian President] Alija [Izetbegovic]. What we want are Serbian courts, Serbian police, a Serbian educational system, information service, radio and television. We do not want to be experimental material for your multi-ethnic coexistence.”<sup>117</sup>

Moreover, the Serb sense of insecurity must have been heightened by the existence of the training camps staffed by foreign Muslim troops (Mujahedin), which were operated by the Sarajevo authorities, or more precisely by the Bosnian Muslim intelligence agency and security police, with the help of Iran. Unfortunately, the reports

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<sup>115</sup> Holbrooke, *To End a War*, 335-337; see also Patrick Moore, “The Triumph of the Nationalists,” *Transition*, 5 March 1996, 51.

<sup>116</sup> Jan Urban, “Against Their Will—Struggling to Reunite a Divided City,” *Transition*, 9 February 1996, 48-49.

<sup>117</sup> A Sarajevo Serb, a former university professor, cited in Urban, “Against Their Will—Struggling to Reunite a Divided City.” Emphasis added in underlying by the author of this study.

about these camps were leaking into the public just as the date for the transfer of authority was approaching.<sup>118</sup>

The OHR in Bosnia tried to take some limited measures to prevent the Sarajevo Serb exodus. It pushed reluctant Bosnian Muslim officials into an agreement that promised to leave the Serb administrative structures intact and permit freedom of movement between a reunified Sarajevo and the Bosnian Serb Republic; the latter was necessary to reassure the Sarajevo Serbs, who otherwise might feel “entrapped” without a possibility of escape should security conditions worsen.<sup>119</sup>

However, as the Serb districts were to pass under the new authority, the Bosnian police raided the office of the mayor, ordering this Serb official to leave, in violation of the previous agreement on keeping the existing local structures in place.<sup>120</sup> Moreover, Bosnian Muslim gangs stormed through the Serb districts and terrorized the remaining Serbs, while the Sarajevo police stood by. All phone links between Sarajevo and the Bosnian Serb Republic were disconnected, while the Serb houses were set on fire.<sup>121</sup>

As a result of the transfer of authority carried out in accordance with Dayton’s terms, about 100,000 Bosnian Serb “peace refugees” fled from the Sarajevo suburbs.<sup>122</sup>

According to Bildt, the failure did not reside with his Office of High Representative, but with American refusal to reschedule the transfer of authority and reluctance to pressure the Bosnian Muslims.<sup>123</sup> Above all, it lay, affirmed Bildt, in the absence of reconciliation on the part of Sarajevo:

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<sup>118</sup> Chris Hedges, “NATO Says It Arrested Some Foreign Muslim Troops,” *New York Times*, 16 February 1996; Kit R. Roane, “NATO Links Bosnia Government to Training Center for Terrorists,” *New York Times*, 17 February 1996. See also Bildt, *Peace Journey*, 191-192.

<sup>119</sup> Bildt, *Peace Journey*, 184-198; see in particular pp. 188, 192.

<sup>120</sup> *Ibid.*, 195.

<sup>121</sup> *Ibid.*, 196-197.

<sup>122</sup> *Ibid.*, 198.

<sup>123</sup> *Ibid.*, 186-187, 197. On the other hand, it should be noted that Washington had an entirely different approach with respect to the return of Eastern Slavonia to Croatia: already at Dayton, it had envisaged a

The failure of the international community was overshadowed only the fact that the betrayal of multi-ethnic Sarajevo was a betrayal by the Muslim leaders in general, and by Izetbegović in particular... During these critical months, no hand of reconciliation was extended, no offer of cooperation made, and no serious attempt to persuade the remaining Serbs to stay. Virtually nothing was done to win the confidence of these potential citizens, and they preferred flight to insecurity.<sup>124</sup>

Two years later, post-Dayton Sarajevo reflected the same tendency as other areas affected by the wars in Croatia, Bosnia, and, later, Kosovo: ethnic homogenization. Most minorities were gone, while few returned. The numbers of the Sarajevo Croats had been halved; meanwhile, the Sarajevo Serbs' numbers had dropped from 139,000 to barely 16,000. The prewar Muslim plurality had now become an overwhelming majority in the city that had been glorified as an example of "multiethnic coexistence."<sup>125</sup>

Obviously, the unification of Sarajevo was about the return of the lost territory—rather than about "multiethnic" values, despite Sarajevo's multiethnic rhetoric.<sup>126</sup> In

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transitional period of 1-2 years, and it had urged a number of confidence building measures to encourage the Serbs to stay. Nevertheless, some Serbs left in the wake of the transfer of authority; on the other hand, significant numbers have stayed. Hence, it is possible to argue that, had Washington been concerned about the Sarajevo Serbs as it had been about the Eastern Slavonia Serbs, then not all of the Sarajevo Serbs would have fled in the wake of the transfer of authority to the Bosnian Muslims.

<sup>124</sup> Ibid., 198.

<sup>125</sup> According to the prewar census (1991), Sarajevo used to have 501,000 inhabitants, out of which 252,000 (50%) were Muslims; 139,000 (28%) were Serbs; 35,000 (7%) were Croats; and 75,000 (15%) were other minorities. Two years after Dayton, in December 1997, Sarajevo had a total of 355,000 inhabitants, out of which 310,000 (87%) were Muslims; 18,000 (5%) were Croats; 16,000 (5%) were Serbs; and 11,000 (3%) were other minorities. For both the 1991 and 1997 figures, see the ethnic composition table in International Crisis Group (ICG), "Too Little Too Late: Implementation of the Sarajevo Declaration," 9 September 1998, ICG report available from <http://www.crisisweb.org/projects/bosnia/reports/bh41repa.htm#3>, accessed 29 November 2000. The situation improved six years after Dayton; however, Sarajevo has not truly regained its pre-war "multiethnic" character and still remains a predominantly Muslim city, despite various international incentives. According to an estimate, in 2001 Sarajevo had 318,000 Muslims; 45,000 Serbs; 27,000 Croats; and 10,000 other minorities. The 2001 estimate, rounded off to thousands by the author of this study, is cited in a Serbian magazine that is partially funded by the UNHCR office in Belgrade: Snežana Marinović, "Decenija: Bosna i Hercegovina: april 1992.-2002" (A decade: Bosnia-Herzegovina, April 1992-April 2002), *Pravi odgovor* (The Right Answer) (Belgrade), 16 April 2002, 13. For the overall minority returns to Bosnia, which have improved in the recent years, see Chapter Seven.

<sup>126</sup> See, e.g., previous citation and criticism of Malcolm's *Bosnia* for failing to understand that the seizure of Banja Luka and the "liberation" of Bosnia would have failed to produce a "multiethnic" state. For Washington's criticism of the Bosnian Muslim politicians for their lack of commitment to "multiethnic" Sarajevo, see R. Jeffrey Smith, "Bosnia Muslim Won't Recall Serbs, Croats; U.S. Official Assails Setting of Conditions," *Washington Post*, 4 February 1998, available from Lexis-Nexis Universe, accessed 27 December 2002.

short, coercive peacemaking triggered a new round of ethnic cleansing by producing new winners and new losers. It brought stability, but not “multiethnic” coexistence.

This conclusion should not suggest that a unified, mixed Bosnia is beyond achievement by a coercive type of intervention that might be conducted under a different set of circumstances. The Yugoslav history itself has pointed to the possibility of forcefully reunifying a state with disputed identities at stake. However, this opportunity did not exist in Bosnia in the 1990s.

During World War II, the Yugoslav communists were able to reunify Yugoslavia and maintain Bosnia intact based on the AVNOJ promise of national power sharing and the recognition of distinct identities, coupled with a use of force that was supported by constituencies across Yugoslavia. That support was reflected in the existence of the Yugoslav partisans, a multinational force willing to take casualties in order to oppose the partitioning of Yugoslavia then being promoted by the Axis powers and their local collaborators (e.g., Chetniks and Ustashi).<sup>127</sup>

However, post-Titoist Bosnia lacked any comparable, nationally mixed pro-Bosnian constituency that outside powers could help to win the war against those who wanted to see Bosnia partitioned in the 1990s. Anything close to the concept of creating a unified, mixed Bosnia through the use of force remains an unfeasible idea without the existence of such a truly Bosnian political and military force--a force that would have support among Bosnia's Serbs and Croats, rather than just among its Muslims. For that reason, supporting military solutions for Bosnia's unification, as argued by pro-Bosnian advocates, meant supporting one side in the complex three-way Bosnian civil war—the side of the Muslims—while producing streams of refugees from the two other sides.

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<sup>127</sup> For more on history, see Chapter Two.

As long as Bosnia's political divisions prevailed along the national lines, a forceful international intervention could not help but create new winners and new losers, a fact exemplified by the reunification of Sarajevo. The offensive had already produced 140,000 Bosnian Serb refugees; taking Banja Luka would have produced 200,000 additional Serb refugees; while wiping out the Bosnian Serb Republic would have led to a Western war against Belgrade and sent into flight the remaining several hundreds of thousand Bosnian Serbs living under the authority of Pale.<sup>128</sup>

In other words, international will and use of force could have accomplished the territorial reunification of Bosnia, but it could not have created a "multiethnic" Bosnia, the stated goal of some of the pro-Bosnian advocates who criticized Holbrooke's limited goals in Bosnia.

Nevertheless, the question still remains as to why America, which normally does not avoid wars for fear of producing refugees (e.g., in Afghanistan), should be so concerned about the flight of Serbs when it came to Sarajevo's demand to reunify Bosnia forcefully, particularly since Washington had continually insisted on a unified Bosnia and the right to arm the Sarajevo Government during the Bosnian war.

Bosnia did not involve any vital American interest that could justify its support for fighting that led to streams of refugees with few prospects for returning to their homes. Instead, Bosnia involved only limited American interests, such as the future of NATO and the need to end Bosnia's fighting in order to avoid responsibility to help with

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<sup>128</sup> For the figure of the 140,000 Bosnian Serb refugees created by the Muslim-Croat offensive, see Perlez, "Serbs: Banja Luka: Not a Target Of Assault, Yet Beaten." For the hypothetical numbers of the Banja Luka refugees, see Holbrooke, *To End a War*, 160. The prewar Bosnia had a very strong Bosnian Serb community—about three times larger than the Croatian Serb community. The overwhelming majority of the Serbs who did not flee Bosnia during the war chose to live under the authority of Pale rather than Sarajevo. Consequently, wiping out the Bosnian Serb Republic would have produced a very large Serb exodus, since most of the Serbs would have fled rather than remained to live under the authority of Sarajevo.

the UN withdrawal and risk American casualties doing so. Accordingly, America wanted a limited engagement consistent with its overall interest in peace and stability: that interest required Washington's recognition of Bosnia's partitioning and its acceptance of the few hundred thousand Serb "peace refugees" that resulted from this peacemaking. The likely consequences of supporting Sarajevo's initiative to wipe out the Bosnian Serb Republic--or creating a single Bosnia at the expense of a Serb exodus--were simply too great for Washington to accept, given its limited interests in Bosnia.

### **Ethics of Outside Involvement and Weak Disputants**

America should be praised for bringing peace to Bosnia; however, one should not overlook some ethical issues raised by America's involvement. Even though the European accusation that America prolonged the Bosnian war by encouraging Sarajevo to fight is wrong in the sense that Europe never faced to the problem of the Serbs' continual rejection of proposals, the fact nevertheless remains that Washington opposed every European plan on partitioning, while eventually imposing one of its own on a deeply disappointed Sarajevo. In defiance of the Bosnian realities and the limits of what America would be truly willing to do in Bosnia, Washington criticized the European peace proposals and thereby helped cultivate the Bosnian hope of attracting international support for Bosnia's high-stake objective: the forceful reunification of Bosnia. It is only after coming to realize that Bosnia did indeed involve some limited American interests, such as the future viability of NATO and American leadership in Europe, that Washington would change its Bosnia policy to supporting realistic solutions. America's reversal of its positions regarding the Bosnian disputants' goals prompted a leading

American newspaper headline to point out that in the eyes of the Dayton negotiators, the “‘Good’ Muslims and ‘Bad’ Serbs Did a Switch.”<sup>129</sup>

Nonetheless, the question still remains why America should have rhetorically supported Sarajevo’s pursuit of victory in the previous years. It is not clear whether Washington perhaps crafted its early Bosnia policy with the objective of weakening the European institutions that might soon challenge American leadership in Europe, thereby putting the interests of *realpolitik* above those of ethics. Yet, ethical concerns do exist, having been raised by the possible effects of Washington’s policy on the weaker disputants--those more dependent on outside support and more likely to pursue a chance of victory against all odds if they remain convinced of outside powers’ support.<sup>130</sup>

Also, the question remains as to whether the American previous involvement, particularly its recognition of Bosnia despite Sarajevo’s rejection of the Lisbon agreement, had been a display of power being used without a commensurate sense of responsibility regarding the outcome. Thus, one should consider whether the Bosnian case study actually demonstrates this lesson: a superpower’s involvement in a conflict, even when desired and welcomed by the weaker disputants, may be neither beneficial to

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<sup>129</sup> Sciolino, Cohen, and Engelberg, “In U.S. Eyes, ‘Good’ Muslims and ‘Bad’ Serbs Did a Switch.”

<sup>130</sup> Some European officials believed that Washington’s criticism of European peace proposals was motivated by the American desire to weaken Europe and its institutions in order to assert the pre-eminence of NATO and American leadership in Europe. That view emerged as soon as America opposed the Lisbon agreements reached by Europe and offered an unconditional recognition to Sarajevo against the European advice to the contrary. At that time, the news were leaked to the press about a Pentagon paper that argued that Washington should prevent the emergence of a European security and defense arrangement in competition to NATO. Consequently, some European officials became convinced that behind American rhetoric about its values in Bosnia stood in fact the American interest to assert its dominance in Europe. See, e.g., Chapter 9, “NATO in the 1990s,” in Lawrence S. Kaplan, *NATO and the United States: The Enduring Alliance*, updated ed., Twayne’s International History Series, ed. Akira Iriye, no. 1 (New York: Twayne Publishers; Toronto: Maxwell Macmillan; New York: Maxwell Macmillan International, 1994), 162-184, see in particular pp. 173, 179. See also Benjamin Schwarz, “Why America Thinks It Has to Run the World,” *Atlantic Monthly*, June 1996, 92-102; see p. 100 in particular.

the weaker disputants, nor conducive to encouraging the reconciliation necessary for the successful management and resolution of a dispute.<sup>131</sup>

## Conclusion

In the aftermath of Dayton, Holbrooke—who has been disliked by the Bosnia fans for enshrining its partitioning at Dayton--would join in with the pro-Bosnian advocates in blaming the Bosnian Serbs for maintaining the partitioning of Bosnia despite Dayton. According to Holbrooke, the “interentity boundary line was designed to be similar to, say, a boundary between two American states or Canadian provinces,” accusing the Bosnian Serbs of “trying to turn the interentity boundary line into a partition line.”<sup>132</sup>

Nonetheless, it is clear that Dayton acknowledged some internal partitioning: unlike the case of Bosnia, in America there exists a powerful federal government that can enforce laws throughout the U.S. territory. Nor is anybody concerned about the balance of power between, say, Massachusetts and New Hampshire; in post-Dayton Bosnia, on the other hand, America sought to redress military imbalance between the two entities by supplying military equipment and training to the Federation.<sup>133</sup>

Despite Holbrooke’s later rhetoric, evidence suggests that the American negotiator was fully aware of the limits of what could be done under Bosnia’s particular circumstances: pressuring the Bosnian Serbs to achieve a better territorial distribution between the entities, rather than forcing them to accept a single, “multiethnic” state.

Thus, recognizing the limits of what was possible caused America to support Bosnia’s internal partitioning within the framework of a nominally sovereign state. These

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<sup>131</sup> Compare the above conclusions to similar ethical issues raised by this study regarding the international involvement in Croatia (Chapters Three and Four).

<sup>132</sup> Richard Holbrooke, “Richard Holbrooke on Bosnia.” Letter to Editor [in response to Radha Kumar]. *Foreign Affairs* 76, no. 2 (March/April 1997): 170-171; for the quote, see p. 171.

<sup>133</sup> For the Equip and Train Program, see Holbrooke, *To End a War*, 276-278.

terms were also kept in the Dayton agreement to encourage Sarajevo's approval and portray the 1995 peacemaking as being consistent with Washington's previous (rhetorical) support for Bosnian unity, by force if necessary.<sup>134</sup>

Nevertheless, Washington could not support a peacemaking strategy likely to create a major conflict escalation and a Bosnian Serb exodus. Bosnian unification was of little consequence to America, whose pragmatic focus was Bosnian peace and stability.

Therefore, Washington supported a limited use of force to bring the Serbs aboard the peace process and turn previous international plans on Bosnia's partitioning into a reality. Coercive peacemaking was able to impose the end of violence and lead to the conclusion of a peace settlement; however, it could not recreate a mixed Bosnian society, instead producing a stream of "peace refugees." For these reasons, America's pride over forcefully ending the Bosnian war should be tempered by an understanding of the limits and costs inherent in such forceful solutions.

Despite the above criticisms of some of the actions taken by America in Bosnia, it is also clear that Washington's 1995 involvement produced clear and important benefits for both the outside parties and the disputants. Besides avoiding a loss of American credibility if the policy had been to abandon Bosnia to its own destiny by helping, simply, in the UN withdrawal, Washington managed, through its 1995 involvement, to bring to an end an atrocious war that had left over 278,000 Bosnian citizens dead and well over 2 million displaced.<sup>135</sup>

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<sup>134</sup> As explained earlier, Washington used to criticize European partitioning plans (e.g., Vance-Owen peace plan) as "immoral." Instead, Washington advocated lift-and-strike option: lifting the arms embargo against Sarajevo and striking the Bosnian Serb positions.

<sup>135</sup> Altogether, Bosnia lost 278,000 people in the war of 1992-1995: 140,800 Bosnian Muslims; 97,300 Serbs; 28,400 Croats; and 12,300 other nationalities. Also, in 1999, Bosnia still had half of its prewar population displaced: Bosnia still had about 2.2 million refugees and displaced persons. Helsinki Committee for Human Rights in Bosnia and Herzegovina, "Report about Human Rights Situation in Bosnia and Herzegovina, January-December 1999," Report No. 34A-12/99, Sarajevo, 31 December 1999, available from <http://www.bh-hchr.org/statements/34-12-99.htm>, accessed 4 December 2000.

## CHAPTER SEVEN

### COERCIVE NATION-BUILDING AND ENTRAPMENT

#### **Digging in Deeper in Order to Dig Out of Post-Dayton Bosnia?**

##### **Introduction**

The Dayton agreement, according to which Bosnia is a single state composed of two entities and three constituent nations, did not address the underlying issues in dispute; therefore, it did not leave in place a coherent peace settlement that could be implemented by the disputants or coercively imposed by the outside parties. As argued in this Chapter, Dayton captured the disputants' irreconcilable positions, shifting the violent dispute over Bosnia's unity versus separation into a low-intensity conflict. This ambiguous, unstable situation provided an opportunity for the international community to step in forcefully and push Dayton in a direction of a single, "multiethnic" state. However, the end result has not been a single, democratic state: post-Dayton Bosnia is still a divided state and an international protectorate in which the position of the Bosnian Croats has deteriorated despite the Dayton promise of equality for Bosnia's three nations.

Chapter Seven deals with the problems related to the implementation of a peace settlement obtained through coercive peacemaking. It intends to demonstrate that such a settlement carries the risk of entrapment for the third party, particularly when the third party's focus shifts from preserving stability and addressing the disputants' needs to concerns over preserving the credibility of regional structures or of liberal interventionism. Furthermore, this Chapter raises the question of whether coercive nation-building can be desirable if the end result has been an uncontrolled international

regime outside the law and not accountable to Bosnian constituencies, a regime that moreover does not give much promise for a self-sustainable peace.

### **The International Design of Bosnian Identity and the Erection of a Protectorate**

Washington finally ended the Bosnian civil war by bombing the Serbs into accepting the Bosnian framework for their state, and by coercing the Bosniaks into acknowledging the existence of the Bosnian Serb Republic on the territory of Bosnia.<sup>1</sup>

The Serbs accepted Dayton because it recognized Republika Srpska, offering a hope for their eventual separation from Sarajevo. The Bosniaks, on the other hand, accepted Dayton because they were vulnerable to the American pressure and because the agreement left open a possibility of continued international engagement in support of Bosnia's unity. Sarajevo welcomed those elements of the agreement that speak in favor of transcending Bosnia's internal division: refugee returns, as well as the formal recognition of Bosnia's sovereignty and its international legal personality.<sup>2</sup>

Thus, Pale and Sarajevo both accepted Dayton under the premise that the fight for Bosnia's separation or unity would continue by political means, and hopefully with international blessing. The war, therefore, came to an end by the two sides' being able to find the elements of the agreement that affirmed their respective, mutually exclusive

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<sup>1</sup> The Bosnian Muslims began calling themselves "Bosniaks" in the 1990s, and the new term was enshrined by the Washington and Dayton agreements. Thus, while this study has previously used the term "Bosnian Muslims," it now switches to the term "Bosniaks" when dealing with post-Dayton Bosnia and the events that took place from the late 1995 to the present. Also, the terms "Sarajevo" and the "Bosnian Government" have often been used to refer to the "Bosniaks" and their politicians, particularly during the war and in the years following the Dayton agreements. Namely, as evident from this Chapter, it took a number of years for the weak central institutions to become representative of Bosnia's diverse people and to be functioning, and for the "Sarajevo/Bosnian Government" to stop being associated with the Bosniaks.

<sup>2</sup> "General Framework Agreement for Peace in Bosnia and Herzegovina Negotiated in the Wright-Patterson Air Force Base," Dayton, 1-21 November 1995, initialed by the Parties on 21 November 1995, signed in Paris on 14 December 1995, with annexes, Document No. II-2 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 440-513; also available as UN Doc. A/50/790-S/1995/999, Attachment.

positions. In other words, the Dayton agreement was an internationally imposed cease-fire, with the most contentious issue postponed for later, as the disputants would continue to struggle for victory: Sarajevo for a unified state, and Serbs for a separation. Both would point to Dayton to strengthen their respective positions—Sarajevo to a single Bosnian state, and the Serbs to the recognized institutions of Republika Srpska. This unresolved status would soon require a deeper international involvement, displaying the inevitable risk of third party entrapment for those who engage in coercive peacemaking.

According to the Dayton agreement, the High Representative for Bosnia is the chief international officer responsible for the agreement's civilian aspects.<sup>3</sup> The first High Representative, Carl Bildt, exercised his broad powers with restraint, even though a lack of consensus among the disputants would have called for his intervention.

Post-Dayton Bosnia demonstrated that it was very difficult to reach a decision on anything: reaching consensus on even simple matters such as a common telephone country code involved a discussion about what Bosnia was or should be. Thus, the Bosnian Serbs preferred the exchange code of their own—more precisely, that of Serbia-- while the Bosniaks wanted to affirm that Bosnia was a single state, with a uniform telecommunications system.

The 1997 Bonn conference greatly increased the powers of the High Representative; now he could remove elected Bosnian officials from power and impose legislation upon Bosnia. The increase in international powers was justified by a need to create Bosnia's "self-sustaining structures" in 1998 and thereby speed up the international disengagement.<sup>4</sup>

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<sup>3</sup> Ibid., Annex 10, p. 504.

<sup>4</sup> Office of the High Representative [for Bosnia-Herzegovina] (OHR), "Bosnia and Herzegovina 1998: Self-sustaining Structures," PIC [Peace Implementation Council] Main Meeting, Bonn, 10 December 1997, available from [http://www.ohr.int/pic/default.asp?content\\_id=5182](http://www.ohr.int/pic/default.asp?content_id=5182), accessed 25 January 2004. PIC is

Thus, whenever Bosnia's Serbs, Croats, and Bosniaks could not agree, the High Representative would step in. From late 1997 through mid 1998, High Representative Carlos Westendorp imposed the common country code, license plates, and the citizenship law. He also designed the Bosnian currency, coat-of-arms, and flag. The High Representative even prescribed where the flag should fly in the common institutions: there was so little cooperation among the parties that they could not agree even on where to place the flag with the internationally designed Bosnian identity.<sup>5</sup>

The Office of the High Representative (OHR) started in 1995 as a small office of 60 people; its main task was chairing meetings or facilitating the work of the Bosnian institutions. However, with the High Representative's increased authority, the OHR grew into an agency of 681 people with offices throughout Bosnia and abroad. Its main task became "to ensure that the [Bosnian] institutions [functioned] effectively and in a responsible manner."<sup>6</sup>

In the six years following the 1997 Bonn conference on creating "self-sustaining" Bosnia, successive High Representatives imposed no fewer than 512 decisions. These decisions were related to state symbols, election laws, removal of elected officials or

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comprised of the countries and agencies that support the Dayton peace process. For the increased powers of the High Representative, sometimes referred as "Bonn powers," see point No. XI.

<sup>5</sup> Office of the High Representative [for Bosnia-Herzegovina] (OHR), High Representative's Decisions, "Decision Imposing the Law on Citizenship of BiH," 16 December 1997; "Decision Imposing the Law on the Flag of BiH," 3 February 1998; "Decision Imposing the Design of Bank Notes," 27 March 1998; "Decision on the Flying of the Flag of BiH," 2 April 1998; "Decision on the Shape and Design of the Coat-of-Arms of BiH," 18 May 1998; "Decision on the Deadlines for the Implementation of the New Uniform Licence Plate System," 20 May 1998; "Decision Imposing the Telecommunications Law of BiH," 11 September 1998; all OHR's decisions cited available from <http://www/ohr.int/decisions/archive/>, accessed 16 December 2002.

<sup>6</sup> Office of the High Representative [for Bosnia-Herzegovina] (OHR), "General Information," available from <http://www/ohr.int/ohr-info/gen-info/#2>, accessed 16 December 2002.

company directors, the work of the media and the courts, Bosnia's property laws, and the return of refugees.<sup>7</sup>

Thus, the OHR became the major legislative and enforcement agency, though it was not responsible to any constituency in Bosnia and was even above the Dayton agreement. The High Representative is the "final authority to interpret" the Dayton agreement: his interpretation cannot be challenged in any Bosnian or international institution.<sup>8</sup> Thereby, post-Dayton Bosnia became an international protectorate—and eventually even a neo-colonial trusteeship under the rule of Western officials with unlimited and unchecked power—even though Western notions of democracy and human rights would have precluded an international regime free of accountability and control.<sup>9</sup>

This international behavior in Bosnia has been justified by the need to democratize the country, as evident from an editorial written by Carlos Westendorp, the first High Representative who ruled, rather than administered, Bosnia:

When I took over from my predecessor, Carl Bildt, I quickly perceived the danger of getting lost in the day-to-day minutiae of peace implementation. This was why I pledged to identify the institutions that underpinned radical nationalism, and to transform them into the kind of institutions that exist in Western-style democracies. That is not to say that I ignored the minutiae. To have done so would have been irresponsible, since resistance to democratization can be seen (and will continue to be seen) at all levels of government and administration in Bosnia-Herzegovina. In my two years, I have been forced to remove 16 high-ranking officials from their positions, including the President of the Republika Srpska, Nikola Poplasen. As the ultimate interpreter of the Dayton Peace Accord,

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<sup>7</sup> The first High Representative's decision was "Decision Imposing the Law on Citizenship of BiH," shortly after the Bonn conference, on 16 December 1997. The five-year period taken by this study concerns the period between 16 December 1997 and the end of 2003 (i.e., 31 December 2003). Office of the High Representative [for Bosnia-Herzegovina] (OHR), "All High Representative's Decisions," available from <http://www.ohr.int/decisions/archive.asp?m=&yr=2003&so=d&sa=on>, accessed 25 January 2004.

<sup>8</sup> "General Framework Agreement for Peace in Bosnia," Dayton, 1-21 November 1995, Annex 10, Art. V, p. 504.

<sup>9</sup> In addition, the international Bosnia regime violates Article 78 of the UN Charter: "The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality."

I also have imposed over 45 decisions and laws on the country, on everything from the design of banknotes to the establishment of courts.<sup>10</sup>

This type of high-handed interventionism—initially introduced with the pretext of speeding up the international disengagement and creating a self-sustaining Bosnia—increased under High Representative Wolfgang Petritsch: the OHR would now begin to regulate the Bosnian political, economic, and social life down to the local level, guided by the idea of turning Bosnia into a democratic, “multiethnic” state.

### **The International Drive to Create a “Multiethnic” Democracy in Bosnia**

Once the international community designed Bosnian identity, its interest would turn to the remaking of electoral laws, with the aim of refashioning a Bosnia of three distinct identities into a “multiethnic” Bosnia of citizens without any distinct national affiliation. This international drive, justified as a moral and democratic undertaking, would play into the hands of the Bosniak plurality, while rendering the Bosnian Croats unequal. Moreover, this push would fail to accomplish the international objective: a single, functioning state, permitting international disengagement. Instead, the drive to create “multiethnic,” democratic Bosnia turned out to be a prelude to an even deeper international entrapment and increased Bosnia’s dependency on international presence.

According to the Serb Civic Council, which had publicly rejected Bosnian Serb leader Radovan Karadzic already in 1994,

The Republic of Bosnia and Herzegovina should be arranged as a federal State, on the principle of regional and local self-governance, without ethnic connotations and dominations. Federal authority should be established on a parity basis, while regional and local ones should be established on the proportional participation of citizens of all ethnic groups. Mechanisms should be established on the entire

<sup>10</sup> Carlos Westendorp, “Lessons from Bosnia,” *Wall Street Journal Europe*, 29 July 1999, available from <http://www.ohr.int/articles/>, accessed 6 June 2000. See also Chris Hedges, “Diplomat Rules Bosnia With a Strong Hand,” *New York Times*, 10 April 1998, available from <http://www.ohr.int/articles/>, accessed 6 June 2000.

territory of Bosnia and Herzegovina in order to prevent every form of majority hegemony and domination based on ethnic or religious grounds.<sup>11</sup>

The goals of these Serbs loyal to Bosnia during the civil war corresponded to those of the Bosnian Croats, the majority of whom wanted a decentralized, federal state with constitutionally guaranteed collective rights for Bosnia's three nations: Bosniaks, Serbs, and Croats.<sup>12</sup> That vision of multinational Bosnia seemed consistent with the Bosnian internal organization in Titoist Yugoslavia—the distribution of power among the three Bosnian nations based on national parity and consensus—the system that had been meticulously observed until Sarajevo decided to pursue independence without the Bosnian Serbs' agreement in 1992. Moreover, a multinational Bosnia with three equal nations was also consistent with the reality of Bosnia's position between Serbia and Croatia and the fact that, with respect to their national identities, Bosnia's Serbs and Croats looked to Belgrade and Zagreb, respectively.

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<sup>11</sup> Bosnia-Herzegovina, Bosnian Serbs, "Declaration of the Assembly of Citizens of Serbian Nationality and of Serb Ethnic Origin," 27 March 1994, Document No. I.1-15 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 120-121; for the quote, see p. 120; also available as UN Doc. S/1994/382, Enclosure I. For their open denunciation of Radovan Karadzic, see Bosnia-Herzegovina, Bosnian Serbs, "Letter [From the President of the Serb Civic Council of Bosnia and Herzegovina Addressed to the Secretary-General Concerning a Political Settlement to the Crisis in Bosnia and Herzegovina]," 12 August 1994, with Enclosure, "Proclamation of the Serb Civic Council of Bosnia and Herzegovina Addressed to the Serbian People of Bosnia and Herzegovina," 10 August 1994, Document No. I.1-20 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 134-135; also available as UN Doc. A/48/984-S/1994/970, Annex. The Serb Civic Council is the Bosnian counterpart to the Serbian Democratic Forum in Croatia and the Croatian Serb leaders in Zagreb such as Milorad Pupovac and Dragutin Roksandic, both of them cited in the previous chapters on Croatia. These Serb organizations viewed the borders of Croatia or Bosnia as legitimate, but they questioned the scope of Serb rights in Croatia or Bosnia. They represented, nevertheless, smaller numbers of Serbs in Croatia and Bosnia: the majority of the Croatian and Bosnian Serbs fought against Croatian and Bosnian independence.

<sup>12</sup> Less than a third of the Bosnian Croats used to live in ethnically homogenous and sparsely populated Western Herzegovina, where the Croats have always formed about 90 percent of the population. The Croats of Western Herzegovina advocated Bosnia's partitioning, for it would have been easier for them to split away from Sarajevo. On the other hand, the Croats of Central Bosnia and Posavina, who lived in the mixed areas and used to form the majority of the Croat populace in Bosnia-Herzegovina, originally did not want to split away from Bosnia: they would have preferred a single, federal state that would guarantee their rights. Their goals shifted to secession from Sarajevo only after the introduction of the Vance-Owen Peace Plan and the outbreak of the war with the Bosniaks. For more details, see Chapter Five.

Introduced in 1943 by the Yugoslav communists in accordance with the AVNOJ decision to create Yugoslavia, the multinational arrangement in Bosnia was meant to prevent the domination of any one Bosnian nation over another. The long history of disunity and bloodshed in Bosnia had vividly shown that domination by one group would typically bring about repression or inequality for the other groups, as had been evident from the Serb and Croat hardships under the Ottoman rule, the repression of the Croats and the Bosniaks in Royalist Yugoslavia, and the bloodshed during World War II, when Bosnia became the greatest bloodbath of the former Yugoslavia.<sup>13</sup>

Nonetheless, the vision of a multinational, federal Bosnia with national power sharing did not appeal to the Bosniaks: they wanted a “multiethnic” Bosnia with a single nation. Not only did the Bosniaks demand a single, undivided state, but they also wanted a centralized Bosnia reposing on individual rights, in which power would go to its citizens, rather than to its Serb, Croat, and Bosniak communities.

However, some of Sarajevo’s actions have not been consistent with its emphasis on a civic, “multiethnic” Bosnia in which nationhood would be identified through membership in a political community. Rather, Sarajevo’s courtship of the Muslim constituencies in Bosnia and beyond (e.g., in Sanjak, a part of Serbia with a Muslim minority) betray that Sarajevo’s main concern was to ensure power and privilege for the Bosniak plurality, which could easily outvote the Serbs and the Croats in a Bosnia

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<sup>13</sup> During World War II, Bosnia had several competing armies on its territory: Germans, Croat/Muslim Ustashi, SS Handzar Muslims, Italian fascists, Serb Chetniks, and, finally, the only true antifascist force: Yugoslav Partisans led by Tito. Among the Yugoslav republics, Bosnia had the highest number of World War II casualties, including the greatest number of civilian casualties. During World War II Bosnia lost 164,000 Serbs, as well as 75,000 Muslims/Bosniaks and 64,000 Croats. A total of 174,000 Bosnian civilians were killed, of which 85,000 died in prisons and labor camps, including the Ustashi-run camp of Jasenovac. For the World War II casualty figures, see Vladimir Žerjavić, “The Losses of Yugoslav Population in the Second World War,” in *Geopolitical and Demographic Issues of Croatia*, ed. Ivan Crkvenčić and Mladen Klemenčić, translated by Ellen Elias-Bursač et al., Geographic Papers, ed. Andrija Bognar, no. 8 (Zagreb: University of Zagreb, Department of Geography, 1991), 96-97, 100. For more details and references, see Chapters Two (History) and Five (Bosnia).

organized on a civic principle and without a guarantee of the collective rights for Bosnia's three nations.<sup>14</sup>

The above does not mean that a Sarajevo government truly committed to a multiethnic state could have won over its independence-minded Serbs and Croats. While the Serb secessionist demands were truly difficult, if not impossible, to manage for Sarajevo, the truth is, nonetheless, that Sarajevo did not view Bosnia any differently than Zagreb had viewed Croatia--as a state with one dominant nation that should marginalize, assimilate, or displace the minorities resisting the imposition of the dominant identity. As demonstrated by the 1996 territorial reunification of Sarajevo at the expense of the Serb "peace refugees," behind the "multiethnic Bosnia" rhetoric was the Bosniak fight for territory and Bosnia's territorial integrity, rather than the Bosniak desire for coexistence with Bosnia's Serbs and Croats.<sup>15</sup>

In view of Bosnia's extensive mixing, firmly entrenched national identities, and the traditional feelings of insecurity, the best option would have been a solution proposed by the Serb Civic Council: a functional federation where territoriality would be

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<sup>14</sup> One should not overlook here the electoral campaign of Bosnian President Alija Izetbegovic, who chose an Islamic flag in 1990 and then replaced it later by a neutral flag to draw international support for Bosnian independence. Also, Izetbegovic's party (SDA), which won the majority of Bosniak votes before the war, widely distributed Izetbegovic's *Islamic Declaration*, which expounds on the superiority of the Islamic social and political order. The 1990 revival of Islam in Bosnia's public life and private sphere should not be viewed in terms of Sarajevo's preference for a radical Islam. Most of the Bosnian Muslims (i.e., Bosniaks) in Titoist Yugoslavia were either secular or moderate, with Islam being part of their cultural identity rather than reflecting any strong religious dedication. Accordingly, today they still prefer to call themselves "Bosniaks," the term this study uses from Dayton onwards. Nevertheless, the resurgence of Islam in a 1990 Bosnia should be pointed out, for it did have a detrimental influence on Bosnia's interethnic relations; in addition, it demonstrated that behind Sarajevo's insistence on civic-based Bosnia is the interest of the Bosnian Muslim (i.e., Bosniak) constituency. For the revival of Islam in Bosnia and Izetbegovic's campaign, see Véronique Soulé, "September 1991, une bombe à retardement," in *Libération Spécial Sarajevo*, Libération Collection, no. 10 (Paris: Libération, 1992), 30; Marc Semo, "Février 1992, référendum pour l'indépendance," in *Libération Spécial Sarajevo*, Libération Collection, no. 10 (Paris: Libération, 1992), 31.

<sup>15</sup> When the Serb held parts of Sarajevo came under the Bosniak control, about 100,000 Serbs fled from the Sarajevo suburbs. Reassurance measures that might have persuaded the Sarajevo Serbs to stay were not of any concern to the Bosniak authorities. A formerly mixed city, Sarajevo became a predominantly Bosniak city, which it still remains today, despite significant Serb and Croat returns in the recent years. For more details, citations, and references, see Chapter Six.

disassociated from ethnicity. That would be a Bosnia without either ethnic cantons or three mini-states, but instead with national parity and consensual politics at the federal level, coupled with decentralization that characterizes modern, democratic states. Local self-government would, in a most natural manner, accommodate the relevant identity concerns at the local level (e.g., cultural autonomy). The path for building such a Bosnia would have been for the Serbs to join the Croats and the Bosniaks in forming a functioning federation; the outlines of such a federation were already laid out by the Washington agreement of 1994.

Yet, such a solution was not achievable in Bosnia. The independence minded Bosnian Serbs would have never accepted this plan, nor would Sarajevo have sincerely supported this solution. Thus, Bosnia was set up as a two-entity state, with the Serbs having their own political entity (Republika Srpska), while the Croats shared the entity with the Bosniaks (Federation).<sup>16</sup>

Sharing an entity with the Bosniaks, while the Serbs had their own entity, had never been what the Bosnian Croats wanted. Most Bosnian Croats would have preferred having either a Bosnian federal state with cantons (a Bosnian-style Switzerland), or else having their own entity, just like the Serbs. However, a Bosnian Croat entity was not a possibility since America opposed this solution and viewed the Federation as a stepping

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<sup>16</sup> For the Federation agreement (also called the Washington agreement), see: "Framework Agreement for the Federation," 1 March 1994, Document No.I.1-13a in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 83-89; also available as UN Doc. S/1994/255, Attachment I. See also "[Declaration Concerning the Constitution of the Federation of Bosnia and Herzegovina]," 18 March 1994, Document No.I.1-14 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 94-119. The latter document includes the proposed Constitution of the Federation, which was approved by the Parliament of Bosnia and Herzegovina on 30 March 1994.

stone to form, one day, a single, “multiethnic” Bosnia.<sup>17</sup> Furthermore, Zagreb’s priority was to secure the return of Croatia’s territories that had been lost to the Serbs in 1991. America had conditioned its support for restoring Croatia’s territorial integrity upon Zagreb’s support for Bosnian unity-- and Zagreb had accepted this tradeoff. Thus, thanks to the American support, Zagreb finally reunified Croatia, having agreed to the Bosniak-Croat Federation rather than insisting on a separate entity for the Bosnian Croats.<sup>18</sup>

In other words, Zagreb solved its Serb problem at the expense of the interests of the Bosnian Croats, who became the unequal nation of Dayton Bosnia. Unlike the case of the Bosnian Serbs and their Republika Srpska, the Bosnian Croats did not get their self-declared state, Herceg-Bosna, recognized at Dayton.<sup>19</sup>

In the absence of having their own entity, the Bosnian Croats relied on the right to elect their own representatives and the system of national parity and consensus in order to ensure their equality with the Bosniak majority in the Federation. Consequently, post-Dayton Bosnia was divided between the Federation (FBiH), with two equal constitutive

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<sup>17</sup> United States of America, State Department, “The Federation: An Essential Building Block of Peace in Bosnia and Herzegovina,” by Secretary Christopher, *U.S. Department of State Dispatch Supplement* 6, no. 5 (December 1995): 10.

<sup>18</sup> America supported the Croatian military offensive of 1995 that returned large portions of Serb-held areas to Zagreb. In addition, America supported that Belgrade should also return Eastern Slavonia to Zagreb. During the Dayton negotiations, the Serbo-Croatian agreement specifying how Eastern Slavonia would return to Zagreb was pursued in parallel with the agreement on strengthening the Federation, and both agreements were reached on the same day, or after 10 days of negotiations. The Federation agreement was announced first, while the one on Eastern Slavonia was kept secret for two days before it was announced, as it was politically sensitive for Milosevic. For these parallel negotiations, see Richard C. Holbrooke, *To End a War*, rev. ed. (New York: Random House, 1998; New York: Modern Library Paperback Editions, 1999), 262-265. For the agreement on Eastern Slavonia, see “Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium signed between the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia,” Erdut, 12 November 1995, Document No. IV.1-3 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 657-658; also available as UN Doc. A/50/757-S/1995/951, Annex.

<sup>19</sup> It is usually assumed that Croatia had resolved its problem at the expense of its Serbs, and that Bosnia has been divided between the Serbs and the Croats. In reality, Zagreb resolved its problem at the expense of the Bosnian Croats. It supported the agreement that gave the Serbs half of Bosnia, and it accepted that the remaining half should be in the Federation. Zagreb did not demand a separate entity for the Bosnian Croats, so that the Croat minority could protect itself from the domination of the Bosniak majority. In other words, Zagreb accepted the solution that gave neither the Croatian Serbs nor the Bosnian Croats their own entities.

nations (Bosniaks and Croats), on the one hand, and the Bosnian Serb Republic (RS), with one constitutive nation (Serbs), on the other.

Thus, Dayton Bosnia reposed on two political entities, each with its own institutions, but it was to have three constitutive nations, each entitled to elect its own representatives. The system of national parity and consensus was to be respected at the level of both the Federation and the central Bosnian institutions.<sup>20</sup>

However, the two-entity, three-nation Bosnian structure was not what Sarajevo wanted: a federal Bosnia has never been its goal, but only a stepping-stone towards a unitary, centralized Bosnia with a single Bosnian nation.<sup>21</sup> Sarajevo had always tried to transcend the reality of Bosnia's territorial division into two entities, and its political division onto three national communities, by pushing for a single Bosnia organized on a civic principle, with direct or popular elections held throughout Bosnia. Previously, the issue of direct elections was a major stumbling block during the negotiations in New York in the fall of 1995: it was only because of the American ultimatum that Sarajevo agreed that the Bosnian Serbs and Croats should be able to elect their own representatives into entities and central institutions.<sup>22</sup>

Under the American pressure, Sarajevo had dropped its demands in 1995, but it never gave up its high-stake objective. Opportunity presented itself in 2000, as the

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<sup>20</sup> For the "constituent peoples," see Preamble of the Annex 4 of "General Framework Agreement for Peace in Bosnia," Dayton, 1-21 November 1995, p. 472; for parity and consensus, including the right of veto, see Annex 4, Articles IV and V, pp. 475-478.

<sup>21</sup> For example, during the Dayton negotiations, the Federation agreement almost unraveled at the last minute over Sarajevo's refusal to concede that a Bosnian Croat would hold at least one of the three key positions in the Federation (President, Prime Minister, or Foreign Minister). The American delegation had to exert pressure on Sarajevo to save the Federation agreement. See Holbrooke, *To End a War*, 262-265.

<sup>22</sup> Holbrooke, *To End a War*, 181-183. For the media reports relating Sarajevo's insistence on the "direct elections" clause and its disappointment with America, see J.T. Nguyen, "Yugoslav Negotiators Report Agreement," *United Press International*, BC Cycle, 26 September 1995, available from Lexis-Nexis Universe, accessed 28 March 2000; Adrian Brown, "Bosnians Digest New York Agreement," *Agence France Presse*, 27 September 1995, available from Lexis-Nexis Universe, accessed 28 March 2000. For more details regarding the negotiations in New York, see Chapter Six.

international community became more deeply involved in running the Bosnian state, with the idea of turning divided Bosnia into a Western “multiethnic” democracy. That opportunity would be used by Sarajevo to erode the Dayton principle of national parity and consensus within the Federation, thereby denying the Bosnian Croats the right to elect their own representatives according to the Washington and Dayton agreements.

By 2000 the Sarajevo politicians, media, and human rights groups launched attacks on Bosnia’s two-entity, three-nation structure, arguing that a Bosnia organized by nations and entities violated the European Convention of Human Rights. The Bosniaks complained that Dayton relied too much on the “national” and “territorial” principles, and too little on the “civic” and “citizen” principles. Bemoaning that Sarajevo had accepted the Dayton agreement, they argued that Bosnia was “the hostage of the inherent mistakes of the Dayton constitution” and that, therefore, it was necessary to revise the agreement.<sup>23</sup>

The push for fundamental revisions of the Dayton agreement began after Haris Silajdzic, a top Sarajevo politician and one of the Bosnian negotiators at Dayton, demanded it in January 2000, arguing that it was “illusory” to build peace “on the results

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<sup>23</sup> Nijaz Durakovic, “Ugovor s djavлом” (Compact with the Devil), *Nezavisni magazin Dani: BH informativni magazin*, (Days, Independent Magazine: Bosnia-Herzegovinian Informative Magazine), no. 149, 7 April 2000, available from <http://www.bhdani.com/arhiva/2000/149/t1491.htm>, accessed 13 April 2000. See also the beginning paragraphs of the 1999 report by a Sarajevo’s human rights organization: Helsinki Committee for Human Rights in Bosnia and Herzegovina, “Report about Human Rights Situation in Bosnia and Herzegovina, January-December 1999,” Report No. 34A-12/99, Sarajevo, 31 December 1999, available from <http://www.bh-hchr.org/statements/34-12-99.htm>, accessed 4 December 2000. See also Ibrahim Prohic, “U žiži: Korekcija” (In focus: Correction), *Oslobodjenje* (Sarajevo), 23 January 2000, available from [http://www.oslobodjenje.com/ba/asp/printart.asp?art\\_id=5403](http://www.oslobodjenje.com/ba/asp/printart.asp?art_id=5403), accessed 26 January 2000. If an original title cited is in Bosnian, Croatian, or Serbian (Cyrillic alphabet) languages, it is to be assumed that a citation in the text above or an English title within brackets are translations done by the author of this study. However, if an original title is cited in English, but a source is non-English (e.g., Bosnian), then it is to be assumed that the author of this study is citing a Bosnian text already translated into English by the source itself. (In this footnote, Durakovic is an example of the former, while Bosnian Helsinki Committee, of the latter.) Unless mentioned otherwise, the note about translation is valid throughout this Chapter, and this study in general.

of genocide,” and that it was “illogical” to indict “aggressors” in the Hague but keep their “projects” (i.e., Bosnian Serb Republic) alive in Bosnia.<sup>24</sup>

Next came Sarajevo’s attack on Bosnia’s electoral rules that had been drafted in accordance with the Washington and Dayton agreements, according to which each Bosnian nation was allowed to elect its own deputies. In January 2000, Zlatko Lagumdžija, the Sarajevo politician supported by the international community, publicly denounced Bosnia’s electoral system, asserting that “it [legalized] the discrimination of the citizens of Bosnia-Herzegovina.”<sup>25</sup>

Sarajevo demanded electoral equality for all of the citizens of Bosnia, despite the reality that the Dayton agreement had recognized the equality of Bosnia’s nations, not individual citizens. Instead, Sarajevo asserted that such Dayton provisions were invalid because nationally based voting was a human rights violation and because human rights should take precedence over the Dayton agreement:

Dayton constitution produces discriminatory legal solutions, which are obstacles to normalization and democratization. It is true that there exists a clash between the principle of legality [Dayton] and the principle of human rights protection—but the problem is not irresolvable. The Constitution of BiH envisages a mechanism for its change. Besides, the Constitution (Art. II) says that the European Convention of Human Rights has a “priority above all other laws.”<sup>26</sup>

Ethnically based voting may be deplorable, but it is questionable whether this kind of voting violates the human rights norms. Furthermore, in the case of Bosnia, the right of the Bosnian nations to elect their own representatives was an important minority rights protection, intended to prevent Bosnia’s domination by its Bosniac plurality and to ensure that all three Bosnian nations had stakes in the running of the Bosnian state.

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<sup>24</sup> Silajdzic’s words, said during a meeting in Bulgaria, were related by Prohic, “U zizi: Korekcija.”

<sup>25</sup> Lagumdžija cited in Prohic, “U zizi: Korekcija.”

<sup>26</sup> Prohic, “U zizi: Korekcija.” The cited article is the editorial in Sarajevo’s main daily, *Oslobodjenje*.

Minority rights protection comes down to a need for a “different treatment” in order to ensure “equality in fact,” as ruled out by the Permanent Court of International Justice in the famous case involving minority schools in Albania:

Equality in law precludes discrimination of any kind; whereas equality in fact may involve the necessity of different treatment in order to attain a result which establishes an equilibrium between different situations.<sup>27</sup>

Hence, the arrangement that allowed the Bosnian Croats to vote for their own representatives was an important minority rights protection for the Bosnian Croats, who did not have a separate entity like the Serbs, but instead shared an entity with the numerically dominant Bosniaks. Without that arrangement, the more numerous Bosniaks could easily outvote, and impose their political will on, the Bosnian Croats.

Thus, it is questionable whether one can make a categorical statement that ethnically based voting violates democratic practices and human rights, as minority rights should be of concern to democracies, while a mechanism of minority protection may involve some “positive discrimination” with respect to voting. In any case, Sarajevo’s concern about ethnically based voting did not spring from its interest in preventing human rights violations but from its desire to remedy Bosnia’s territorial and political division.

On 3 July 2000, the Constitutional Court of Bosnia-Herzegovina found lacking the Constitution of Republika Srpska, which defined that entity as the state of the Serbs, as well as the Constitution of the Federation, which defined the Federation as the state of the Bosniaks and the Croats. In the opinion of the Court, the entities’ constitutions were in contradiction with the (Dayton) Constitution of Bosnia-Herzegovina, according to which the Bosniaks, Serbs, and Croats were the constitutive nations of Bosnia-

<sup>27</sup> *Minority Schools in Albania*, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 64, p. 4, at 19; quoted in Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*, rev. ed. (Philadelphia: University of Pennsylvania Press, 1996), 117.

Herzegovina. The Court argued that the entities' constitutions discriminated against citizens based on their nationality, denying them the right to elect or be elected: the voting system did not permit that a Bosniak from Republika Srpska or a Serb from Federation should be elected to the entities' institutions and thereby to the bodies of Bosnia-Herzegovina.<sup>28</sup>

The crisis erupted when the OSCE Mission in Bosnia-Herzegovina, citing the Constitutional Court decision, changed the electoral rules one month before the elections for the Federation only. According to the old rules the Bosnian Croats could vote for their own deputies, but the revised electoral rules stipulated that "all members of the cantonal assemblies [were] allowed to vote for all delegates from the cantons to the Federation House of Peoples."<sup>29</sup>

This means that Bosniaks can vote for Croat candidates and vice-versa, whereas previously each constituent people voted only for its representative. The effect of this change is quite simply to allow Croat representatives to be elected from parties which do not command electoral support from Croat voters.

In other words, the very purpose of the House of Peoples—to represent the collective rights of each constituent nation—was destroyed by this measure. The House of Peoples thereby became simply another version of the House of Representatives, elected by the whole Federation. Changes in the rules to the way the cantons themselves were elected also meant, the Croats affirmed, that Croat politicians could be voted into high legislative office even if they had no real electoral support. That way, compliant politicians could be installed in power who would not wield the powers [e.g., veto] which the Constitution gave them.<sup>30</sup>

Even though the new electoral rules were justified by the need to eliminate discrimination, the effect of the change was discriminatory. The new rules eroded the

<sup>28</sup> "Ustavni sud BiH o ustavima Federacije BiH i RS" (Constitutional Court of Bosnia-Herzegovina on constitutions of the BH Federation and Republika Srpska), *HRT Vijesti* (Croatian Radio-Television News), 3 July 2000, available from <http://www.hrt.hr/vijesti/arhiv/2000/07/03/HRT0042.html>, accessed 5 July 2000.

<sup>29</sup> Organization for Security and Cooperation in Europe (OSCE), OSCE in Bosnia-Herzegovina, Provisional Election Commission (PEC). "PEC Adopts Rules on Federation House of Peoples and Federation President, Vice President," Sarajevo, 19 [11] October 2000, available from <http://www.oscebih.org/pressreleases/october2000/11-10-pec-hop.htm>, accessed 14 October 2000.

<sup>30</sup> British Helsinki Human Rights Group (BHHRG), "The International Community and the Bosnian Croats," 3 September 2001, available from <http://www.bhhrg.org>, accessed 4 October 2001. BHHRG is an Oxford-based NGO that is not related to the International Helsinki Federation of Human Rights.

nationally based voting only in the case of the Bosnian Croats, without affecting the voting pattern among the Bosniaks, who constituted about 75 percent of the populace in the Federation, or among the Serbs, who had their own entity with legislative institutions. Needless to say, the proposed electoral change violated the terms of both the Dayton and Washington agreements: the agreements had been aimed at ensuring equality between the Bosniak majority and the Croat minority within the Federation.<sup>31</sup>

The Bosnian Croats rejected the OSCE electoral change as electoral engineering that “tried to turn Bosnia-Herzegovina, a state of the three equal Bosnian nations, into a citizens’ republic without the Croat nation.”<sup>32</sup>

Furthermore, the Bosnian Croats founded the Croatian National Congress of Bosnia-Herzegovina, which passed the “Declaration on the Rights and the Position of the Croat Nation in Bosnia-Herzegovina.” The declaration insisted that the Croats had the right to freely express their political will and elect their own representatives. It also demanded “full constitutional and actual equality of all three sovereign and constitutive nations,” arguing that this equality could be realized only “through equal constitutional and administrative-territorial structure” extended over the entire territory of Bosnia-Herzegovina.<sup>33</sup>

<sup>31</sup> The new OSCE rules violated in particular the Federation Constitution regarding the House of Representatives, which was meant to ensure the equality between the Bosniak majority and the Croat minority: IV. Structure of the Federation Government: A. The Federation Legislature: 1. The House of Representatives, Arts. 1-20, in “[Declaration Concerning the Constitution of the Federation of Bosnia and Herzegovina],” 18 March 1994, pp. 100-103. See also the previous discussion on the importance, for minorities, of “equality in fact” (the Albanian Schools).

<sup>32</sup> Ante Jelavic, President of the Bosnian Croat main party, HDZ-BIH, quoted in “Održani opći parlamentarni izbori u BiH” (General parliamentary elections held in Bosnia-Herzegovina), *HRT Vijesti* (Croatian Radio-Television News), 12 November 2000, available from <http://www/hrt.hr/vijesti/HRT0004.html>, accessed on 12 November 2000. See also “Croat Member of Bosnian Presidency: Election Law Changes Hit Croat Interests,” *BBC Summary of World Broadcasts*, 24 October 2000, available from Lexis-Nexis Universe, accessed 24 October 2000.

<sup>33</sup> Bosnia-Herzegovina, Bosnian Croats, Croatian National Congress of Bosnia-Herzegovina (HNS), “[Deklaracija o pravima i položaju hrvatskog naroda u Bosni i Hercegovini (Declaration on the rights and position of the Croat nation in Bosnia-Herzegovina)],” Novi Travnik, 28 October 2000, available from <http://www.hns-bih.org/declaration.htm>, accessed 19 December 2002. See also the two previous documents

About 70 percent of the registered Croat voters voted in the referendum, with 99 percent expressing their support for the Bosnian Croat declaration.<sup>34</sup>

This situation marked the beginning of the confrontation between the Bosnian Croats and the international community. The OSCE in Bosnia decided to remove the top thirteen candidates from the list of HDZ, the Croatian party that won 85 percent of the Bosnian Croats' votes and that organized the referendum. The OSCE then announced that a new government in the Federation and Bosnia would be formed without the HDZ participation.<sup>35</sup>

Thanks to this electoral engineering by the OSCE, the top Croat positions in the Federation and the central Bosnian institutions went to the ethnic Croats who had no support among the Bosnian Croat electorate, or who had not been elected at all. The Bosnian Croat official "representatives" were now Croat party members of the Bosniak party that had been helped by the OSCE to win the Bosnian elections.<sup>36</sup>

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whose intention has been, similarly, to ensure the Croat equality with the Bosniaks and the Serbs within Bosnia: Bosnia-Herzegovina, Bosnian Croats, "Non-Paper [on Securing the Legitimate Rights of the BiH Croats]," Sarajevo, 18 March 1999, available from [http://www.hns-bih.org/no\\_paper\\_e.htm](http://www.hns-bih.org/no_paper_e.htm), accessed 23 December 2002; Bosnia-Herzegovina, Bosnian Croats, "Position of the [Bosnian] Croat Leadership Regarding the Process of Deconstituization of Croats in BiH," Sarajevo, 21 January 2000, available from [http://www.hns-bih.org/no\\_paper\\_e.htm](http://www.hns-bih.org/no_paper_e.htm), accessed 23 December 2002.

<sup>34</sup> "More Than 70 Percent of Bosnian Croats Support Rights Declaration," *Agence France Presse*, 13 November 2000, available from Lexis-Nexis Universe, accessed 19 December 2002.

<sup>35</sup> "HDZ BIH privremeno bojkotira Parlament Federacije," (HDZ BH temporarily boycotts the Federation Parliament), *HRT Vijesti* (Croatian Radio-Television News), 17 January 2001, available from <http://www.hrt.hr/vijesti/arhiv/2001/01/17/HRT0013.html>, accessed 19 January 2001. See also "Kazne OESS-a HDZ-u BiH, moguće i dodatne sankcije" (OESS sanctions against HDZ BH; additional sanctions possible as well), *HRT Vijesti* (Croatian Radio-Television News), 16 November 2000, available from <http://www.hrt.hr/vijesti/HRT0032.html>, accessed 17 November 2000.

<sup>36</sup> Thus, the top Croat position in the BH Presidency went to a Croat member of the predominantly Bosniak social-democrats; that Croat member was not even elected, nor were any of the six Croats in the Council of BH Ministers (two of these Croat members received only 2 and 63 votes, respectively). For this lack of democratic legitimacy among the top Croat officials brought to power by Sarajevo and the OHR/OSCE, see Bosnia-Herzegovina, Bosnian Croats, Croatian National Congress of Bosnia-Herzegovina (HNS), "'Alijansa': Illegal and Illegitimate Authority in Bosnia and Herzegovina: Election Indicators," Mostar, April 2001, available from [http://www.hns-bih.org/election\\_indicators.htm](http://www.hns-bih.org/election_indicators.htm), accessed 21 December 2002.

In response to this international action, the Bosnian Croats proclaimed a “temporary self-rule” to last “until the full constitutional and real equality of Croat people in Bosnia-Herzegovina [could] be ensured.”<sup>37</sup>

The Zagreb Government condemned this Bosnian Croat move towards self-rule, but it also urged the international administration in Bosnia to re-examine its policy that had led to this crisis. The Croatian Government emphasized the importance of respecting the equality of all nations in Bosnia and the will of the Bosnian Croat electorate.<sup>38</sup>

Despite the crisis’ having been provoked by the new electoral rules being imposed by the OSCE in violation of the Dayton and Washington agreements, and despite the reality that the Bosnian Croats’ position was consistent with the Dayton and Washington principles, both the Western diplomats in Bosnia and the Sarajevo officials condemned the declaration of the Croat self-rule as a “unilateral” action initiated by only a “handful” of politicians in “violation” of the Dayton agreement.<sup>39</sup> High Representative Wolfgang Petritsch dismissed several top Bosnian Croat officials, including Ante Jelavic, president of the HDZ, on account of what the OHR alleged to be “illegal,” “anti-constitutional,” and “anti-Dayton activities.”<sup>40</sup> Furthermore, the international administration demonized the HDZ leaders as “criminals” and “fascists” fighting to cover up “corruption” and maintain their own privileges rather than to ensure the interests of the Bosnian Croats,

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<sup>37</sup> The Croat statement quoted in “OSCE Blasts Bosnian Croat Autonomy Move,” *Agence France Presse*, 6 March 2001, available from Lexis-Nexis Universe, accessed 20 December 2002. See also “Convention of Bosnian Croat Nationalists on their Autonomy Opens,” *Agence France Presse*, 3 March 2001, available from Lexis-Nexis Universe, accessed 20 December 2002.

<sup>38</sup> Snjezana Vukovic, “[Croatian] Prime Minister Criticizes Bosnian Croats’ Move to Impose Self-Rule,” *Associated Press Worldstream*, 5 March 2001, available from Lexis-Nexis Universe, accessed 20 December 2002.

<sup>39</sup> Amra Kebo, “Jednostrane odluke,” *Oslobodjenje* (Sarajevo), 5 March 2001, cited in a selection of the Bosnian media reports in “Posebna tema: Hrvati U BIH,” PT-68/01, prepared by the Republic of Croatia, Ministry of Foreign Affairs, 9 April 2001. See also “OSCE Blasts Bosnian Croat Autonomy Move.”

<sup>40</sup> Office of the High Representative [for Bosnia-Herzegovina] (OHR), High Representative’s Decisions, “Decision Removing Ante Jelavic from His Position as the Croat Member of the BiH Presidency,” 7 March 2001, available from [http://www.ohr.int/print/?content\\_id=328](http://www.ohr.int/print/?content_id=328), accessed 21 December 2002.

even though the HDZ was the electoral winner and its policy had been supported by the majority of the Bosnian Croats in their referendum.<sup>41</sup>

However, the British Helsinki Human Rights Group, a British human rights organization, did not consider the HDZ to be composed of “fascists” and “criminals.”

BHHRG representatives...found (as is often the case with groups attacked for ‘extremism’ and ‘ultra-nationalism’) that the HDZ leadership is composed of ordinary men and women in suits who have few resources and little power compared with other players in Bosnian politics. For example, the Bosnian Croats have no media outlets of their own: their only TV station, Erotel, was taken off the air by SFOR troops in February 2000 for alleged “extremism.”<sup>42</sup>

An action ordered by High Representative Petritsch during this time was especially troubling because of its likely motivation: a full-scale military crackdown on the main Bosnian Croat bank, under the pretext of fighting “corruption” among the Bosnian Croats. The crackdown was carried out in several locations simultaneously,

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<sup>41</sup> For example, American diplomat Jacques Klein, Head of the UN Mission in Bosnia, told Sarajevo’s main daily, *Oslobodjenje*, “We have always known the HDZ consists of communists and fascists.” Klein and *Oslobodjenje* cited in British Helsinki Human Rights Group (BHHRG), “The International Community and the Bosnian Croats.” For the denouncement of the Croat “criminals,” see also “OSCE Blasts Bosnian Croat Autonomy Move;” R. Jeffrey Smith, “Croat Hard-Liners Seek Separation in Bosnia,” *Washington Post*, 4 March 2001, available from Lexis-Nexis Universe, accessed 20 December 2002.

<sup>42</sup> British Helsinki Human Rights Group (BHHRG), “The International Community and the Bosnian Croats.” The lack of their own TV station is again an illustration of a Bosnian Croat inequality supported by the international community: both the Bosnian Serbs and Bosniaks have their own TV stations. It should be noted that the Federation is not supportive of the Croat identity, though, nominally, it is their entity and the Croats are in its institutions. The Federation has a clear bias towards supporting the dominant Bosniak identity: the Bosniak media outlets, universities, etc. For example, the Federation has 6 universities, with 5 of them belonging to the Bosniak majority. Only 1 out of 6 Federation universities is holding classes in the Croatian language: the university in Western Mostar. In the fall of 2003, its faculty and staff were on strike, since they had not been paid since May 2003. On the other hand, in all other 5 universities within the Federation, the faculty and staff tend to receive regular paychecks because, in case of a problem, the Federation provides subsidies for the Bosniak universities. A Croatian company wanted to give a subsidy to the university in Western Mostar; however, this subsidy was barred by the OHR, which demanded that Croatia also provided support for the Bosniak University in Northern Mostar as well, or else not provide financial support to the Mostar university at all. Josip Milić, “Upitan opstanak mostarskoga Sveučilišta (Will the Mostar University survive?),” *Fokus* (Zagreb), 24 October 2003, available from <http://www.focus-jednik.hr/vijest.asp?vijest=1346>, accessed 28 October 2003. See also the subsequent section on Mostar’s division, which the Bosniaks now want to maintain.

including Medjugorje, where Spanish and Portuguese pilgrims threw eggs against the NATO soldiers intruding into this religious site.<sup>43</sup>

Bosnia's strongest private financial institution is the Hercegovacka Banka in the city of Mostar--or it was until one night last week. Under cover of darkness, a detachment of roughly 400 NATO troops descended on the bank's headquarters in 80 armored vehicles, backed up by 20 helicopters and two fixed-wing aircraft. Using explosives, blowtorches and other safecracking gear, demolitions experts entered the basement vault and blasted their way into one of the two safes. They finally gave up trying to open the other one, but not before turning the lock into scrap metal. The troops loaded six trucks with confiscated documents before roaring out of town, leaving the bank in shambles.<sup>44</sup>

It appears that the military crackdown on the Bosnian Croats' financial base was motivated by an interest in preventing the Bosnian Croat move, triggered by the OSCE electoral changes, towards a self-declared autonomy. Several months after the violent seizure of the bank, many local Bosnian Croat businesses had gone bankrupt, ordinary Bosnian Croats could not access their bank accounts, and the Bosnian Croat economy was in shatters, as the bank had about 90,000 private and 4,500 corporate clients.<sup>45</sup>

To be sure, the Bosnian Croat move towards self-rule was taken outside the Dayton framework, but it was the OSCE and OHR decision to revise the election rules against the Dayton principles and engage in electoral engineering that had caused the crisis in the first place. In that respect, one should question the international administrators' motivation for initiating their campaign against the Bosnian Croats, which started with the sudden change of electoral rules one month before the elections.

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<sup>43</sup> John Laughland, "UN Tyranny in Bosnia," *Spectator* (London), 5 May 2001, available from Lexis-Nexis Universe, accessed 21 December 2002. See also Wolfgang Petritsch, "Why I Raided the Bank," Letter to Editor, *Spectator* (London), 19 May 2001, available from Lexis-Nexis Universe, accessed 21 December 2002.

<sup>44</sup> Roy Gutman, with Juliette Terzieff, "Bank Job in a Battle Zone," *Newsweek*, 30 April 2001, available from Lexis-Nexis Universe, accessed 21 December 2002. See also "NATO Troops Use Explosives to Seize Bosnian Croat Bank Records," *Agence France Presse*, 18 April 2001, available from Lexis-Nexis Universe, accessed 21 December 2002.

<sup>45</sup> Laughland, "UN Tyranny in Bosnia;" John Laughland, "Bosnian Confusion," Letter to Editor, *Spectator* (London), 26 May 2001, available from Lexis-Nexis Universe, accessed 21 December 2002. See also David Chandler, "Bosnia's Plight," *Spectator* (London), 2 June 2001, available from Lexis-Nexis, accessed 21 December 2002.

It would appear that the aim of these moves was to place in power Bosnian Croatian politicians who would facilitate the new constitutional changes desired by OSCE and OHR, changes designed to turn a multinational, divided Bosnia into a functioning “multiethnic” state. Since the Croats stood most to lose from the proposed changes, the international administration initiated electoral engineering in order to place in power Croat politicians who would not veto the proposed constitutional change demanded by Sarajevo and supported by Bosnia’s international administrators.<sup>46</sup>

Thus, thanks to the extensive electoral engineering and the international strategy directed against the Bosnian Croats, the Dayton agreement was eventually amended as envisaged by Sarajevo and the international community.<sup>47</sup>

However, the amendment lacks legitimacy in the eyes of the Bosnian Croats, who have rejected this constitutional change to the Dayton and Washington agreements. The change was done without the consent of the Bosnian Croat electorate, because their elected representatives had been removed from power and had not voted for the change in the Parliament of Bosnia-Herzegovina.<sup>48</sup>

The new constitutional changes provide for the participation for the three Bosnia’s nations at all levels of government in both entities.<sup>49</sup>

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<sup>46</sup> That the objective of the OSCE electoral engineering was the initiation of the constitutional reform is also evident from Petritsch’s letter to *The Spectator*, “Why I Raided the Bank.” In his letter, the High Representative affirmed, “The laws were temporary, for the last election only, and constituted a step towards complying with a constitutional court ruling which makes Bosnian citizens equal in law across the country, regardless of their ethnic status.” Thus, the electoral engineering was aimed to remove from power the elected Bosnian Croat officials who would have vetoed the proposed constitutional change, the change that, despite its “equality” rhetoric, makes the Croats unequal to Bosnia’s Serbs and Bosniaks.

<sup>47</sup> [Parliament of Bosnia-Herzegovina], “Agreement on the Implementation of the Constituent Peoples’ Decision of the Constitutional Court of Bosnia and Herzegovina,” 27 March 2002, available from the OHR website, [http://www.ohr.int/print/?content\\_id=7274](http://www.ohr.int/print/?content_id=7274), accessed 21 December 2002.

<sup>48</sup> The change was agreed upon by the Bosnian Croat “representatives” who were not elected at all the Croat electorate; these “official” deputies were brought to power through electoral engineering by the OSCE and the OHR.

<sup>49</sup> [Parliament of Bosnia-Herzegovina], “Agreement on the Implementation of the Constituent Peoples’ Decision,” 27 March 2002.

On the surface, this change seems positive, as it increased the participation of minorities in the entities' institutions. There are now Serb ministers in the Federation government, as well as Bosniak and Croat ministers in the Republika Srpska government.

However, the impact of the change is discriminatory to the Bosnian Croats, given Bosnia's weak central institutions and its continued division into two entities. Being Bosnia's smallest nation without an entity of their own, the Bosnian Croats had relied on the principle of national parity and consensus in order to ensure their equality with the Bosnian Serbs, who have their own entity and institutions, and with the Bosniaks, who form the vast majority of the Federation's population. With the new change, however, the Bosnian Croats became a minority in both entities. This Croat inequality is reflected in the fact that the Croats now have a smaller number of posts in both Federation and Republika Srpska institutions, while the Bosniaks and the Serbs dominate in the institutions of each entity, respectively.<sup>50</sup>

In other words, the Croats are now in a subordinate status in both the Federation and Republika Srpska, despite the principles of the Dayton and Washington Agreements regarding the equality of the Bosniaks and the Croats in the Federation, and the equality of the three nations within Bosnia-Herzegovina.

Despite the human rights and democracy rhetoric that accompanied the international move to institute the change to the Dayton agreement, the constitutional amendment was not about democracy or human rights. Instead, the constitutional change was motivated by the desire to affirm that Bosnia is a single country, with its two-entity

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<sup>50</sup> As pointed by the Croatian Party of Rights (HSP), in the Bosnian Serb Republic there are 8 Serb ministers, 5 Bosniak ministers, 3 Croat ministers, and 1 minister from the category of "others;" meanwhile, in the Federation the Bosniaks have 8 ministers, the Croats have 5, the Serbs have 3, and "others" have 1 minister. Bosnia-Herzegovina, Bosnian Croats, Croatian Party of Rights of Bosnia-Herzegovina (HSP-BIH), "HSP: Hrvati u BiH svedeni na kategoriju 'ostali'," (HSP: Croats in Bosnia-Herzegovina reduced to the category 'others'), 24 April 2002, available from the site of the Croatian National Congress of Bosnia-Herzegovina (HNS): <http://www.hns-bih.org/tekst.cgi?id=6088>, accessed 16 December 2002.

structure being irrelevant. The international community's hope was that the proposed constitutional changes would eventually mend the fractured Bosnia by laying the foundations for the legal, political, and social unification of divided Bosnia into a single "multiethnic" nation; once that goal will have been accomplished, then the international community can disengage from Bosnia. According to High Representative Petritsch, the Dayton amendment "accomplished what [had] not [been] possible at Dayton in 1995," having created a "functioning state with a clear European perspective."<sup>51</sup>

However, such profound changes that would truly permit the reintegration of Bosnia's three communities cannot take place without lengthy processes of societal reconciliation, as well as the total reversal of ethnic cleansing. Furthermore, creating a "multiethnic" Bosnia is not possible without first reshaping national identities so these feel reassured, while the actions of Bosnia's international administration has stimulated the growing grievances, even to the point of encouraging radicalism among the Bosnian Croats, the biggest losers of the Dayton agreement.

The reality is that the proposed constitutional changes did not alter the basic two-tier Dayton structure and could not transcend Bosnia's political division on the three communities, given there is no common agreement on the Bosnian statehood and identity. For the end result of the international intervention is not a single "multiethnic" Bosnian state with functioning central institutions, nor has the intervention created a self-sustaining Bosnia and brought the international intervention closer to its end, despite the rhetoric to the contrary. Instead, Bosnia still remains divided, because the most important powers continue to be exercised by the entities' institutions. Meanwhile, the intervention

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<sup>51</sup> Wolfgang Petritsch, "In Bosnia, an 'Entry Strategy'," *Washington Post*, 2 July 2002, available from Lexis-Nexis Universe, accessed 21 December 2002.

has eroded the little support that existed among the Croats for Bosnia and contributed to their demands for their own entity within Bosnia.

At the time of the writing, the international administration is exerting new pressure on the Bosnian Croats, in contradiction of what is normally considered a minority rights protection mechanism, and what the Bosnian Croats should be entitled to receive in view of the Dayton and Washington agreements. The international administration in Bosnia has adopted the goal of creating a uniform educational system throughout the Federation: this would deny the Bosnian Croats their right to be educated in their mother tongue (the Croat language). Cultural and educational autonomy is one of the basic rights normally offered to minorities in Western democracies; it is urged upon other states in the region, including Croatia. Thus, what is now being imposed in Bosnia does not reflect any European standards and represents yet another attempt to enforce Bosnian unity at the cost of ignoring Western democratic practices and the Dayton and Federation constitutions.

"The Croats in central Bosnia will emigrate if they are not allowed to use school books and conduct the curriculum in their mother tongue," warned European Parliament member Doris Pack, Chair of the EP's Committee for Relations with South Eastern Europe.<sup>52</sup> According to Pack, the Bosnian Croats are facing the threat of "assimilation" by the Bosniak majority.<sup>53</sup> She criticized High Representative Paddy Ashdown for not

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<sup>52</sup> Pack cited in "Doris Pack Criticises Ashdown: He Is Working Without Any Control," *Oslobodjenje* (Liberation) (Sarajevo), 29 September 2003, available, in English, from the SFOR official site, which summarizes or gives excerpts from Bosnia's daily press: <http://www.nato.int/sfor/media/2003/ms030929.htm>, accessed 14 October 2003.

<sup>53</sup> Pack cited in "Pack: Hrvatima u BiH prijete asimilacija" (Pack: Bosnian Croats threatened by assimilation), *HRT Vijesti* (Croatian Radio-Television News), 29 September 2003, available from <http://www.hrt.hr/vijesti/arhiv/2003/09/29/HRT0045.html>, accessed 26 January 2004.

allowing Bosnia's elected officials to "do their jobs" and expressed concern over Ashdown's exercise of his unchecked powers: "He is working without any control."<sup>54</sup>

Moreover, this international pressure against the Croats comes despite the reality that it is precisely the Bosnian Croats who are now the most vulnerable group in Bosnia: its national corpus has been almost halved and, apart from the Croat dominated Western Herzegovina, the vast majority of the Bosnian Croats have left Bosnia.<sup>55</sup>

In addition, the Croat returns to Bosnia have been significantly smaller than those of either the Serbs or the Bosniaks, possibly because the Croat future in Bosnia looks bleak. Even the Serb minority returns to the Federation have been higher than the Croat returns to the Federation, despite the fact that the Federation had originally been intended as the entity in which the Croats would enjoy greater rights than the Serbs and be equal to the Bosniaks. Meanwhile, barely 10,000 Croats have returned to Republika Srpska since the end of the war.<sup>56</sup>

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<sup>54</sup> "Doris Pack Criticises Ashdown: He Is Working Without Any Control."

<sup>55</sup> According to the Catholic Church, which has been very influential among the Bosnian Croats and has kept a record of its parishioners, the prewar Bosnia had about 800,000 Croats, while today it has barely 466,000. Less than 3 percent of the Croats returned to the area of Banja Luka, the capital of Republika Srpska. See the statements by Cardinal Vinko Puljic and Bishop Franjo Komarica reported by the Croatian Radio-Television on 14 July 2003 and 22 June 2003, respectively: Cardinal Puljic in "Hrvatsko izaslanstvo na čelu s Premijerom Račanom u službenom posjetu BiH" (Led by Prime Minister Račan, Croatian delegation visits Bosnia-Herzegovina), *HRT Vijesti* (Croatian Radio-Television News), 14 July 2003, available from <http://www.hrt.hr/vijesti/arhiv/2003/07/14/HRT0009.html>, accessed 15 October 2003; Bishop Komarica in "Sveti Otac u drugome pastoralnom posjetu Bosni i Hercegovini" (The Pope in the second visit to Bosnia-Herzegovina), *HRT Vijesti* (Croatian Radio-Television News), 22 June 2003, available from <http://www.hrt.hr/vijesti/arhiv/2003/06/22/>, accessed 15 October 2003. Besides the problem of low refugee returns (see also the subsequent footnote giving the UNHCR figures), the Croat returnees have sometimes been exposed to violence and intimidation. For example, on Christmas Eve, 24 December 2002, a Bosniak member of two Islamic organizations murdered three Bosnian Croats (Catholics) in their homes. In addition, Mostar's Christmas Nativity Scene was burned down, and the posters were placed throughout the city warning against the celebration of the New Year's. "Bosnian Muslim Detained in Christmas Triple-Murder Inquiry," *Agence France Presse*, 30 December 2002, available from Lexis-Nexis Universe, accessed 5 January 2003.

<sup>56</sup> According to the UNHCR figures of 31 August 2003, the total of 448,521 Bosniaks, 139,085 Serbs, and only 112,022 Croats have returned to the Federation, which was supposedly, until the changes of 2001, the entity of the equal Bosniak and Croat nations. At the same time, 135,805 Bosniaks (out of which 114,801 internally displaced), 93,787 Serbs, and only 10,178 Croats returned to Republika Srpska. In addition, 20,838 people returned to the Brcko district, with the majority of the returns being Bosniak. The figures cited represent the total numbers of the returns for both the refugees and the internally displaced persons.

Normally such a situation would call for some active measures to protect the Bosnian Croat identity, as well as encourage their returns to Bosnia; instead, the international administration has promoted measures that undermine the Bosnian Croat position and future within Bosnia. If the Bosnian Croats lose their political influence and equality and are, especially, denied their unique cultural identity in a Federation reflecting the identity of the dominant Bosniak majority, then the end result will be even fewer Croats in Bosnia: they will depart for either Croatia or Croat-dominated Western Herzegovina. In other words, in the name of the West's stated "multiethnic" values, the international community's actions are, in fact, helping to encourage the administrative, or soft, ethnic cleansing of Bosnia's most vulnerable minority: the Bosnian Croats.

That building "multiethnic" Bosnia is not about values, legal principles, or even regional stability, is evident from the budding Mostar crisis that could have serious consequences. The current problem concerns the unification of Mostar, a city on the edge of Croat-dominated Western Herzegovina. As a result of the war between the Bosniaks and the Croats, the city has been divided into six municipalities—three predominantly Bosniak, and three predominantly Croat. During the war, the Croats upheld the separation, while the Bosniaks criticized this division as illegal and immoral.

The international administration now wants an administrative reform that would unify the city. Given how the Bosnian conflict and the disputants' arguments have played out so far, one would expect that the Croats would uphold the division of Mostar, while

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The UNHCR reports the refugee returns separately from the returns of the internally displaced persons: the author of this study added the figures of refugees and displaced, thus giving the total returns figures. For the UNHCR figures, see United Nations High Commissioner for Refugees (UNHCR), UN Refugee Agency, Representation in Bosnia and Herzegovina, Sarajevo, "Returns Summary to Bosnia and Herzegovina from 01/01/1996 to 31/08/2003," available from <http://www.unhcr.ba/return/T4-0803.pdf>, accessed 15 October 2003. See also United Nations High Commissioner for Refugees (UNHCR), UN Refugee Agency, Representation in Bosnia and Herzegovina, Sarajevo, "Total Minority Returns In/To BiH from 1996 to 31 August 2003," available from the site of the UNHCR in Bosnia, [http://www.unhcr.ba/return/Tot\\_Minority%20\\_GFAP\\_August\\_2003.pdf](http://www.unhcr.ba/return/Tot_Minority%20_GFAP_August_2003.pdf), accessed 15 October 2003.

the Bosniaks would demand its unification; the latter position would receive, one would expect, the support of international administration. One would also believe that the Bosniaks would affirm civic rather than national principles in Mostar, as they have demanded a similar approach with respect to the city of Sarajevo, Federation, and Bosnia-Herzegovina, arguing that anything else is “ethnic division” that violates the European standards and human rights norms.

Yet, in today’s Mostar, the current positions of the disputants and the outside parties are exactly the opposite of what one would expect at first sight. Like Sarajevo and other Bosnia’s cities, Mostar has lost its unique, pre-war national balance and has a clear national majority. Being Mostar’s majority, the Croats advocate Mostar’s unification and a single electoral district. The Bosniaks, on the other hand, oppose the unification of Mostar, arguing that the majority of the population is Croat. Having previously denounced the Croats for maintaining Mostar’s division during the war, the Bosniaks now want to preserve Mostar’s division into six municipalities: three predominantly Bosniak, and three predominantly Croat. In short, the Bosniaks, who are Mostar’s minority, affirm a national rather than a civic principle, and demand separation rather than unification. This Bosniak position contradicts their stand on the unification of Sarajevo under a single (Bosnian) administration, their preference for a centralized Bosnia, and their criticism of national based voting and power-sharing arrangements as violation of human rights and democracy.<sup>57</sup>

Even though the particulars seem very different, the current Mostar crisis in fact confirms what this study has already said about identity disputes. The Bosnian dispute is

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<sup>57</sup> For more on the Bosniak opposition to the unification of Mostar, see “Croats for Unified Mostar, Bosniaks Fear of ‘Third Capital’ in BiH,” *Slobodna Bosna* (Free Bosnia), 26 September 2003, in “Main News Summary: Friday, 26 September 2003” [the SFOR official site that summarizes or gives excerpts from Bosnia’s daily press], available from <http://www.nato.int/sfor/media/2003/ms030926.htm>, accessed 15 October 2003.

about identity and power, rather than about human rights and moral values. “Multiethnic” rhetoric, which has often been used by Sarajevo against its Serbs and Croats, is an expedient means to reunify divided lands, oppose partitioning by secessionist minorities, and affirm the rights of national majority. However, insecure, yet ambitious, minorities—not just Bosnia’s Serbs and Croats, but its Bosniaks as well, when applicable—demand at least some administrative separation, or at least the preservation of their collective rights through multinational power-sharing arrangements, as a means of protecting themselves from the rule of majority. Minorities do not wish to blend into a civic, political, non-national community of a single “multiethnic” nation; instead, they demand the preservation of their distinct national identities. Nonetheless, majorities seem reluctant to share power with minorities and therefore resent special minority voting rights and snub power-sharing mechanisms. Benjamin Schwarz epitomized the problem as follows:

Divided societies face a conundrum: dissatisfied minorities want, at a minimum, a real voice in determining their future—but a real voice for the minority means real sacrifice for the majority.<sup>58</sup>

And finally, what is the international administration’s position on Mostar? At first sight, one would expect that the OHR would support the Croat demand for a single administration and a single electoral district, a policy that would reflect its preference for civic rather than national principles; moreover, such a policy would be consistent with the administrative arrangements in other cities of Bosnia-Herzegovina.

However, with respect to Mostar, the OHR would like to create a precedent—a city with a national power-sharing structure—unlike any other city in Bosnia. The OHR’s proposal is that Mostar be unified into a single municipality (a concession to the Croats),

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<sup>58</sup> Benjamin Schwarz, “The Diversity Myth: America’s Leading Export,” *Atlantic Monthly*, May 1995, 66.

but that it be divided into 6 electoral districts designed to ensure that the Bosniaks and the Croats would have 3 city councilors each (a concession to the Bosniaks).<sup>59</sup>

This OHR proposal violates the principles that the OHR had previously maintained with respect to the Federation: the OHR had supported the constitutional reform that eroded the Croats' collective rights and increased the voting power of the Bosniak majority in the Federation, by insisting on the introduction of the civic principles into the previously bi-national Federation, despite the provisions of the Washington and Dayton agreements.

The international proposal has been rejected by the Bosniaks, who continue to demand Mostar's division. It has also been rejected by the Croats, who demand either a single electoral district in Mostar, or else that the proposed Mostar arrangement on national power sharing become applicable to other Federation's cities as well, where the Croat minority is being outvoted by the Bosniak majority. The Bosnian Croats claim that the OHR proposal violates the electoral laws of Bosnia-Herzegovina, as well as the European Convention on Local Self-Government.<sup>60</sup>

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<sup>59</sup> About 4,500 registered voters in the predominantly Bosniak part of Mostar would vote for 3 city councilors, but so would 26,000 registered voters in the predominantly Croat part of Mostar also elect 3 city councilors. Therefore, there would be power sharing between the Bosniak minority and the Croat majority in Mostar. Though similar arrangements have been promoted at the level of Federation and Bosnia's central institutions, no city in Bosnia has an arrangement as the one proposed for Mostar. Furthermore, it should be noted that the power sharing between the Bosniak majority and the Croat minority within the Federation has been eroded by the constitutional changes of 2002. For the international proposal on Mostar and its proposed electoral districts, see "HDZ BIH odbacio prijedlog za preustroj Mostara" (HDZ BH rejected the proposal for Mostar's restructuring), *HRT Vijesti* (Croatian Radio-Television News), 8 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/09/HRT0015.html>, accessed 22 January 2004. See also "Ashdown: 'I Do Not Believe that the New Structure of the City of Mostar Will Bring Brotherhood and Unity'," *Dnevni List* (Daily News), 20 January 2004, in "Main News Summary: Tuesday, 20 January 2004" [the SFOR official site that summarizes or gives excerpts from Bosnia's daily press], available from <http://www.nato.int/sfor/media/2004/ms040120.htm>, accessed 24 January 2004.

<sup>60</sup> "Mostar: Hrvatske udruge od Ashdowna traže ravnopravnost" (Mostar: Croat associations demand from Ashdown an equal treatment), *HRT Vijesti* (Croatian Radio-Television News), 10 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/10/HRT0021.html>, accessed 22 January 2004; "HDZ BIH traži razvlašćivanje Federacije BiH" (HDZ BH demands reduced powers for the Federation), *HRT Vijesti* (Croatian Radio-Television News), 17 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/17/HRT0024.html>, accessed 22 January 2004.

Both the Bosniaks and the Croats have carried out their respective referenda in Mostar: the Bosniak referendum has confirmed the will of the Bosniak electorate for Mostar's administrative separation, while the Croat referendum confirmed the will of the Croat electorate for Mostar's unification and a single electoral district.<sup>61</sup> It is very likely that the OHR would impose the administrative reform against the will of both parties.<sup>62</sup>

One reason behind this move to maintain Mostar's political, if not administrative, division is the Bosniak fear, apparently also shared by some international officials, that Mostar's unification and centralization would turn the city into a Bosnian Croat capital, strengthening the Croat desire to form its own entity within Bosnia.<sup>63</sup>

However, should the OHR act high-handedly towards the Croats, as it did in 2001, and use the unlimited international powers to impose Mostar's administrative and electoral reform against the Bosnian Croat liking, the OHR could trigger another crisis leading to further Bosnian Croat alienation. The Bosnian Croats have announced they would hold a referendum on the reorganization of the Federation, within which the OHR has supported a very different policy than the one now urged upon the Croats in Mostar.<sup>64</sup>

The OHR has already responded to this new threat by restarting its fight against "corruption," having arrested former HDZ leaders on account of the mismanagement of the Bosnian Croat bank, the bank that the international action had already targeted in the

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<sup>61</sup> "U zapadnom Mostaru referendum o preustroju grada" (In western Mostar, a referendum on the city reorganization), *HRT Vijesti* (Croatian Radio-Television News), 25 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/25/HRT0016.html>, accessed 26 January 2004.

<sup>62</sup> Office of the High Representative [for Bosnia-Herzegovina] (OHR), High Representative's Decisions, "Decision on the Implementation of the Reorganization of the City of Mostar," 29 January 2004, available from [http://www.ohr.int/decisions/mo-hncantdec/default.asp?content\\_id=31725](http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=31725), accessed 30 January 2004.

<sup>63</sup> "Croats for Unified Mostar, Bosniaks Fear of 'Third Capital' in BiH."

<sup>64</sup> For the Croat threat of a referendum on the Federation reorganization, see "Mostar: Hrvatske udruge od Ashdowna traže ravnopravnost" (Mostar: Croat associations demand from Ashdown an equal treatment); "HDZ BiH traži razvlašćivanje Federacije BiH" (HDZ BH Demands Reduced Powers for the Federation).

spring of 2001, when it wanted to suppress the Bosnian Croat independence move by destroying its economic base.<sup>65</sup>

The crisis could even escalate to the point where the Croats would no longer consider themselves to be part of the Federation, even though they would still accept being part of Bosnia: they would demand the transfer of the authority from the Federation onto Bosnia's central institutions.<sup>66</sup> The Bosnian Croats would most likely withdraw from Federation institutions, while still remaining in Bosnia's central institutions.

With such actions, the Croats hope to create pressure that either Bosnia's entities should be abolished in favor of a federal Bosnia arranged on a cantonal (Swiss) principle or else that Bosnia should be reorganized with three entities. The Bosnian Serbs have already warned the Croats that Pale would never accept a cantonal Bosnia, but only a confederation of three entities.<sup>67</sup> However, a three-entity Bosnia is an anathema to Sarajevo, which can barely tolerate Republika Srpska, let alone accept a third (i.e., Croat) entity in Bosnia.

Therefore, another crisis is looming on the horizon because the extensive electoral and political engineering for the purpose of instituting constitutional reform in 2001-2002

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<sup>65</sup> Undoubtedly, there is corruption in Bosnia, among the Bosnian Croats included. However, the manner in which the international officials are fighting "corruption" among the Bosnian Croats, as well as the timing of such international actions, do suggest that the international fight against "corruption" among the Bosnian Croats is politically motivated. Most likely, such international actions serve the purpose of intimidation at the time when the Bosnian Croats announced a referendum on the reorganization of the Federation. The former Bosnian Croat leaders were arrested over the irregularities found in the work of the Bosnian Croat Bank, Hercegovacka Banka; the arrest was issued by an American judge sitting on a Bosnian court. "Mostar: Uhićeni Ante Jelavić, Miroslav Prce i Miroslav Rupčić" (Mostar: Ante Jelavic, Miroslav Prce and Miroslav Rupcic arrested), *HRT Vijesti* (Croatian Radio-Television News), 23 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/23/HRT0020.html>, accessed 26 January 2004; "Jelaviću, Prci i Rupčiću određen jednomjesečni pritvor" (Jelavic, Prce, and Rupcic in prison for one month), *HRT Vijesti* (Croatian Radio-Television News), 24 January 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/01/24/HRT0042.html>, accessed 26 January 2004.

<sup>66</sup> "HDZ BIH traži razvlašćivanje Federacije BiH" (HDZ BH Demands Reduced Powers for the Federation).

<sup>67</sup> "SDS President Dragan Kalinic: 'Either Dayton, or Three Entities'," *Nezavisne Novine* (Independent News), 21 January 2004, in "Main News Summary: Wednesday, 21 January 2004" [the SFOR official site that summarizes or gives excerpts from Bosnia's daily press], available from <http://www.nato.int/sfor/media/2004/ms040121.htm>, accessed 22 January 2004.

has not resolved the Bosnian problem, but has instead created a new one by demoting the position of the Croats. In other words, the Federation, which America had viewed as an “essential building block” for a single, “multiethnic” Bosnia has become the major stumbling block.<sup>68</sup>

Meanwhile, the international community is searching for a new constitutional reform, hoping to turn divided Bosnia into a workable federation, an option that has already been rejected by the Serbs.<sup>69</sup>

Thus, three years after the OHR brought to power civic parties and engineered Dayton constitutional amendment that allegedly unified the divided state and created a self-sustaining peace, there is increased awareness that the Dayton structure of two entities and three nations is unworkable, and that the constitutional amendment has created new, rather than resolved old, problems. The Bosnia reality is that—more than eight years after Dayton, and six years after the increased international powers to facilitate the making of a “self-sustaining” Bosnia and thus speeding up the international disengagement—Bosnia is still in search of a workable solution, and the international community is still involved in Bosnia’s political, economic, and social life at all levels.

### **The Unchecked Power of “Liberal Imperialism”<sup>70</sup>**

<sup>68</sup> USA, State Department, “The Federation: An Essential Building Block of Peace,” 10.

<sup>69</sup> For a constitutional reform proposal, see European Stability Initiative (ESI), “Making Federalism Work-- A Radical Proposal For Practical Reform,” 8 January 2004, available from [http://www.esiweb.org/reports/bosnia/showdocument.php?document\\_ID=48](http://www.esiweb.org/reports/bosnia/showdocument.php?document_ID=48), accessed 23 January 2004. For the Bosnian Serb rejection of federalism in general and the ESI proposal in particular, see “Kalinic Has Cemented the RS and He Is Making a Third Entity in the Federation,” *Jutarnje Novine*, 14 January 2004, in “Main News Summary: Wednesday, 14 January 2004” [the SFOR official site that summarizes or gives excerpts from Bosnia’s daily press], available from <http://www.nato.int/sfor/media/2004/ms040114.htm>, accessed 23 January 2004.

<sup>70</sup> The British Helsinki Human Rights Group (BHHRG), David Chandler, and John Laughland have been the earliest, and somewhat isolated critics, of unlimited international powers in Bosnia. However, in mid 2003, the criticism of international behavior in Bosnia began to attract more attention, chiefly after the European Stability Initiative (ESI) had accused the OHR of “liberal imperialism” and of establishing “the

The 2001-2002 unprecedented action of the “international community” against the Bosnian Croats brings into question the role of the international officials in Bosnia, who can exercise power without accountability and remain beyond the control of the nations of Bosnia, in open violation of the Dayton and Washington agreements, and with disregard for the Western democratic principles.

The lawlessness of the international regime and the unchecked power of its officials have been evident from the fact that the Bosnian Croats appealed to the Bosnian Constitutional Court before they decided to proclaim self-rule. They asked the Court to reverse the new electoral rules because the OSCE rules contradicted the Bosnian Constitution, which reposed upon the Dayton and Washington agreements.

However, as pointed out by the Office of High Representative, the Constitutional Court could not overturn any decision by the international administration in Bosnia:

On 2/3 February 2001, the Constitutional Court of Bosnia and Herzegovina ruled, following proceedings initiated by the HDZ BiH, that the Provisional Election Commission Rules and Regulations on the procedures for the election of the Federation House of Peoples, since they were laid down pursuant to the international mandate granted to the OSCE to this end, were not subject to review

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European Raj” in Bosnia. Moreover, Doris Pack, a member of the European Parliament, publicly criticized Ashdown for working “without controls” and for intimidating the Bosnian politicians and stifling any local initiative: Bosnian politicians do not dare to oppose any international measure for fear of being removed. It should be noted, however, that there exists a difference between BHHRG, Chandler, Laughland, and this study, on one hand, and ESI (i.e., Cox and Knaus) and Pack, on the other. The latter group of officials do not bring into question coercive nation-building, though they believe or imply that international powers in Bosnia should be limited, particularly now that Bosnia appears stabilized. This study, on the other hand, thinks that the rise of unchecked liberal interventionism is closely linked to the international attempts at forceful nation-building. In other words, this study believes that it is not possible to use peaceful, democratic methods to enforce unwanted statehood on insecure identities involved in difficult disputes over land, history, and borders, whereas some of the ESI positions would seem to suggest that possibility. Very briefly, for ESI the main problem does not reside in the objective, but in the methods used; on the other hand, this study believes that reprehensible methods are also related to the unrealistic objective of building non-national, “multiethnic” Bosnia. All of the authors mentioned in this footnote are being cited extensively throughout this Chapter. It should be noted that the term “liberal imperialism” has been made popular by ESI, whose criticism attracted quite some attention (see later). Nevertheless, because the term has become so familiar, the author of this study chooses not to place it within the quotation marks beyond this first introduction, which points to ESI and other sources critical of the international behavior in Bosnia. For more discussion of liberal imperialism in Bosnia, and its impact on present-day events in Iraq, see Chapter 9 (Conclusion).

by the Court. The effect of this Decision was that the said rules had validly governed the said procedures for the elections.<sup>71</sup>

Hence, High Representative Petritsch removed the top Bosnian Croat from his position, saying that Jelavic “[flouted] the constitutional order” by failing to respect the Court’s decision—the decision that simply said that the Court does not have competence to judge the actions of the international administration.<sup>72</sup>

In other words, the Bosnian parties are obliged to follow the international policy which itself is not subject to any judicial review and that can be changed, without the parties’ consent, in violation of the Dayton agreements that had originally laid out the international mandate in Bosnia-Herzegovina. The Bosnian parties cannot challenge any international decision through legal, constitutional means, even if the decision violates the Bosnian peace agreement and its Constitution because the High Representative has the “final authority to interpret.”<sup>73</sup> The international administration is, therefore, above Bosnian laws and the Dayton constitution; it is neither subject to judicial review, nor accountable to any constituency within Bosnia.

For that reason, the British Helsinki Human Rights Group has rightfully expressed its concerns over the scope of international mandate in Bosnia, which has permitted the growth of a “culture of legal impunity and legal omnipotence” and the rise of a “colonial-style administration masquerading as a democratic one.”<sup>74</sup>

<sup>71</sup> OHR, “Decision Removing Ante Jelavic from His Position as the Croat Member of the BiH Presidency.”

<sup>72</sup> Ibid. See also “Ustavni sud BIH nenadležan za ocjenu izbornih pravila” (The Constitutional Court of Bosnia-Herzegovina is not competent to review new electoral rules), *HRT Vijesti* (Croatian Radio-Television News), 3 February 2001, available from <http://www.hrt.hr/vijesti/arhiv/2001/02/03/HRT0030.html>, accessed 23 August 2004.

<sup>73</sup> “General Framework Agreement for Peace in Bosnia,” Dayton, 1-21 November 1995, Annex 10, Art. V, p. 504.

<sup>74</sup> British Helsinki Human Rights Group (BHHRG), “The International Community and the Bosnian Croats.” For a similar work that challenges the international powers in Bosnia and argues that the intervention negates democratic practices and values, see Chandler, *Bosnia: Faking Democracy After Dayton* (London; Sterling, Va.: Pluto Press, 1999).

The root cause of the problem is that the High Representative is, according to the documents which lay out his mandate, literally policeman, judge, jury and executioner. He commands the police and the army; he can change the constitution and cancel elections. None of his decisions is subject to judicial review.<sup>75</sup>

Moreover, besides the problem of the patronizing imperialism in Bosnia, this situation brings to surface another problem: the international policy as designed is ultimately self-defeating because it reinforces Bosnia's autocratic tradition and dependency, imposing the costs on both the people of Bosnia and the outside parties involved. The international policy reinforces the negative traditions that had been left by the centuries of foreign rule and the decades of communism. Such is also the conclusion of the senior officials of the European Stability Initiative (ESI), whose letter to High Representative Paddy Ashdown said the following:

We believe that the Bonn powers are incompatible with international efforts to build democracy and the rule of law, and that this is independent of the best intentions of your office to help Bosnia on its path to Europe. The protectorate role of the High Representative reinforces the worst tendencies of the old Yugoslav political culture: the fondness for the *čvrsta ruka*, the "strong hand" that acts as a *deus ex machina* outside the political process. This highly personalised style of politics, where ultimate power rests in the hands of one charismatic individual, is exactly what democratisation efforts are supposed to overcome.

If the High Representative can set aside the constitution and the democratic process in order to advance a particular policy agenda, then why shouldn't Bosnian politicians, if they get the chance? If the High Representative can simultaneously be the accuser and the judge of public officials, without due process or right of appeal, then why should Bosnians place their faith in the judicial process? One of the chief casualties of the Bonn powers is *constitutionalism* itself—the development of a political culture in which power is subject to law.<sup>76</sup>

<sup>75</sup> British Helsinki Human Rights Group (BHHRG), "The International Community and the Bosnian Croats."

<sup>76</sup> European Stability Initiative (ESI), "After the Bonn Powers," Open Letter to Lord Ashdown by Marcus Cox and Gerald Knaus, Sarajevo, 16 July 2003, available from [http://www.esiweb.org/pdf/esi\\_europeanraj\\_article\\_id\\_2\\_a.pdf](http://www.esiweb.org/pdf/esi_europeanraj_article_id_2_a.pdf), accessed 30 January 2004. Marcus Cox is ESI's Senior Editor, and Gerald Knaus is ESI's Director; they have also published a scholarly article that denounces unlimited powers and behavior of High Representative Paddy Ashdown, comparing international administration of Bosnia to the British Raj in nineteenth-century India: Gerald Knaus and Marcus Cox, "Travails of the European Raj: Lessons from Bosnia and Herzegovina," *Journal of Democracy* 14, no. 3 (July 2003): 60-74, available from <http://www.journalofdemocracy.org/>, accessed 30 January 2004. Cox and Knaus' criticism has caused quite

The international regime in Bosnia violates many of Europe's accepted norms, if one is to judge the actions of the OHR, for example, by the standards of widely accepted European Convention for the Protection of Human Rights. The Convention envisages the rights and freedoms usually brushed aside in Bosnia, such as the freedom of expression (Article 10.1) or the right of the people to elect their own legislators (Article 3, Protocol no. 1). It is true that the Convention foresees some limitations—for example, “at the time of war or other public emergency” (Article 15.1). However, such derogations are supposed to end at some point.<sup>77</sup>

Yet, if one is to judge the Bosnian situation by the sweeping use of the international powers in Bosnia eight years after Dayton, then the state of emergency in Bosnia has not ended. The Bonn powers are used today, as Knaus and Martin have pointed out, “not to confront concrete threats to the implementation of the peace accords...[but] have today become the regular instruments of an open-end attempt to develop institutions by decree...in the name of preparing society for self-governance.”<sup>78</sup>

This situation raises the question of how to end the use of unlimited international powers and establish a system of checks and balances on international officials so that

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some stir, including an angry response from Bosnia's international officials: Ian Traynor, “Ashdown ‘Running Bosnia Like a Raj’,” *Guardian* (London), 5 July 2003, available from <http://www.guardian.co.uk/international/story/0,3604,991947,00.html>, accessed 4 February 2004; Julian Braithwaite, Office of the High Representative for Bosnia-Herzegovina, “A New Liberal Imperialism?,” Letter to Editor, *Guardian* (London), 7 July 2003, available from <http://www.guardian.co.uk/letters/story/0,3604,992981,00.html>, accessed 4 February 2004.

<sup>77</sup> “European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950,” with protocols 1-8, in *Documentary Supplement to Cases and Materials on the International Legal System*, 4<sup>th</sup> ed., by Covey T. Oliver, Edwin B. Firmage, Christopher L. Blakesley, Richard F. Scott, and Sharon A. Williams (Westbury, N.Y.: Foundation Press, 1995), 142-177; for the articles cited above, see pp. 146, 147.

<sup>78</sup> Knaus and Cox, “Travails of the European Raj,” 69-70.

such powers are not exercised arbitrarily--the question that Knaus and Martin ask in their essay "Travails of the European Raj."<sup>79</sup>

Moreover, Bosnia's "Raj" predicament also raises one more crucial question that Knaus and Martin fail to address: When sovereignty is fake and the people do not accept the legitimacy of the state, how can the international community administer a divided state with a goal of its eventual unification? What other choice does it have except becoming a surrogate for an autocratic government seeking to impose decisions upon the state's divided communities unwilling or unable to cooperate? After all, most observers would agree that Bosnia does need a constitutional reform in order to become a functioning state—yet a reform that would create a sustainable, decentralized state proposed by ESI itself has been rejected by the Bosnian Serbs.<sup>80</sup>

A considerable strain has been created between the international desire to unify Bosnia, which has been presented as a moral objective in accordance with Western values, on the one hand, and the reality that the Bosnian state does not command the loyalty of the majority of its citizens, on the other hand. Thus, the Bosnian citizens' compliance is being ensured through repressive measures that violate Western democratic practices. The international community wants to see a unified, democratic Bosnia, but to achieve this objective it must repress the will of its citizens—that is, it must engage in undemocratic, repressive nation-building.<sup>81</sup>

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<sup>79</sup> Ibid, 60-74.

<sup>80</sup> For the ESI proposal of the constitutional reform, see European Stability Initiative (ESI), "Making Federalism Work--A Radical Proposal For Practical Reform." For the Bosnian Serb rejection of the ESI proposal, see "Kalinic Has Cemented the RS and He Is Making a Third Entity in the Federation." See also "SDS President Dragan Kalinic: 'Either Dayton, or Three Entities'."

<sup>81</sup> Unfortunately, violent nation-building, despite popular assertions to the contrary, is entirely consistent with the history of Western nation-building. For more details and references, see later sections of this Chapter, in particular references to Benjamin Schwarz.

For the British Helsinki Human Rights Group, which has challenged the unlimited international powers and behavior in Bosnia, the case of Bosnia demonstrates:

Human rights remain “chaff and rags and paltry shreds of paper” (Burke) unless they emanate from a sovereign state based on the consent of the governed and the rule of law. If the sovereignty of the state is bogus--as in BiH, where all key decisions are in fact taken by the High Representative who is himself outside the scope of BiH law--then that state’s legal structures can never enforce the principles laid down in its various human rights charters. Human rights can be enforced only when there is the political will to enforce them; but if political will is frustrated by arbitrary and lawless intervention from outside, as it has been in BiH, then that poor country will never evolve towards the responsibility and freedom which are the prerequisites for any state of law.<sup>82</sup>

### **Third Party’s Unrealistic, Elusive, and Evolving Goals: The Entrapment**

Following the OSCE and OHR’s extensive electoral and social engineering designed to support a “multiethnic” Bosnia, the international engagement in Bosnia would take on yet another face. According to High Representative Petritsch, the international goals then evolved towards preparing Bosnia for integration into Euro-Atlantic institutions: rather than worrying about an “exit strategy,” the international approach to Bosnia was to be guided by “an entry strategy: Bosnia and Herzegovina's entry into Europe.”<sup>83</sup>

Exercising unlimited powers in Bosnia these days need no longer be a sign of the Western desire to keep Bosnia together in the name of its “multiethnic” values, and thereby remove from power “nationalists” who oppose international policy. Instead, high-handed interventionism in Bosnia can now be justified by the need to fulfill the “moral mission to set standards that exist nowhere outside of an idealised view of Western

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<sup>82</sup> British Helsinki Human Rights Group (BHRG), “The International Community and the Bosnian Croats.”

<sup>83</sup> Petritsch, “In Bosnia, An ‘Entry Strategy’.”

politics,” as argued by David Chandler in his portrayal of the actions of Bosnia’s new High Representative, Paddy Ashdown.<sup>84</sup>

Ashdown dismissed Nikola Grabovac, the Federation’s minister of finance. Though Grabovac himself was not personally involved in the scandal, the OHR, nevertheless, decided to dismiss Grabovac in the name of “European standards.”

As Ashdown’s office has been quick to point out, the lapse in financial controls is not alleged to reflect on Grabovac personally.... The deputy prime minister [Grabovac] has been sacked by Ashdown merely because he is refusing to ‘accept final political responsibility for the actions or inactions of his ministry and step down from this position’. The OHR claims, ‘This is about political responsibility. If Bosnia is to become a part of Europe, then it needs to adopt these sort of European standards.’<sup>85</sup>

The question remains as to how we have moved from the situation in which the war had raged for years before America stepped in to impose peace, to a situation in which the OHR has decided it must design the Bosnian identity and regulate every aspect of Bosnian political and economic life. The puzzle is how we have arrived from the position in which Western democracies did not truly care about Bosnia’s hundreds of thousand dead and millions of displaced, to a situation in which international officials feel that their mission is to teach Bosnians the West’s political culture, where high officials, even if personally innocent, resign because of corruption scandals involving their subordinates. The OHR now defines its mission as follows: “ensuring that Bosnia and Herzegovina is a peaceful, viable state on course to European integration.”<sup>86</sup>

Bosnia has become a classic display of the problem of the third party entrapment: the international community continues to fight for uncertain and evolving goals without

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<sup>84</sup> David Chandler, “The King of Bosnia,” *Spectator* (London), 22 June 2002, available from Lexis-Nexis Universe, accessed 11 December 2002.

<sup>85</sup> *Ibid.*

<sup>86</sup> For this latter mission, see Office of the High Representative [for Bosnia-Herzegovina] (OHR), “OHR General Information: OHR Mission Implementation Plan,” available from <http://www.ohr.int/ohr-info/gen-info/#3>, accessed 25 August 2004.

any indication of an exit strategy for a time to leave and return a country to the control and responsibility of its own citizens. International involvement starts with an “innocent involvement”—perhaps even desirable—but eventually turns into an “entrapment,” as the ongoing struggle for an unrealistic objective becomes justified by the past efforts and costs, including the “loss of lives, money, material, and face already incurred.”<sup>87</sup>

Accordingly, the Bosnian involvement—as the one in Kosovo would later prove also to be—started with little interest at the beginning, and with stakes gradually increased as Western powers found it difficult to admit the limits of their interventionism or to accept a possible loss of their credibility when reality of what is achievable is compared to the predominant rhetoric about “multiethnic” Bosnia and the “Western values” at stake. Thus, a limited involvement—desirable because it ended the war and brought in some stability—turned into the extensive international efforts to run the Bosnian state, the arrogant and paternalistic attitude towards the Bosnian constituencies, and a high-handed interventionism eerily reminiscent of 19<sup>th</sup> century imperialism.

At the time of this writing, a number of minorities have returned to Bosnia. However, well over a million of Bosnia’s citizens—or a quarter of Bosnia’s pre-war population—still remain out of the country and will most likely not return into a situation of an unclear political future and grim economic prospects.<sup>88</sup> Accordingly, after the

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<sup>87</sup> Jeffrey Z. Rubin, “Caught by Choice: The Psychological Snares We Set Ourselves,” *The Sciences* 22, no. 7 (1982): 18-19.

<sup>88</sup> According to the 1991 prewar census, Bosnia had less than 4.4 million inhabitants. During the war, about half of Bosnia’s inhabitants ended up as refugees: 1.2 million Bosnian citizens fled the country, while another million remained internally displaced. These well-known data are cited by Snežana Marinović, “Decenija: Bosna i Hercegovina: april 1992.-2002.” (A decade: Bosnia-Herzegovina, April 1992-April 2002), *Pravi odgovor* (The Right Answer) (Belgrade), 16 April 2002, 12-13; for the figures, rounded off by the author of this study, see p. 13. Out of the total of 2.2. Bosnian refugees and displaced, less than one million returned to their homes, out of which well below half a million represent minority returns. In other words, more than 1.2 million Bosnian citizens, or over a quarter of Bosnia’s prewar population, still remain outside of Bosnia. More precisely, as of 31 August 2003, the total of 435,902 refugees and 532,068 displaced Bosnian citizens have returned. Out of this total of 967,970 returns (i.e., the combined numbers of refugee and displaced returns cited previously), 423,431 have been minority returns. For the figures

much-heralded years of Bosnian minority returns (2001-2002), the minority returns are declining and have fallen down to the lowest levels since the end of the war.<sup>89</sup>

Nevertheless, the international community wishes to integrate “sovereign” Bosnia into Europe; it therefore pushes for reforms so that Bosnia may meet the “European standards.” In order that Bosnia may join NATO’s Partnership for Peace, the international administration has already pushed through a defense reform, by forcing a joint military command upon the Serbs, the Bosniaks, and the Croats (without forcing them to integrate the three distinct armed forces into a single army).<sup>90</sup>

In addition, the international administration continues to struggle with the three nationalist parties that won the recent elections, despite the previous electoral engineering that had been designed to bring to power civic parties without electoral support and compel constitutional changes that allegedly laid the groundwork for a “self-sustaining,” “multiethnic” Bosnia.

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cited, see UNHCR Sarajevo, “Returns Summary to Bosnia and Herzegovina from 01/01/1996 to 31/08/2003;” UNHCR Sarajevo, “Total Minority Returns In/To BiH from 1996 to 31 August 2003.”

<sup>89</sup> In the eight and half years since the conclusion of the Dayton agreement, a total of 441,970 minorities have returned to Bosnia-Herzegovina (the figure valid as of 31 May 2004). However, the returns in general, and the minority returns in particular, seem to be declining. For example, altogether 102,111 minorities returned to Bosnia in 2002, while 92,061 returned in 2001; in comparison, only 44,868 minorities returned to Bosnia in 2003. These low figures are comparable to the minority returns in the first few years following the end of the war, when security concerns prevented massive minority returns: hence, only 45,523 minorities returned in the 1996-1997 period. The minority returns continue to decline: as of 31 May 2004, only 7,764 minorities have returned to Bosnia in the first five months for the year 2004. For the figures cited, see United Nations High Commissioner for Refugees (UNHCR), UN Refugee Agency, Representation in Bosnia and Herzegovina, Sarajevo, “Minority Returns 2004,” Table 5, available from <http://www.unhcr.ba/return/T5-0504.pdf>, accessed 25 August 2004.

<sup>90</sup> NATO Secretary-General George Robertson welcomed the agreement on the joint military command between the armies of Republika Srpska and the Federation, affirming that the defense reform was necessary in order to integrate “sovereign” Bosnia into the Partnership for Peace and eventually NATO. Needless to say, the agreement is another sham intended to cover up the fact that Bosnia remains a divided state. There would be a joint military command and the same uniforms for the two, or actually three, armies, but the armies would still remain separate and carry the symbols of the respective entities’ as well, appended to those of the fake Bosnian state. “Lord Robertson, NATO Secretary General: Admission to Partnership for Peace Will Depend on You,” *Dnevni avaz* (Daily Dragon), 25 September 2003, in “Main News Summary: Thursday, 25 September 2003” [the SFOR official site that summarizes or gives excerpts from Bosnia’s daily press], available from <http://www.nato.int/sfor/media/2003/ms030925.htm>, accessed 15 October 2003. See also “Last Night in Sarajevo: Agreement on Defence Reform Reached,” *Oslobodjenje* (Liberation), 26 September 2003, in “Main News Summary: Friday, 26 September 2003” [the SFOR official site that summarizes or gives excerpts from Bosnia’s daily press], available from <http://www.nato.int/sfor/media/2003/ms030926.htm>, accessed 15 October 2003.

In the eyes of the pro-interventionist International Crisis Group (ICG), the international direction remains clear: more use of the unlimited powers to create a “democratic,” “multiethnic” Bosnia as a member of the Euro-Atlantic community. That could be done by relying on internationally sponsored commissions, which would permit Bosnia’s international officials, frustrated with Bosnia’s “nationalists,” to bypass those who obstruct “democratization” and thereby engineer a series of reforms that would supposedly turn a two-tier, three-nation Bosnia relying on the international presence into a self-sustaining, unified state:

The terminal phase of the international community’s belated effort to build a self-sustaining state in BiH will be replete with paradox. In order to get out, the country’s foreign guardians will have to get in more deeply. In order to abjure use of the Bonn powers, Ashdown will need in the short run to use them more intensively. In order to realise the promise of Dayton, the High Representative will have to lift the ceiling of what is meant to be permissible under the Dayton constitution. He is doing all these things, most importantly through special, internationally-chaired commissions which are seeking to find the constitutional justifications and political consensus necessary to redress the balance of power between the state and the entities in the spheres of defence, intelligence and indirect taxation.

If these commissions realise their potential to undo the worst effects of BiH’s partition at Dayton, the High Representative could have recourse to more such issue-specific bodies. The hope then would be that the cumulative effect of ad hoc reassessments of what the constitution allows will create the consensus required for a fully-fledged domestic revision of BiH’s constitutional architecture.<sup>91</sup>

Before the international community heeds the ICG advice, it should take an honest look at its past achievements in Bosnia. Here comes a summary of the progressive international involvement in Bosnia since the Dayton agreement had been concluded:

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<sup>91</sup> International Crisis Group (ICG), “Bosnia’s Nationalist Governments: Paddy Ashdown and the Paradoxes of State Building,” 22 July 2003, available from <http://www.intl-crisis-group.org/projects/showreport.cfm?reportid=1057>, accessed 15 October 2003. The “Bonn powers” refers to High Representative’s authority to remove elected officials and impose legislation on Bosnia; these powers were introduced in late 1997 in order to create a “self-sustaining” Bosnia in 1998, as explained at the beginning of this Chapter.

Phase 1 (1995): America intervened in 1995, with an idea of bringing peace to Bosnia.

The 1995 peacemaking seemed justified and even beneficial to both the disputants and the outside parties: bloodshed was ended, and regional stability restored.

Phase 2 (1996): Following the imposition of Dayton, a NATO force was dispatched to Bosnia for one year, initially. It helped to oversee the establishment of the inter-entity boundary and the unification of Sarajevo, as envisaged by the Dayton agreement. More ambitious goals, such as refugee returns, remained unfulfilled.

Phase 3 (1997-mid 1999): Being a complicated cease-fire that enabled the disputants to pursue their own objectives, the Dayton agreement proved difficult to be implemented in the sense of unifying Bosnia, which was the goal of Sarajevo and the international community. The main obstacle to “progress” was the Bosnian Serbs, who resented the Bosnian framework for their highly autonomous Republika Srpska. In 1997 the High Representative was given unlimited “Bonn powers” in order to create Bosnia’s “self-sustaining structures” in 1998.<sup>92</sup> High Representative Westendorp designed the Bosnian identity and imposed decisions that enabled the work of Bosnia’s weak central institutions, as envisaged by the Dayton agreement. An international protectorate was raised with the stated goal of speeding up international disengagement.

Phase 4 (mid 1999-mid 2002): This phase saw the gradual abandonment of the Dayton and Washington principles and the rise of liberal imperialism, with the increased international entrapment as a result. The international community’s goal in Bosnia shifted from Bosnia’s peace and stability towards creating a “multiethnic,” “democratic” Bosnia--by using undemocratic means such as electoral

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<sup>92</sup> OHR, “Bosnia and Herzegovina 1998: Self-sustaining Structures.” Emphasis in underlying added by the author of this study.

engineering--in order to remedy the “damage” done to Bosnia at Dayton. This phase saw the crackdown on the Bosnian Croats’ political, financial, and economic base; the Bosnian Croats—rather than the Bosnian Serbs—became the main “villain” because the Bosnian Croat interests stood in the way of the internationally designed constitutional reform. According to High Representative Petritsch, the imposed constitutional amendment had unified the divided country and enabled Bosnia to “[ditch] the ‘failed state’ label.”<sup>93</sup>

Phase 5 (mid 2002-present): By mid 2002, West’s liberal imperialism is in full swing in Bosnia. Under High Representative Ashdown, the international objective became integrating a “democratic,” “multiethnic” Bosnia into Euro-Atlantic institutions. The OHR’s strategy has changed from its previous strategy of electoral engineering designed to bring to power civic parties with little support among Bosnia’s electorate to the specially designed, internationally chaired commissions that can ease the international challenge posed by the observance of Bosnia’s regular political and legal procedures, in which Bosnia’s “nationalists” dominate. Eight years after Dayton, the Bosnian Serbs have accepted that their highly autonomous Republika Srpska should remain within nominally sovereign Bosnia. However, the relations between the Bosniak majority and the Croat minority within the Federation pose serious problems, particularly after the internationally designed constitutional reform of 2002.

Phase 6? Six years after the introduction of the “Bonn powers” to create a “self-sustaining” Bosnia by 1998, and two years after the constitutional amendment that has helped create a “functioning” Bosnia, the international community is looking

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<sup>93</sup> Petritsch, “In Bosnia, An ‘Entry Strategy’.”

for another constitutional reform in order to remedy the Dayton “mischance” and create sustainable peace and disengage from Bosnia. Since the reform will most likely target Bosnia’s two-tier structure, the main obstacle to “democratization” in this new phase will be, again, the Bosnian Serbs. The ICG argues that Bosnian nation-building is entering the “terminal” phase during which the international community must embrace a “paradox”--to dig itself even deeper into Bosnia in order to dig itself out of Bosnia. According to this thinking, the international community would take even more responsibility away from its citizens in order to hand back the internationally designed Bosnia to its citizens!

Contrary to what is being affirmed by the ICG, getting deeper into Bosnia’s life and politics may not mean the final phase of building a self-sustaining, unified Bosnia. Instead, it can stand for another opportunity to aggravate the international entrapment and increase Bosnia’s dependence on the foreign intervention, which is now imposing costs on both the disputants and the third parties.

The ICG prescription violates the norms and practices of conflict resolution theory, which affirms the importance of the disputants’ will and ownership of the peace process in order to ensure a self-sustainable peace. The international community cannot assume the primary responsibility for the peace process nor can it create self-sustaining peace by urging peace settlements that reflect its “norms” and “values” while violating the disputants’ own interests.<sup>94</sup>

Unless the Bosnian parties themselves muster the will to unify Bosnia, the end result of international efforts—no matter how intensive or dedicated--will be a divided state with a fake international subjectivity, a state demanding further international

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<sup>94</sup> Compare this conclusion to Chapter One, which outlines the traditional approaches to conflict management and resolution, as opposed to the changes introduced by coercive peacemaking and nation-building.

assistance. Moreover, coercive nation-building will continue to erode the legitimacy and long-term prospects for international intervention in identity disputes because of the uncontrolled international regime and the third party entrapment which has thus far resulted due to shifting, unrealistic, and evasive goals. The story of Bosnian coercive nation-building over the past years and the gradual increase in international stakes in Bosnia in fact brings to mind Rubin's warning against entrapment:

It is in this single-minded rush toward some objective that we fail to see that we might be sucked into a narrowing funnel from which escape may prove difficult. The first stage of entrapment, eager pursuit of a goal, is thus followed by attention to the costs that have been unwittingly incurred along the way. The gambler's drive for a killing is inevitably followed by attention to the mounting costs of staying in the game, costs that in turn need to be justified by greater commitment. And the more resources committed to attaining a goal, the greater the trap's bite.<sup>95</sup>

According to Jeffrey Rubin, we are "caught by choice," or as a result of the decisions we make. Rubin believes that entrapment can be avoided by setting in advance the limits of how much we shall do and by sticking to these limits. We should also be suspicious of our need to impress others and be mindful of falling into a trap of credibility by keeping an eye on the costs involved in the pursuit of certain objectives.<sup>96</sup>

In order to avoid entrapment, the international policy in post-Dayton Bosnia should have started with a clear understanding of what can be done and how much the international community wanted to do, coupled with an honest acknowledgement of what Dayton was really about: the end of a brutal war. The international community can forcefully impose a basic order and peace, but it cannot mandate the societal reconciliation necessary to the creation of a viable Bosnian state.

The Dayton agreement was about ending the war by giving both sides a promise of victory, and the agreement cannot be implemented in the sense of creating a single

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<sup>95</sup> Rubin, "Caught by Choice," 20.

<sup>96</sup> Ibid., 21.

Bosnian state: any unilateral imposition against the will of Bosnian constituencies can create new strains as well as entrapment for overcommitted peacemakers.

The Dayton agreement represented a complicated cease-fire that did not resolve the substance of dispute, and thus carried the risk of third party entrapment. The Western powers that chose to coercively negotiate such agreements—against the disputants' lack of reconciliation—soon found themselves in the position in which their engagement was progressively deepened and whereby they had to impose their own, unilateral and arbitrary, interpretation of the Dayton agreement in the manner that undermines the fundamental beliefs and practices of the Western democratic societies.

Dayton, it should be reiterated, did not decide whether Bosnia should unite or split away and, as such, was an inconclusive agreement that reminds of the 1991 Vance plan for Croatia. These peace plans, purposefully designed to be ambiguous so that both sides could accept them, did not address the basic dispute or leave an indication how it should be solved. Instead, the wars ended and the international community became engaged, with disputing sides each relying upon those elements in the agreement that reinforce their respective and mutually contradictory views. For the Croats, the Vance plan was supposed to help integrate the disputed territories into Croatia, while for the Serbs it was supposed to maintain Croatia's partitioning. Similarly, for Sarajevo, Dayton was supposed to unify Bosnia, while for Pale, it acknowledged its internal partitioning.

As Zagreb eventually drew support for its cause, and the international community became frustrated with the Serbs of both Croatia and Bosnia, the Croatian conflict eventually got settled through the Croat victory and domination over its Serb minority.

However, that was not an option in a Bosnia without a clear national majority: Serbia could not have accepted the enormous numbers of the Serb "peace refugees" that

the “liberation” of Bosnia would have generated. Thus, the Bosnian war ended with the internal division recognized, and the international struggle to unify Bosnia continued.

The Dayton peacemaking of 1995 and post-Dayton Bosnia can point to a better understanding of the issues involved in the aftermath of coercive peacemaking. Forceful peacemakers can bring an open conflict to end and impose a basic order, but it does not make sense to engage in coercive nation-building or the efforts to bring Bosnia into line with the alleged European norms and standards, nor should the latter be the responsibility of the international community. The latter efforts led to the entrapment of the Western powers and increased the Bosnian dependency on the outside parties. Moreover, coercive nation-building is patronizing towards the local people and thus deeply resented. The oft-cited European and international “norms” appear more to be a display of the unchecked power of liberal interventionism unable to come to terms with its own history, than a praiseworthy enterprise done in the interest of the local people.<sup>97</sup>

If the international community wanted to avoid entrapment, it should have pursued an alternate option that would have allowed the Bosnian partitioning over time, for such an arrangement calls for a less intensive international engagement and seems more viable in view of the persistent differences among the Bosnian parties. That means it would be necessary to renegotiate the settlement to permit the three-way partitioning, perhaps allowing the Bosniak entity to have special ties to the Bosnian Croat entity and Croatia for the reasons of economy, Sarajevo’s access to the sea, and other matters.

The parties both inside and outside of Bosnia would resist that solution. Sarajevo is already upset about Republika Srpska, and would strongly oppose the three-way partitioning, citing the international obligation to help rebuild “multiethnic” Bosnia. Even

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<sup>97</sup> See the following section in this Chapter.

the Serbs might find it difficult to agree if they would be asked for some concessions in order to permit the final partitioning settlement. Western liberal interventionism would object to the partitioning of Bosnia, citing Western “values,” as well as regional peace and stability.

In addition, a number of Zagreb politicians believe that Bosnian unity is related to Croatia’s security, while the majority of Croatia’s citizens do not approve of Bosnia’s partitioning, least of all because they disliked the Serb attempt to split away from Croatia. Furthermore, some Bosnian Croats still want to return to their homes in Bosnia, and would oppose any partitioning that would leave them without a hope of return. The Catholic Church, which is very influential among the Bosnian Croats, has always been against Bosnia’s partitioning, which would lead to the disappearance of Catholics (Croats) from most of Bosnia.<sup>98</sup>

Nonetheless, the question remains as to how long the disputants, the outside parties included, can continue with their current positions and sustain the costs involved. The unresolved situation in Bosnia and beyond has imposed costs on Croatia, which has already accepted a great number of the Bosnian Croat refugees; the current international policy on Bosnia is most likely to stimulate the further departure of the Bosnian Croats for Croatia or the Croat dominated Western Herzegovina. The Serbs demand the right of return into Croatia, but do not make any efforts to facilitate the return of the Bosnian Croats from Croatia into Bosnia.<sup>99</sup> Eventually, Sarajevo will get tired of the Western rule

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<sup>98</sup> It is not a coincidence that the Pope, though of frail health, went to Banja Luka, the capital of Republika Srpska, and that the Catholic Church again criticized the slow return of Catholics (Croats) to Republika Srpska. “Sveti Otac u drugome pastoralnom posjetu Bosni i Hercegovini” (The Pope in the second visit to Bosnia-Herzegovina).

<sup>99</sup> Croatia has accepted a large number of Bosnian Croat refugees, having resettled some of these refugees in the abandoned homes of the Croatian Serbs. For more, see Chapter Four.

and an unresolved political situation that undermines Bosnia's long-term stability and economic prospects.

Finally, one should question the Western assertion that unifying Bosnia is an issue of regional stability. The reality is that a multinational, internally divided Bosnia or else its outright partitioning might promote stability, and that coercive nation-building not only contravenes the democratic practices but also provokes new crises in Bosnia. Furthermore, coercive nation-building in Bosnia goes against the conflict management in the Middle East and Cyprus, where stability has been pursued in the acknowledgement of the disputants' separate identities and at least some form of separation.<sup>100</sup>

The suggestion that Bosnia might need to be partitioned—whether outright into three mini states or, preferably, into three entities within a loose Bosnian state to be integrated into Europe--brings into question whether it was wrong to oppose Bosnia's partitioning in 1992, since maintaining the current partitioning or renegotiating a new one might be its future, particularly in view of the international entrapment in Kosovo.<sup>101</sup>

This study still believes that it was correct to oppose the Bosnian partitioning and recognize Bosnia in 1992, for there is no proof that negotiations on partitioning Bosnia could have prevented the Bosnian war. The failure of the Vance-Owen Peace Plan (1993) demonstrated that the new borders could have been redrawn only through war and ethnic cleansing, while the recognition strengthened the hand of the Bosniaks, then the weakest and the most vulnerable party. Furthermore, the Dayton peacemaking of 1995 confirmed that the negotiations on the new borders had to be facilitated by some limited military

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<sup>100</sup> For more discussion on partitioning, as well as the Middle East and Cyprus conflicts, see the next section in this Chapter.

<sup>101</sup> Kosovo is supposed to be administered as a part of Yugoslavia, while in fact being an international protectorate detached from Belgrade. When the international community begins to look into a possible permanent solution to the Kosovo status as separate from Serbia, it will not be possible to avoid the question of Bosnia's partitioning. For more, see the Kosovo Chapter.

actions that established the respective territorial controls attendant with the displacement of the local populace. In other words, an early partitioning agreement most likely would not have prevented the Bosnian war, and there is no reason to suppose that the 1992 recognition of Bosnia without a partitioning agreement was the fatal mistake.

However, if eight years after Dayton and the intensive international engagement, Bosnia still cannot move towards a self-sustaining peace, but demands instead the extensive regulation by a lawless international regime, then it seems legitimate and reasonable to bring into question the basic direction of the international policy in Bosnia.<sup>102</sup>

In other words, though the Badinter opinion upholding the existing borders may be a politically desirable principle, some borders may need to be renegotiated, particularly if the parties still seem unwilling or unable to engage in minimal cooperation necessary to run the Bosnian state without a sustained international intervention.

### **Liberal Interventionism Misunderstands Existential Identity Disputes**

Some believe that there exists the essential difference between the West, with traditions based upon the Magna Carta and civic liberties, and the violent “rest,” with little respect for Western liberal values.<sup>103</sup>

However, the real history is that Western democracies have also violently repressed their minorities in order to produce cohesive societies. Neither America, with respect to its native Americans, nor Britain, with respect to its Scots, Welsh or Irish, nor France, with respect to its Bretons, sought to resolve their country’s identity disputes

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<sup>102</sup> Compare this Chapter’s conclusions to Gary Dempsey, “Rethinking the Dayton Agreement: Bosnia Three Years Later,” Policy Analysis No. 327 (Washington, D.C.: Cato Institute, 1998, photocopied).

<sup>103</sup> Samuel P. Huntington, “The West: Unique, Not Universal,” *Foreign Affairs* 75, no. 6 (November/December 1996): 28-46.

through the peaceful accommodation of differences: instead Western countries throughout their nation-building years favored the forceful imposition of a single, dominant national identity.

According to Schwartz, an American is not the product of the blending of different peoples, but “a modified Englishman.” He argues that the present-day American stability reposes upon past successes in imposing the dominant Anglo-Saxon identity that has long defined an “American.”<sup>104</sup>

Thus, long before the United States' founding, and until probably the 1960s, the "unity" of the American people derived not from their warm welcoming of and accommodation to nationalist, ethnic, and linguistic differences but from the ability and willingness of an Anglo elite to stamp its image on other peoples coming to this country. That elite's religious and political principles, its customs and social relations, its standards of taste and morality, were for 300 years America's, and in basic ways they still are, despite our celebration of "diversity." Whatever freedom from ethnic and nationalist conflict this country has enjoyed (and it has been considerably less than our national mythology would have us believe) has existed thanks to a cultural and ethnic predominance that would not tolerate conflict or confusion regarding the national identity.<sup>105</sup>

Not only did American nation-building repose on the forceful assimilation of minorities; it has also rested on a brutal territorial conquest and a lengthy ethnic cleansing campaign without which America would not exist today in its current form:

Building America required nearly 300 years of genocidal wars against Native Americans, a fact that impels today's historians to characterize American expansion on the continent as "invasion" rather than "settlement." These wars, one of the longest series of ethnic conflicts in modern history, were resolved not by power sharing but by obliteration. Although this record engenders much handwringing today, it is impossible to imagine the United States existing if a more reasonable course had been pursued....A reasonable accommodation would have required that, in Theodore Roosevelt's blunt phrase, the vast continent be set aside "as a game preserve." America's great ethnic struggle should have taught Americans that many conflicts are simply irreconcilable. As Representative Richard Wilde, of Georgia, asked with resignation in 1830, describing the United

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<sup>104</sup> For the opinion that America disregards its own history of the violent repression of its minorities, and hence offers “naïve” advice to war-torn societies like Bosnia and Rwanda, see Schwarz, “The Diversity Myth: America’s Leading Export,” 57-67; for the “modified Englishman” argument, see p. 62.

<sup>105</sup> *Ibid.*, 62.

States' destruction of Native Americans as the price of its development, "What is history but the obituary of nations?"<sup>106</sup>

Nor has Europe's history of nation-building been any more benign. Against this backdrop, Europe's current policy towards the Balkans appears to have well-defined elements of both inconsistency and hypocrisy.

Today Europe urges on the countries of the former Yugoslavia the return of refugees, the restitution of the lost property, and international criminal law procedures (ICTY). These new states, argues Europe, are required to embrace the "European standards" before they can join the EU. Yet, despite the fact that the building of a "multiethnic" Bosnia has been portrayed as if in accordance with the "European values," the real stability of Europe has been built on a foundation created by the violent expulsion of minorities, such as the expulsion of several million ethnic Germans forced out of Poland and Czechoslovakia in the aftermath of World War II. These German minorities were expelled despite the international minority rights treaties, which had been imposed on these weak states at the time of their creation after World War I.<sup>107</sup>

Moreover, the EU is not requiring the former Eastern European countries, as a condition for EU membership, to repeal the discriminatory laws that had been used to justify the expulsion of ethnic Germans and the expropriation of their property. To the contrary, the legal opinion requested by the European Parliament upheld the validity of the Benes decrees, which justified the expulsion of the Sudeten Germans from Czechoslovakia as "just reprisals" and prohibited any criminal proceedings against the persons who orchestrated their violent expulsion. Thus, the Czech Republic is permitted to accede to the EU without having to repeal the discriminatory Benes decrees, to offer

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<sup>106</sup> Ibid., 64.

<sup>107</sup> For more on the expulsion of German minorities from Eastern Europe, see Alfred M. de Zayas, *Nemesis at Potsdam: The Expulsion of the Germans from the East*, rev. ed. (Rockport, Maine: Picton Press, 1998).

compensation to the expelled Germans, or to arrest those still living and responsible for past crimes against the ethnic Germans.<sup>108</sup>

Such present-day realities underscore the degree to which the current Western policy towards the Balkans is being driven by neither legal nor moral principles that are universally applied, nor by realities of nation-building. Perhaps the “European standards” that the countries of former Yugoslavia find hard to meet merely reflect the fact that Europe’s stated desire to help integrate the countries of the former Yugoslavia into the EU may be more rhetorical than real.

This conclusion seems to proceed from the fact that the “standards” to be fulfilled by Croatia, Bosnia, Serbia, and Kosovo, do not seem to exist in the case of some other successor states of the former Yugoslavia or Eastern Europe. For example, a test of democracy for Serbia is Belgrade’s respect for Bosnia’s and Croatia’s borders as determined by the Badinter Arbitration Commission, the international decision that Serbia tried to resist. However, Slovenia does not accept the existing border with Croatia and has joined the Euro-Atlantic institutions without settling the issue with Croatia.

Slovenia disputes the Badinter principle that has been imposed upon other Balkan states: the principle that the borders among the republics were legitimate international borders (*uti possidetis juris*). According to the Slovenian Foreign Minister Ivo Vajgl,

“A decision on a border should be made by the two states which have to reach a border agreement. Someone else can make decisions on the border only if the two states ask for such a favor. In our case, this has not yet happened.”<sup>109</sup>

<sup>108</sup> European Parliament (EU), Directorate-General for Research, *Legal Opinion on the Beneš-Decrees and the Accession of the Czech Republic to the European Union*, by Jochen A. Frowein, Ulf Bernitz, and Kingsland Q.C. (Luxembourg: European Parliament, 2002), see in particular pp. 32-33, 50, 67-72, available from [http://www.europarl.eu.int/studies/benesdecrees/pdf/opinions\\_en.pdf](http://www.europarl.eu.int/studies/benesdecrees/pdf/opinions_en.pdf), accessed 14 October 2003. For the tensions between Germany and the Eastern European countries over the past expulsion of ethnic Germans, see “A Spectre over Central Europe,” *Economist*, 17 August 2002, available from Lexis-Nexis Universe, accessed 19 September 2003.

<sup>109</sup> The Slovenian Minister cited in “Slovene Minister, Croatian President Disagree on Border,” *BBC Monitoring International Reports*, 25 August 2004, available from Lexis-Nexis Universe, accessed 27 August 2004.

It should be noted that the Slovenian Minister is correct with respect to how borders are determined according to the principles of international law: by consent of the parties concerned, or by an international body only if the parties decide to refer their border dispute to the said international body. Nevertheless, this Westphalian principle of consent was never respected in the Balkans: the Western powers recognized both Croatia and Bosnia within their pre-crisis borders without Belgrade's agreement.

In short, while the international community invested much effort into enforcing non-negotiable borders on the Balkan "pariah" (i.e., Serbia), Slovenia has joined both the EU and NATO without settling the border dispute with Croatia—the border that has now become the EU external border.<sup>110</sup>

Moreover, Slovenia has acceded to the EU without being forced to give back citizenship and residency rights to around 18,000 non-Slovenes, mostly Serbs.<sup>111</sup> And yet, a condition for Croatia's integration into Europe is the complete return of the Serb

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<sup>110</sup> Slovenia continues to dispute the border with Croatia and wants direct negotiations with Croatia, hoping that Zagreb would prove pliable in negotiations with an EU member (i.e., Slovenia). Croatia, on the other hand, would prefer arbitration, particularly since international law and the rules said to apply to the Balkans seem to be on the side of Zagreb in its dispute with Slovenia. The major problem is that the principle of *uti possidetis juris* (the Badinter principle) deprives Slovenia of having its own exit to the high seas. Right now, Zagreb gives Slovenia the right of a passage through Croatia's territorial waters. However, Slovenia does not want the right of a passage only, but wants its own territorial sea adjacent to the high seas, without giving any concessions to Croatia. For the Badinter principles, see Chapter Four. For a border incident, see "Blockade of Croatian-Slovene Border Crossing 'Intolerable'—President Mesic," *BBC Monitoring International Reports*, 23 August 2004, available from Lexis-Nexis Universe, accessed 27 August 2004.

<sup>111</sup> The "erased" are mostly ethnic Serbs who lost citizenship and residency rights after Ljubljana had proclaimed independence in 1991. At that time, Ljubljana "erased," from its official records, a certain group of people (e.g., a Serb who did not immediately apply for Slovenian citizenship or a Serb who fled Slovenia and then tried to return later). Under some pressure, Slovenia later allowed a limited number of the "erased" people to get back residency rights after several-year long, complicated procedures. Then, a month before joining the EU, as it was clear that nothing could stop its accession to the EU, Slovenia held a referendum on the issue. The vast majority of the Slovenians rejected giving back residency rights to the "erased." For the problem of Slovenia's "erased," see Oana Lungescu, "Slovenia's Surge of Nationalism," *BBC News*, 13 April 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3620395.stm>, accessed 24 August 2004; "Udruge: Slovenski izbrisani--neujednačeni kriteriji za ulazak u EU" (Associations: Slovenia's "erased"—No uniform criteria for EU membership), *HRT Vijesti* (Croatian Radio-Television News), 18 February 2004, available from <http://www.hrt.hr/vijesti/HRT0034.html>, accessed 18 February 2004; "Predstavnik izbrisanih optužuje Drnovšeka" (Representative of *erased* accuses Drnovšek), *HRT Vijesti* (Croatian Radio-Television News), 5 February 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/02/05/HRT0019.html>, accessed 18 February 2004.

refugees, and Croatia must respect Bosnia's territorial integrity. Thus, it is difficult to see how the international policy towards, say, Croatia can claim to be guided by the said "European standards" if these "standards" are not being applied uniformly (i.e., to Slovenia).

Hence, one wonders if the high demands placed upon some of the Balkan countries may in fact serve the purpose of delaying the accession of weak, unstable societies that Europe does not want to integrate. Nonetheless, Europe and America do not want to examine their current Balkan policy either, a policy that perpetuates instability by insisting on the solutions that exist only in the world of idealism and mythical history.

Western liberal interventionism in Bosnia is driven by the myth that existential identity disputes can be resolved through peaceful accommodation, despite the actual Western history of violent nation-building resorted to the face of strongly contested differences and a lack of reconciliation.<sup>112</sup> For the unstable societies now emerging from decades of violent identity disputes, the current Western domestic stability that is being held up as a model to be emulated is not an appropriate analogy.

Americans and Europeans have forgotten their own past identity wars: they have lived for several decades with secure identities, though they are not, of course, immune to ethnic strains. More specifically, America still has ethnic problems, but overall its minorities do not dispute their American identity: their focus is on achieving more equality and opportunity within the American system. In other words, the interaction in America has changed from violent disputes over identity and land to a political struggle for equality within one and the same system with a complex web of political and judicial processes to settle any remaining issues. Under such circumstances, it is easy for the

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<sup>112</sup> Compare this statement to Schwarz's article, "The Diversity Myth: America's Leading Export," in particular p. 60.

American elites to assume that identity conflicts in the Balkans can be negotiated and reconciled: the American policy elites view the Balkan disputes within the framework of their own recent politics, or more precisely, the liberalization that came only after centuries of repressive nation-building.

However, the present-day American situation is not applicable to the circumstances of Bosnia. The Bosnian Serbs did not fight for greater rights within Bosnia, but rejected the very idea that they might become Bosnia's citizens. It is only in the eyes of the Bosniaks that the Bosnian state is real, while both the Bosnian Serbs and the Bosnian Croats reject the concept of a single Bosnian identity. The presence of such irreconcilable perspectives makes it very difficult to reach an agreement on the common framework within which differences can be either freely negotiated by disputants or else coercively imposed by the outside parties. In fact, the very existence of such a common framework, or Bosnian state and identity in this case, has been the subject of the dispute.

For that reason, this study cannot agree with American Ambassador Warren Zimmermann's statement that the Bosnian war had "baleful implications for...the United States," for it threatened the American "values of the melting pot."<sup>113</sup> Bosnia's disintegration should have no consequence for America, which had already resolved its own violent disputes over land and identity, resolved by the very means that America found abhorrent when watching the Balkans. However, coercive nation-building in

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<sup>113</sup> Zimmermann quoted in Schwarz, "The Diversity Myth: America's Leading Export," 58. See also Chapter Five for this study's criticism of Zimmermann and the ideological reasons that led to the American miscalculation when it recognized Bosnia in 1992. An image of "racial" conflict in Bosnia and Croatia and the idea that it is American duty to save "multiethnic" Bosnia often transpire from the memoirs of the last American Ambassador to Titoist Yugoslavia: Warren Zimmermann, *Origins of a Catastrophe: Yugoslavia and its Destroyers*, with updated preface and epilogue on Bosnia and Kosovo (New York: Random House-Time Books, 1999); see, in particular, pp. 175, 184, 196, 218. See also Warren Zimmermann, "The Balkan Imperative; Why It's Up to America to Save A [capitalized, sic] Besieged Multi-Ethnic Society," *Washington Post*, 24 April 1994, available from Lexis-Nexis Universe, accessed 9 December 1999. It should be noted, however, that there is no "racial" conflict in the Balkans: the idea that the conflict is "racial" is an American projection of its own problems onto the realities of Bosnia. There are no different races in Bosnia; there are, however, different national identities, divided by different histories and cultures.

Bosnia may well have implications for the pattern of arguments and political developments in locations such as the Middle East, where the aggrieved minorities might become strengthened in their conviction that violence should continue until a peace settlement gives them the right to return and reclaim the lost property.

The misunderstanding of the Balkan identity conflicts has been complicated, furthermore, by the relatively successful European integration process and its misplaced analogy applied to the Balkans. It is believed that supranational, integrated Europe has overcome the legacy of wars and nationalism. Hence, while some European officials believe that the European practices and values are “unworkable” in the Balkans, the majority seems to urge the new states in the Balkan region to disavow nationalism, embrace “European norms,” and thereby become part of prosperous, stable Europe.<sup>114</sup>

However, the idea that Europe has overcome nationalism is a myth; moreover, the lessons of the European integration process are not applicable to the Balkans in its current circumstances.

The nationalism of nation-states in Europe has survived behind the façade of Europe’s supranational institutions and has sabotaged, in the recent years, everything from the common European policy during the Bosnian war to the failed negotiations on the new European constitution. Though willing to cooperate and defer authority in

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<sup>114</sup> Thus, Robert Cooper, a former foreign policy advisor to Tony Blair and now Director General for External and Politico-Military Affairs of the EU Council, writes as follows: “The postmodern EU offers a vision of cooperative empire, a common liberty and a common security without the ethnic domination and centralized absolutism to which past empires have been subject, but also without the ethnic exclusiveness that is the hall mark of the nation state—inappropriate in an era without borders and unworkable in regions such as the Balkans.” Robert Cooper, “The Post-Modern State,” in *Re-Ordering the World* [occasional subtitle: *The Long-Term Implications of September 11<sup>th</sup>*], ed. by Mark Leonard (London: Foreign Policy Centre, 2002), p. 19, available from <http://fpc.org.uk/fsblob/36.pdf>, accessed 4 February 2004; also available from [http://www.esiweb.org/pdf/esi\\_europeanraj\\_debate\\_id\\_2.pdf](http://www.esiweb.org/pdf/esi_europeanraj_debate_id_2.pdf), accessed 4 February 2004. Despite this Cooper’s vision, the EU seems to be offering the prospect of membership if the Balkan states fulfill certain criteria, such as the return of refugees and cooperation with the Hague Tribunal. Croatia has already been given the status of an official candidate. “Croatia Is Named Candidate for EU,” *BBC News*, 18 June 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3818485.stm>, accessed 25 August 2004. See also “Croatia Toasts EU Green Light,” *BBC News*, 21 April 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3646113.stm>, accessed 25 August 2004.

limited economic spheres, European countries do not wish to give away their sovereign rights to pursue their respective national policies with respect to defense and foreign affairs.<sup>115</sup> They seem unwilling to melt away their respective statehoods into a supranational Europe. Hence, both France and Britain maintain their veto power within the UN Security Council, rather than choosing an option that Europe, as a whole, should have one vote with veto power in the Security Council.

Moreover, it seems that the main privilege of being part of integrated Europe is that one's national power can be increased, as other states tend to ally with one's position, unless their particular interests are hurt. Thus, a national policy may become a Europe's policy. Hence, European integration process has not done away with the nation-state, but has, paradoxically, increased the power of a nation-state in Europe.<sup>116</sup>

Furthermore, it is a fallacy to assume, on the basis of the European integration success, that the Balkans needs to "Europeanize" in order for its nationalism to disappear. The European integration process has reposed on assumptions different than those pertaining to the Balkan circumstances and thus cannot be helpful when applied to the

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<sup>115</sup> Paul Reynolds, "Constitution a Hard-Won Compromise," *BBC News*, 18 June 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3820557.stm>, accessed 25 August 2004.

<sup>116</sup> The examples of this paradox are too numerous to be included in its entirety; however, one notable example with respect to the former Yugoslavia should be mentioned. Though Badinter had recommended Macedonia for recognition already in January 1992, this former Yugoslav republic did not get recognized but several years later because of the Greek opposition (for details and references, see Chapter Four). The position of Athens shaped Europe's non-recognition policy for years, even though some European states were critical of Greece. Another example is a tiny Slovenia, which deferred the resolution of its big problem until it has become a member of the EU. Slovenia's main problem is its border with Croatia (see later references); at stake is Slovenia's exit to the high seas. Ljubljana's hope is that it could now resolve its border problem at Croatia's expense because Zagreb would prove malleable due to its desire to join the European Union, the path that Slovenia can block. In fact, the Slovenian politicians brag about Slovenia now being stronger than ever and that this new strength should help the "resolution" of its problem with Croatia: see, e.g., "Rupel: Uključivanje Hrvatske u EU i NATO ovisi i o Sloveniji" (Rupel: Croatia's Integration into EU and NATO depends on Slovenia as well), *HRT Vijesti* (Croatian Radio-Television News), 18 August 2004, available from <http://www.hrt.hr/vijesti/arhiv/2004/08/18/HRT0005.html>, accessed 20 August 2004. For an excellent account of the EC history and an argument that the European integration process has reinforced the nation-state in Europe, see Alan S. Milward, with the assistance of George Brennan and Federico Romero, *The European Rescue of the Nation-State*, 2<sup>nd</sup> ed. (London; New York: Routledge, 2000). Alan Milward was professor of European history at the College of Europe, which the author of this study attended in 1992-1993; the author of this study is indebted to Professor Milward for her understanding of the European integration process.

cases of conflicts driven by deep political divisions over sovereignty and identity. The starting points for European nations considering post World War II integration process were relatively secure national identities and insecure sovereign states. The European integration process started only after the second of two devastating wars of the 20<sup>th</sup> century, wars that had followed a lengthy history of border conflicts within Europe and that had finally made Europe recognize the need to create common institutions.

In other words, in the aftermath of World War II, France's worry had not been, for example, a possibility that French language would be threatened by the proposed European integration process, in which France would defer some of its national policy-making issues to a supranational authority in a well-defined area (e.g., the European Coal and Steel Community). France had a secure national identity but felt insecure as a state, having been occupied by Germany twice in the 20<sup>th</sup> century, and having to face the prospect of the Soviet threat in the Cold War Europe. Under such circumstances, France and other European nations, which had come to realize the limited advantages of state sovereignty through their experience to the two devastating wars, were willing to create the common institutions, though the process has been a long and complicated one.

In other words, the conditions of the post-World War II Europe that had facilitated the European integration process were diametrically opposed to those prevalent in the Balkans--insecure identities and, thus, the pursuit of independence. Identity disputes are about the quest of sovereignty, often springing from insecure national or cultural identities needing to be acknowledged, reassured and respected, as well as from these communities' very divergent perspectives on issues such as borders and history. Such disputes often require acknowledgement and some separation, rather than common institutions and the blending of disputed identities into a single nation.

Accordingly, even Europe's successful economic and military integration and, increasingly, its political cooperation, were unable to provide solutions to Europe's persistent identity conflicts. NATO membership did not stop Greece and Turkey from fighting over Cyprus—still a divided island--while a Europe without borders has not resolved the identity disputes within, for example, Northern Ireland. Instead, efforts to resolve such disputes have required and still require political processes beyond those offered by the prospects of economic prosperity and regional integration. Consequently, the European integration process alone will not resolve the Bosnia and Kosovo problems.

Finally, one should also question why “multiethnic values” have been at stake in Bosnia--but appear not to have similarly been viewed as relevant to the conflicts in Cyprus or the Middle East. In the latter case, for example, a settlement is being pursued that would separate the Palestinians and the Israelis; Israel is permitted to safeguard its national identity at the cost of four million Palestinian refugees unable to return to Israel and reclaim property. In contrast to this principle, the division of Bosnia, which could be justified by similar needs for preserving national identities and reassuring nations of their security, has been painted as motivated only by “racism” and uncivilized behavior that violates American “values,” falls below European “standards,” and defies the “norms” of Western democracies.<sup>117</sup>

Moreover, while the “European standards” seem to be at stake in Bosnia—which has been urged, for example, to formally unify separate national armies so that Bosnia fulfill a condition to be integrated into Euro-Atlantic institutions, such pursuit of standards does not guide European or international policy when it comes to Cyprus.<sup>118</sup> Namely, according to the recent UN plan, the Turkish Cypriots would maintain their own

<sup>117</sup> See the previous reference to Zimmermann and Schwarz's criticism of the American diplomat.

<sup>118</sup> See the previous references regarding the push for Bosnia's defense reform; see, in particular, “Lord Robertson, NATO Secretary General: Admission to Partnership for Peace Will Depend on You.”

institutions; the Turkish troops would remain on the divided island, and only 100,000 out of 180,000 Greek Cypriots would be allowed to return to their homes in the northern part of the island, under the Turkish control. Predictably, the Greek Cypriots rejected this plan of the Cyprus unification; as a result, only a part of the island is joining the EU. However, had both sides accepted it, then Cyprus—despite having far from any perfect central institutions and despite the plan of only limited refugee returns—would have been allowed to accede to the EU.<sup>119</sup>

Therefore, the demands placed before Cyprus seem rather limited—nothing compared to the high “European standards” placed before Bosnia, which must unify its army and institutions, fight corruption, and create a “multiethnic” democracy. Hence, the question is whether this insistence on high “standards” in the case of Bosnia is in fact a policy that seeks to postpone the inevitable. Is it a policy that, out of credibility concerns, cannot grapple with the need for partitioning in the face of the repeated insistence how Western values are at stake in Bosnia and how the intervention has been successful. In view of such credibility concerns, it is easy to see how the “international community” could have come up with a new mission to justify its continued presence, obviously necessary to maintain stability in this troubled land—hence, a new stated mission is to turn a nominally unified and sovereign Bosnia into a member of the EU and NATO.

Finally, the most obvious answer to the question as to why a divided Bosnia offends the West, but not a divided Palestine or a divided Cyprus, is the following: peacemaking in the former Yugoslavia, in Bosnia most particularly, became associated

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<sup>119</sup> For the UN plan and the Greek Cypriot rejection, see Dominic Bailey, “Greek Cypriots Hold Out for a Better Deal,” *BBC News*, 23 April 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3653875.stm>, accessed 25 August 2004. For a report that has doubts about an easy Cyprus solution and that stands in contrast to the notion that the carrot of EU integration can solve the problem of the divided island, see British Helsinki Human Rights Group (BHHRG), “Bitter Lemons: The Search for a Solution to the Cyprus Problem,” 2003, available from <http://www.bhhrg.org/Print.asp?ReportID=198&CountryID=29>, accessed 27 January 2004.

with the credibility of the regional actors such as the EU and NATO, as well as the image of the Western statesmen who became involved as third parties. Thus, the West's major concern has been that an ethnically cleansed, divided Bosnia might diminish the credibility of European and transatlantic institutions, as the Western policy-making has been based, so far, on the presumption that the existing borders should be upheld, and powerful European states have based their countries' prestige on accomplishing such an outcome. Hence, Bosnia became an opportunity to affirm *realpolitik*, while citing *idealpolitik*, leading to the development of the current lawless, undemocratic international regime in Bosnia operating without control or accountability.

In other words, the third party to the conflict has become yet another disputant in the conflict and thereby another obstacle to a lasting peace and democratization in Bosnia. Third parties' credibility concerns and need to justify their past policies inhibit policy reevaluation and keep the third parties locked within a course of action without much prospect of a long-term sustainable solution for Bosnia and, hence, the third party eventual disengagement.

In short, the international drive to create "multiethnic" Bosnia is not about any uniformly applied principle or regional stability, but about keeping Bosnia together in order to validate Western mythology about consensual nation-building and the credibility of the international actors involved in the Bosnian peacemaking. Yet, without being honest about their own histories, Western democracies will not be able to grapple effectively with, and recognize the brutal realities of, nation-building, as well as understand the limits and costs of coercive peacemaking. Instead they will engage in coercive nation-building that contradicts their basic beliefs and turn themselves into another disputant that obstructs, rather than facilitates, a search for a solution.

### **Liberal Imperialism in Bosnia as Desirable and Viable?**

Despite this bleak Bosnia prognosis, it is to be hoped that the international efforts invested into Bosnia would eventually pay off—that Bosnia would remain in one piece, with whatever internal structure modified, and integrated into Europe as a nominally sovereign state. One should hope for this outcome for the reasons of regional security and avoidance of further loss of human life.

However, it still remains to be proven that the international community can create a state by imposing its statehood and identity upon its citizens, including everything from a common flag to “pro-Western” politicians that purportedly represent the will of the electorate better than the officials actually elected by Bosnian constituencies. It is also still uncertain that democracy, rule of law, and human rights can be promoted by an autocratic international regime that is outside the scope of law and accountable to no constituency in Bosnia.

Nominally sovereign Bosnia that the international administration is now preparing for a membership in the European organizations is in fact a neo-colonial protectorate. The international community is entrapped in Bosnia, having lost the sight of its original purpose (i.e., regional stability). The entrapment has been facilitated by the absence of a clear framework within which such interventionism should take place, as well as the rise of the regional organizations with credibility concerns and the desire to repaint their *Realpolitik* as the pursuit of liberal and humanitarian values.

Moreover, it should not be assumed that the international involvement in Bosnia has left us with a good prescription of what to do in similar cases of difficult identity disputes. Bosnia is not, and probably will never be, an actual state; if it formally remains

whole, it is because its non-existent statehood will be melted into a larger framework of Europe. It would be misleading to assume, therefore, that the Bosnian nation-building leaves us with a prescription for other areas of the world, particularly where the option of regional integration might be lacking (e.g., Iraq).

Meanwhile, the larger consequences of coercive peacemaking in Bosnia are still to be seen. The erection of the international protectorates in Bosnia, and later Kosovo, did not set a positive precedent and might have encouraged similar set-ups in the Middle East (e.g., the American occupation regime in Iraq), without full appreciation of the limits of what can be done, and the costs for the local and the intervening parties.<sup>120</sup>

Furthermore, the moral and normative rhetoric that accompanies Bosnian coercive nation-building—the rhetoric that is buttressed by neither liberal values nor law, but that reflects the interests of power politics of West’s liberal imperialism—could encourage other weak parties to push for high-stake solutions and prolong their own fighting until the international community fulfills its alleged obligations under what are claimed to be the laws of nations and morality: unify divided lands and create cohesive “multiethnic” societies out of disputed and insecure identities. More specifically, rather than settle for more practical solutions for the sake of peace, the Palestinian leaders might refuse any settlement that does not guarantee the Palestinian right of return to Israel.

Hence, the likely consequence of the Bosnian peacemaking might be that existential identity conflicts elsewhere might pose even more challenge for conflict managers, and that the world might be, therefore, more chaotic rather than more peaceful, as initially assumed by the proponents of this new liberal interventionism.

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<sup>120</sup> For the influence of Bosnia on the current situation in Iraq, see Chapter Nine (Conclusion).

## Conclusion

The Dayton peace agreement represented a complex cease-fire and an unworkable compromise, reflective of an absence of reconciliation and a common framework for resolving the disputants' outstanding differences. This unresolved situation provided the opportunity for Western liberal interventionism to entrap itself in Bosnia, as the international goals shifted from bringing peace to creating a "multiethnic" Bosnia—a potential member of NATO and the EU.

The rationality of the outside parties is based on the Clausewitzian premise that war is a "pursuit of policy by other means," that peace is to be sought-after, and that compromises in which everybody wins at least something are desirable. The disputants, however, view things differently: compromise and peace in the absence of one's goals obtained are not wanted; peace can be used in order to pursue, "by other means," victories that were previously beyond one's reach at the battlefield.

Eight years after Dayton, the three Bosnia communities still continue to struggle for their mutually exclusive objectives: Sarajevo for a revision of Dayton that would ensure an undivided Bosnian state with a single Bosnian nation; the Serbs for separation, or at least an autonomous entity within Bosnia, as envisaged by Dayton; and the Croats, the biggest losers at Dayton, for a Bosnia of three, equal nations, or else a separate Croat entity within Bosnia.

This contentious situation and the ambiguous Dayton agreement have provided an opportunity for the international community to raise its stakes in Bosnia in order to push for a single, "multiethnic" state, while claiming it is being led by the Dayton agreement. The international focus has shifted away from Bosnian peace and stability to promoting

democracy and norms; yet, democracy is being promoted by undemocratic measures, and the “norms” valid in Bosnia seem to be ignored beyond the Balkans.

The international community has not been able to ensure national equality in Bosnia, but has rather helped to create an inequality detrimental to the Bosnian Croats. It has moreover failed to unify Bosnia, having erected a neo-colonial protectorate that is being justified by “multiethnic” and “democratic” rhetoric of West’s liberal imperialism. The international community has turned itself from the outside party that had ended the war to a disputant with a vested interest in the outcome, thereby complicating a search for a long-term sustainable solution.

The Bosnian case study confirms the limits of the outside involvement conducted in the absence of the disputants’ reconciliation: it is not possible to create a unified, “multiethnic” Bosnia forcefully. It also shows that such coercive peacemaking carries a risk of entrapment for the third party that cannot define or stick to realistic goals. Far from its stated benevolence and liberal rhetoric, such peacemaking can have detrimental consequences for all the parties involved, as well as for the larger international context within which this peacemaking takes place, by setting a negative precedent.

## CHAPTER EIGHT

### THE KOSOVO WAR (1999)

#### **An Ambiguous and Costly Victory...and Entrapment, Above All**

##### **Introduction**

In view of what had been accomplished in Bosnia and Croatia, it seemed reasonable to expect that coercion would fail to impose a peace settlement unless its terms enabled both the Serbs and the Kosovo Albanians to pursue their respective paths of victory—for Belgrade, to impose its rule over the Albanians with international approval and, for the Albanians, to develop international support for Kosovo's independence.<sup>1</sup> It would also seem highly likely that, given the disputants' absence of reconciliation and good faith during the negotiations, the international involvement could actually play into the disputants' own objectives, and thus precipitate violence in Kosovo and render weaker parties more vulnerable. And it would also seem reasonable to anticipate that the intervention would not accomplish much beyond bringing in some stability through imposing the Western rule on Kosovo, with attendant costs for all parties.

This scenario, predictable in view of the way peacemaking efforts had unfolded in Croatia and Bosnia, took place in Kosovo, despite different international expectations, which had been nurtured by an inadequate understanding of why the Bosnia war had finally ended. The peacemaking efforts led to a major conflict escalation in Kosovo, followed by an ambiguous victory for the Western powers and their entrapment, with the costs imposed on both the Serbs and the Albanians.

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<sup>1</sup> In this study, "Albanians" always refers to Kosovo's ethnic Albanians; it never refers to Albania's citizens.

This Chapter first deals with the events preceding the NATO war against Belgrade, including the failure of the 1998 Holbrooke agreement and the 1999 Rambouillet negotiations. It focuses on the Western failure to coerce Serbia, analyzing the reasons for the Western miscalculation that precipitated the Serb war against the Albanians. It also deals with the Western difficulties to coerce both the Serbs and the Albanians, showing that coercive peacemaking, often assumed to be of benefit to weaker disputants, could be actually to their detriment. It finally explains why and how the Kosovo war ended, with attention paid to the implications of the ambiguous victory resulting from the limits and costs of coercive peacemaking.

### **Failure of the Pre-Rambouillet Diplomatic Initiatives**

The Serbian Anti-Bureaucratic Revolution of 1988-1990 abolished Kosovo's constitutionally guaranteed autonomy and placed the Albanian-populated province under the direct rule of Belgrade.<sup>2</sup> The Albanians responded by setting up their own shadow government under the leadership of Ibrahim Rugova. Aware of their weakness vis-à-vis Belgrade, the Albanians pursued non-violent resistance as the wars raged in Croatia and Bosnia.<sup>3</sup> The Albanians hoped that this peaceful strategy would eventually win Kosovo its independence without incurring any significant costs on their part: the Albanian leadership assumed that the international community, already involved in Croatia and Bosnia, would impose an overall settlement upon Belgrade from which Kosovo would

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<sup>2</sup> For the Serbian Anti-Bureaucratic Revolution and the historical background to the Serbian-Albanian dispute, see Chapter Two.

<sup>3</sup> Michael T. Kaufman, "A Different Kind of War in Kosovo: Serbian Repression vs. Quiet Resistance," *New York Times*, 23 June 1992, available from Lexis-Nexis Universe, accessed 1 February 2004.

profit. However, when the Dayton negotiations failed to address the Kosovo issue, many Albanians concluded that fighting would be the only way to gain their independence.<sup>4</sup>

Opportunity presented itself in 1997. Serbia was weakened by the international sanctions and its wars in Croatia and Bosnia, while the Serbs had incurred the reputation for brutality. After a civil unrest in Albania in the spring of 1997, weapons made their way into the hands of Albania's citizens and, soon after, flowed into Kosovo and Macedonia.<sup>5</sup> By the end of November 1997, masked fighters with the Kosovo Liberation Army (KLA) had made their first public appearance.<sup>6</sup>

Thus began armed clashes within Kosovo and the steady growth of the KLA guerillas, a movement determined to win independence for Kosovo. Belgrade tried to wipe out the KLA insurgency, often acting brutally and disproportionately. Meanwhile, the Western leaders grew worried as the Serbs began attacking the Albanian villages in Kosovo, leaving behind destroyed houses and dead civilians.<sup>7</sup>

The Kosovo armed conflict started as Belgrade's war to defeat the KLA insurgency fighting for Kosovo's independence; however, it progressively turned into a Serbian war against Albanian civilians. The reasons do not necessarily lie in the Serb desire to depopulate Albanian Kosovo, as is commonly believed. Rather, it is difficult to wage a war against guerillas without killing or uprooting civilians. Insurgencies are conflicts characterized by a close relationship between civilians and the military. Even

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<sup>4</sup> Tihomir Loza, "Albanians: Closing the Ranks," *Transitions* 5, no. 5 (May 1998): 16-37. See also Chris Hedges, "Another Victory for Death in Serbia," *New York Times*, 8 March 1998.

<sup>5</sup> Barbara Crossette, "U.N. Agrees to Help Albanian Government Disarm Civilians," *New York Times*, 14 July 1998.

<sup>6</sup> Loza, "Albanians: Closing the Ranks, 31. See also Chris Hedges, "In New Balkan Tinderbox, Ethnic Albanians Rebel Against Serbs," *New York Times*, 2 March 1998.

<sup>7</sup> Chris Hedges, "Ravaged Kosovo Villages Tells of a Nightmare of Death," *New York Times*, 9 March 1998; Chris Hedges, "Serbs Renew Crackdown on Albanian Villages in Kosovo," *New York Times*, 25 March 1998; Chris Hedges, "Ranks of Albanian Rebels Increase in Kosovo," *New York Times*, 6 April 1998; Chris Hedges, "Kosovo Rebels and Their New Friend," *New York Times*, 10 June 1998.

the most scrupulous governments have problems discriminating between the two: a guerilla may be part-time military and part-time civilian.<sup>8</sup> What Western journalists saw as the deliberate killing of civilians might have instead been a brutal and indiscriminate Serbian crackdown aimed at wiping out the Albanian guerillas.<sup>9</sup>

Throughout the spring and summer of 1998, Belgrade tried to destroy the KLA, killing and uprooting the civilians in the process. However, after each Serbian attempt, the KLA would spring back, increasing in number: Belgrade's actions increased the KLA's popularity among the Albanians.<sup>10</sup> By July 1998, the KLA were in control of about 40 percent of Kosovo, and the West worried not only about what to do about Belgrade's indiscriminate crackdown in Kosovo, but also about what to do about the KLA: the Western powers did not want to see an independent Kosovo.<sup>11</sup>

As the war between the KLA and Serbian forces persisted, the numbers of Albanian refugees continued to rise. In early June 1998, there were about 20,000 refugees.<sup>12</sup> Only two months later, after Belgrade had initiated a new sweeping campaign

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<sup>8</sup> For more on guerilla warfare and the absence of clear distinction between civilians and soldiers, a problem regardless of whether the conflict is over a form of government (e.g., Vietnam or Mozambique) or sovereignty and identity (e.g., Kosovo), see Sam C. Sarkesian, ed., *Revolutionary Guerilla Warfare* (Chicago: Precedent Publishing, 1975); Max G. Manwaring, ed. *Uncomfortable Wars: Toward a New Paradigm of Low Intensity Conflict*, Westview Studies in Regional Security (Boulder, Colo.: Westview Press, 1991). In the latter collection, see in particular John R. Galvin, "Uncomfortable Wars: Toward a New Paradigm, in *Uncomfortable Wars: Toward a New Paradigm of Low Intensity Conflict*, ed. Max G. Manwaring Westview Studies in Regional Security, (Boulder, Colo.: Westview Press, 1991), 9-18; see especially the section entitled "The Societal Dimension," pp. 13-15.

<sup>9</sup> Chris Hedges, "Serb Forces Said to Abduct And Kill Civilians in Kosovo," *New York Times*, 17 July 1998.

<sup>10</sup> This dynamic has to do with the socio-political dimension of an insurgency, which targets a government's legitimacy, usually lacking in the eyes of its alienated populace. Therefore, it is difficult to deal with insurgencies through military means alone. Hence, John Galvin has rightfully pointed out that the use of force in such cases may be counterproductive, for "killing 50 guerillas [may] cause 200 previously uncommitted citizens to join the insurgent cause." Galvin, "Uncomfortable Wars," 16.

<sup>11</sup> Craig R. Whitney, "Rebel Success in Kosovo Worries Europe," *New York Times*, 30 June 1998; Chris Hedges, "With Better Arms, Kosovo Separatists Turn Tide in War," *New York Times*, 11 July 1998. See also the statement made by French officials in Craig R. Whitney, "Western Officials Say Accord on Kosovo Seems Uncertain," *New York Times*, 4 July 1998.

<sup>12</sup> Chris Hedges, "For the Weary Rebels of Kosovo, A Brutal Lesson From the Serbs," *New York Times*, 9 June 1998.

in the summer of 1998, the number of refugees had increased tenfold. By 3 August 1998, the UNHCR estimated that about 200,000 Albanians had been uprooted from their homes: some were living in the woods in fear of the Serbs.<sup>13</sup>

In view of the growing numbers of refugees and the fears of a looming war, international pressure for a peace in Kosovo increased. On 12 October 1998, under the threat of NATO air strikes, Richard Holbrooke succeeded in reaching an agreement with Serbian President Slobodan Milosevic: the Serbs would withdraw most of their forces from Kosovo; Albanian refugees would be permitted to return; and 2,000 OSCE observers would oversee the agreement's implementation.<sup>14</sup>

To be sure, under the threat of NATO air strikes, Serbia did bend its position: it accepted the Holbrooke agreement, which demanded the withdrawal of some Serb forces from Kosovo.<sup>15</sup> Nonetheless, rather than demonstrating Western ability to dissuade Belgrade from pursuing its high-stake objective of imposing its will upon Kosovo, the Holbrooke agreement confirmed the limits to coercive diplomacy. The Belgrade calculus might have been that, with Kosovo pacified by the previous Serbian offensive, Belgrade could agree to peace and, thereby, avoid a confrontation with NATO. President Milosevic agreed to Holbrooke's proposal only after he had successfully completed the 1998

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<sup>13</sup> UNHCR figure quoted in Tim Judah, *Kosovo: War and Revenge* (New Haven and London: Yale University Press, 2000), 171. For civilian suffering in Kosovo, see Jeffrey Smith, "In Kosovo, Life Among the Ruins," *Washington Post*, 6 December 1998.

<sup>14</sup> "Agreement in Belgrade," *BBC News*, 13 October 1998, available from [http://news.bbc.co.uk/1/hi/english/world/europe/newsid\\_192000/192453.stm](http://news.bbc.co.uk/1/hi/english/world/europe/newsid_192000/192453.stm), accessed 14 December 1998. For NATO threats, see William Drozdiak, "Analysis: Accord Puts NATO in Uncharted Territory: New Plunge Into Balkan Peacekeeping is Major Expansion of European Security Role," *Washington Post*, 14 October 1998. See also "Milosevic Bows to West, Accepts Kosovo Accord," *Washington Post*, 14 October 1998.

<sup>15</sup> William Drozdiak, "NATO Approves Airstrikes on Serb Province: Milosevic is Given Ultimatum; Reportedly Met Key Demands," *Washington Post*, 13 October 1998; "NATO Gives Milosevic 4 Days to Meet Its Demands; Yugoslav Said to Accept," *Washington Post*, 13 October 1998.

offensive during late summer and early fall, assaults which had destroyed the KLA as an organized force and had driven more than 250,000 Albanians out of their homes.<sup>16</sup>

Following the conclusion of the Holbrooke agreement, the Serbs and the Albanians were supposed to conduct negotiations on a final settlement. The Albanians wanted independence, while Serbia was not willing to contemplate anything beyond Kosovo's limited autonomy under Belgrade. The U.S. proposed a compromise: turning Kosovo into a republic of Yugoslavia, on a par with Serbia and Montenegro. While Belgrade openly criticized the American plan, the Albanians eventually came to accept it as a "transitional plan," demanding an independence referendum within three years.<sup>17</sup>

Thus, under the threats of bombing, the Serbian offensive was supposed to end, and the Kosovo disputants were supposed to engage in negotiations leading to a peaceful settlement of the Kosovo dispute. The Western assumption was that the disputants would accept a compromise agreement: each side would giving up something in return for peace and stability—the main goal of Western peacemaking. However, both Belgrade and the Albanians continued to fight for their own respective goals, despite their military setbacks and increased Western involvement. As a result, the Holbrooke agreement of 12 October 1998 failed, and the Kosovo conflict escalated.<sup>18</sup>

The Western politicians assumed that, once the Serbian offensive had been halted, the defeated KLA and the weak Albanians would give up their goal of independence and

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<sup>16</sup> Guy Dinmore, "Serbs Pound Kosovo Rebels: 7-Month Offensive Continues as [Serbian] Premier Declares 'Cease-Fire'," *Washington Post*, 29 September 1998.

<sup>17</sup> "Serbs Criticise US Kosovo Plans," *BBC News*, 18 November 1998, available from [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_216000/216995](http://news.bbc.co.uk/hi/english/world/europe/newsid_216000/216995), accessed 14 December 1998; Peter Finn, "Albanians Greet Deal with Mistrust: Many Believe the Only Feasible Agreement with Belgrade Is Total Independence," *Washington Post*, 14 October 1998; "KLA Offers To Delay Independence," *BBC News*, 28 November 1998, available from [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_223000/223896.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_223000/223896.stm), accessed 14 December 1998.

<sup>18</sup> Mike O'Connor, "Kosovo's Rival Forces Are Moving Closer to a New War," *New York Times*, 22 December 1998, available from <http://www.nytimes.com/library/world/europe/122298kosovo.html>, accessed 20 January 1999.

negotiate with Belgrade. However, the return of the displaced Kosovo civilians following Serbia's partial withdrawal from Kosovo in accordance with the Holbrooke agreement also revived the KLA—and, thus, the Albanian fight for independence.<sup>19</sup> As reported from Kosovo by *The New York Times*' Jane Perlez, the KLA fighters returned and began “parading...in full gear, rifles over their shoulders and pistols at their hips.”<sup>20</sup> The KLA dismissed Western concerns over their comeback, saying that the fighters were coming “from among the people,” that they took to the hills together with the civilians, and that it was “only natural they should come back with them.”<sup>21</sup>

The ceasefire imposed on Belgrade had been seen by the Western powers as a prelude to peace negotiations; however, the KLA used the Kosovo ceasefire to regroup. The OSCE monitoring mission could not prevent the comeback of the guerillas: it had neither the mandate nor the capacity to prevent the KLA return. Moreover, since nobody had expected it to return, the KLA had not even been included in the Holbrooke agreement. Said Deputy Secretary of State Thomas Pickering at the time, the “overwhelming use of military power on the part of Milosevic [had] driven most of the armed [KLA] fighters either underground or out of the country or out of the picture.”<sup>22</sup>

As the KLA recovered its strength, Belgrade reintroduced some of its military units into Kosovo, in violation of the October ceasefire agreement.<sup>23</sup> Thereby the violent conflict resumed, albeit in low intensity. Given the increased international involvement, the Serbian authorities scaled down their operations in Kosovo: sweeping conventional

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<sup>19</sup> Ibid.

<sup>20</sup> Jane Perlez, “Guerillas in Kosovo Rebound, Provoking Concern,” *New York Times*, 11 November 1998, available from <http://www.nytimes.com/library/world/europe/111198yugo-kosovo.html>, accessed 11 December 1998.

<sup>21</sup> Naim Maloku, a KLA leader, quoted in Perlez, “Guerillas in Kosovo Rebound, Provoking Concern.”

<sup>22</sup> Pickering quoted in Jeffrey Smith, “Kosovo Rebels Plan for Renewal of War: Guerillas Say They Will Strike if [Serbian] Government Troops Do Not Withdraw as Pledged,” *Washington Post*, 22 October 1998.

<sup>23</sup> Guy Dinmore, “Resumption of Fighting Seen Likely in Kosovo: U.S. Official Arrives To Lead Peace Effort,” *Washington Post*, 12 November 1998.

military attacks that had characterized their summer-autumn campaign of 1999 were replaced, in order stem the KLA's increasing influence, with administrative methods of repression--police detentions, brutal interrogations, torture, and forced confessions.<sup>24</sup>

In short, Belgrade's high-intensity, military campaign had subsided in response to the Western involvement, but the low-intensity conflict resumed and continued to escalate.<sup>25</sup> As violence increased in Kosovo, Holbrooke reminded Milosevic that NATO might initiate air strikes against Serbia; international pressure for a political settlement increased, leading eventually to the negotiations held in France.<sup>26</sup>

The early escalation of the Kosovo crisis demonstrates several worrisome elements, already seen in Croatia and Bosnia, which should have been recognized as pointing to the limits and risks associated with coercive peacemaking.

When there is no reconciliation among disputants, their very different objectives do not leave any room for a compromise. For example, the KLA wanted Kosovo's independence, a goal supported by Kosovo's Albanian populace; however, Serbia wanted to maintain its control over Kosovo, a goal supported by the Serbs. Even those Serbs who were contemptuous of Belgrade's repressive actions in Kosovo opposed Kosovo's independence. In the view of the disputants' high-stake objectives and the absence of a common framework within which respective differences could be reconciled, the conflict was bound to escalate.

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<sup>24</sup> Mike O'Connor, "Serbs in Kosovo Said to Rely Now on Arrest and Torture," *New York Times*, 11 December 1998, available from <http://www.nytimes.com/library/world/europe/121198kosovo-milosevic.html>, accessed 11 December 1998.

<sup>25</sup> A comparison should be drawn here with the Serbian strategy in the summer of 1991, when Europe threatened the unilateral recognition of Slovenia and Croatia should the intervention by the Yugoslav Federal Army (YFA) not end. The YFA's high-intensity operations ended, but the conflict did not end, as Serbia switched to a low-key strategy in order to outmaneuver European coercive diplomacy. For details and references, see Chapter Three.

<sup>26</sup> Associated Press, "U.S. Envoy Issues Warning to Kosovo Factions," *New York Times*, 16 December 1998, available from <http://www.nytimes.com/yr/mo/day/news/world/us-kosovo.html>, accessed 16 December 1998.

The Western powers—Europe and America—did not share any of the disputants’ objectives. The Western powers wanted to impose a peace settlement and thereby enable a resolution of Kosovo’s problems without the images of displaced Albanians and torched homes flashing across the world and fueling domestic pressures urging Western governments to intervene militarily to stem Kosovo’s crisis. Western governments also, of course, preferred that all this should be accomplished with minimum commitment and costs on their part. However, peaceful conflict resolution cannot be imposed when reconciliation among disputants is lacking and disputants remain single-minded in pursuit of their respective objectives, even though they might appear conciliatory, on the surface, because they give in to one or another Western demand.

Concerning the international options in Kosovo, there existed few viable choices regarding what the outside world could have done about the escalating conflict in Kosovo, each choice being based on the assumption that the outside intervention—in the absence of reconciliation—could only help one party against the other.

The first option would have been to support the central authorities—that is, the Belgrade government—in its fight against the KLA. That option would have involved ruling out Kosovo’s independence, while exerting pressure upon Belgrade to permit Albanian self-rule within Yugoslavia, thereby lessening the popular support for Kosovo’s independence. This approach would have been most consistent with the international policy that had upheld the territorial integrity of Croatia and Bosnia-Herzegovina.<sup>27</sup>

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<sup>27</sup> In one of the worst incidents that led to the resumption of fighting, Serbian border guards killed at least thirty Albanian guerillas as they tried to cross illegally into Kosovo from Albania. If the Western policy had been consistent, Albania would have been blamed for “aggression” against Yugoslavia: it had allowed the KLA to operate on its territory and cross over, with weapons, into Kosovo, a part of Yugoslavia. Under this interpretation, Tirana’s support for the KLA insurgency in Kosovo should have received equal condemnation to that directed at Bosnia’s neighbors, most particularly Serbia, condemned for its “aggression” against sovereign Bosnia, a UN member state. However, the Western powers did not condemn Tirana: the Western policy was not consistent, for the reasons explained later. For the incident at

However, this first option was not pursued because it presupposed not only Belgrade's willingness to treat the Albanians with respect but also Belgrade's interest in regaining its legitimacy in the eyes of Kosovo's alienated populace. The regime of Slobodan Milosevic, and the Serb dismal record in Croatia and Bosnia, gave little hope to either Albanians or Western politicians that such an option would be a viable choice.

The West's second option would have involved providing some sort of support for the Albanian insurgency. The actions could have ranged from clandestine support for the KLA to passive acts of benevolence, such as turning a blind eye to the inflow of weapons into Kosovo, while keeping Serbia weakened through international sanctions. Experiences elsewhere in the world, most importantly in Vietnam, Mozambique, and Afghanistan have shown that insurgencies that rely on popular support and have access to weaponry can prevail over time.<sup>28</sup>

The resilience that the Kosovo guerillas showed in the face of repeated Serbian attempts to wipe them out in the course of 1998 suggests that the KLA might have won independence for, at least some parts, of Kosovo, after Serbia would have exhausted itself in a protracted conflict with the Albanian guerillas and a critical international community. If the only solution to the Kosovo problem were Albanian independence--because no amount of democracy in Belgrade would moderate the Albanian urge to split away—then this option could have been pursued.

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the Serbian-Albanian border, see Associated Press, "About 30 Rebels Killed in Kosovo Fighting," *New York Times*, 15 December 1998, available from <http://www.nytimes.com/yr/mo/day/news/world/kosovo-killings-ap.html>, accessed 15 December 1998.

<sup>28</sup> Sarkesian's *Revolutionary Guerilla Warfare* includes many examples of successful guerilla movements that eventually won over their enemies despite disparity in military power. For example, see Eduardo Mondlane, "Selections from *The Struggle for Mozambique*," in *Revolutionary Guerilla Warfare*, ed. Sam C. Sarkesian (Chicago: Precedent Publishing, 1975), 453-470. Eduardo Mondlane was elected president of FRELIMO in 1962, and remained in this position until his assassination in 1969. FRELIMO was Mozambican organization that fought for Mozambique's independence from Portugal by relying on guerrilla tactics and popular support. In his book, *The Struggle for Mozambique*, Mondlane describes the FRELIMO strategy that eventually pushed Portugal out of Mozambique.

The third option would have been an early partitioning of Kosovo. Some advocated Kosovo's partitioning or the exchange of land between Serbia and Bosnia in order to prevent the Kosovo war: the hope was that Belgrade would give up its goal of keeping Kosovo within Yugoslavia in return for the right to annex the Bosnian Serb Republic. David Owen, a former European negotiator for Bosnia, and *The New York Times'* columnist Thomas Friedman both suggested that this approach would have solved the Kosovo problem "without foreign troops or endless bloodshed."<sup>29</sup>

However, this solution would not have been as simple as it may have seemed at first sight. Even though Kosovo or Bosnia may eventually end up being divided in order to speed up the international disengagement, it should nevertheless be noted that what Owen and Friedman advocated was a poor prescription for conflict management if the goal was to avoid bloodshed and the Western military engagement. The Bosnian peacemaking, in particular the Vance-Owen Peace Plan, demonstrated that negotiations on partitioning had not prevented, but had rather precipitated, conflict over territorial control; moreover, the Dayton peacemaking confirmed a need for military measures and foreign troops to impose a settlement involving some partitioning.<sup>30</sup>

The Western choice seems to have been neither of the above options. Instead, the Western powers urged a peace settlement (i.e., the Rambouillet agreement) that would end violence while delaying the resolution of the Kosovo conflict until after a change of regime in Belgrade. Thus, the international community insisted that both sides should accept an "interim" agreement that would place NATO in charge of Kosovo and postpone the discussion that mattered most to Serbs and Albanians: to whom does

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<sup>29</sup> Thomas L. Friedman, "A Balkan Solution," Op-Ed, *New York Times*, 5 February 1999, <http://www.nytimes.com/library/opinion/friedman/020599frie.html>, accessed 5 February 1999.

<sup>30</sup> For details and references, see Chapters Five (Vance-Owen Peace Plan) and Six (Dayton).

Kosovo belong? The underlying hope was that the dispute could be solved peacefully, and that Kosovo might want to stay within a democratic Yugoslavia, even though the agreement itself would not foreclose the option of Kosovo's independence.<sup>31</sup>

The past involvement in the former Yugoslavia should not have left Europe and America with much hope that their chosen course of action would be fruitful. Given the disputants' absence of reconciliation, it would have been difficult to come up with a peace settlement that could win both sides' support. Also, the limits to coercive measures' effectiveness had already become evident in Croatia and Bosnia. Nevertheless, buoyed by what was seen to be the Bosnian success, the Western assumption was that the international community would be able to coerce Belgrade and the Albanians into a peace settlement as long as both sides were to give up something in exchange for peace.

### **The Rambouillet Agreement**

The idea of forcefully imposing a settlement started with the U.S. insistence that Serbia was in violation of the Holbrooke agreement and that it should withdraw forces from Kosovo immediately. However, Belgrade insisted that the agreement still permitted its defense of Serbia's territorial integrity, which was being challenged by the KLA. Yet, Western officials maintained that only "adequate and proportionate" response was permissible, while the Serb actions were "disproportionate and overwhelming."<sup>32</sup>

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<sup>31</sup> For such calculations on the part of Western diplomats, see Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, Perseus Books, 2001), 121-122, 128. Clark was the NATO Commander during the Kosovo war. See also French diplomats' citations in Craig R. Whitney, "Peacekeeping in Kosovo: Grave Test for NATO Allies," *New York Times*, 28 February 1999. The Rambouillet agreement is analyzed in the next section of this Chapter.

<sup>32</sup> Jane Perlez, "U.S. to Push NATO to Issue Ultimatum to Milosevic," 21 January 1999, available from <http://www.nytimes.com/library/world/Europe/012199kosovo-us.html>, accessed 21 January 1999.

The overall impression of the American negotiators was that Serbia was non-cooperative because it had not faced a credible military threat. General Wesley K. Clark, NATO's Supreme Allied Commander for Europe, told the press as follows:

“The international community has learned through long years of dealing with Milosevic that he is the most compliant when threatened directly with heavy military pressure... Since that seems what he primarily responds to, the international community has learned that it must produce it.”<sup>33</sup>

Soon the Clinton Administration announced its plan for ending the fighting in Kosovo: talks would be held in Europe on Kosovo's autonomy, and Serbia would be bombed in case it failed to agree to the proposed peace settlement.<sup>34</sup>

Towards the end of January 1999, the Contact Group for Kosovo agreed on the framework document concerning a “peaceful solution” of the Kosovo conflict, which, in view of the Contact Group, raised “the prospect of a humanitarian catastrophe.” The Contact Group insisted that the Serbs and the Albanians should accept the Western principles as “the basis for the fair settlement.” The proposal also asked the parties to “accept the level and nature of international presence deemed appropriate by the international community.”<sup>35</sup>

On 30 January 1999, the North Atlantic Council (NAC) reconfirmed that NATO was ready to initiate air strikes against Yugoslavia in order to compel a political settlement before a major war erupted in Kosovo:

NATO is ready to take whatever measures are necessary... to avert a humanitarian catastrophe, by compelling compliance with the demands of the international community and the achievement of a political settlement. The Council has therefore agreed today that the NATO Secretary General may authorize air strikes

<sup>33</sup> General Clark quoted in Perlez, “U.S. to Push NATO to Issue Ultimatum to Milosevic.”

<sup>34</sup> Jane Perlez, “U.S. Pushes Plan to End Fighting in Serb Province,” 28 January 1999, available from <http://www.nytimes.com/library/world/Europe/012899kosovo-us.html>, accessed 28 January 1999

<sup>35</sup> “Full Text of Contact Group Statement,” *BBC News*, 29 January 1999, available from [http://news.bbc.co.uk/1/hi/english/world/europe/newsid\\_265000/265498.stm](http://news.bbc.co.uk/1/hi/english/world/europe/newsid_265000/265498.stm), accessed 29 January 1999. The Contact Group consisted of the U.S., Russia, Britain, France, Germany, and Italy.

against targets on FRY territory.<sup>36</sup>

The choice of a European venue for the negotiations reflected a new development in the management of the crisis: transatlantic unity.

Previously, there had existed major divisions both within Europe and between Europe and America, most particularly with respect to Bosnia.<sup>37</sup> The Europeans had felt humiliated by the American success at Dayton; they attributed their failure to end the Bosnian war to the lack of European and transatlantic unity. By 1999, however, Europe felt that the situation had changed, since there was a common position on Kosovo: Europe assumed that a unified pressure would help resolve the Kosovo crisis and enable European negotiators in France to duplicate the American success at Dayton.<sup>38</sup>

This European interest in the Kosovo peace corresponded to American concerns over credibility. Several U.S. officials told *The New York Times* that the Clinton Administration was under pressure “to do something,” fearing that the NATO’s upcoming 50<sup>th</sup> anniversary celebration might be overshadowed by the Kosovo crisis. Even non-interventionist Pentagon officials dropped their objections to intervention because they felt that the credibility of NATO was at stake.<sup>39</sup>

The chief objective for imposing this agreement seems to have been the same as in the case of the Serbo-Croatian war of 1991. Concerned over the credibility of the European integration process in 1991, Europe had then stepped in at an early stage of the

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<sup>36</sup> North Atlantic Treaty Organization (NATO), “Statement by the North Atlantic Council on Kosovo,” NATO Press Release (1999) 12, 30 January 1999, available from <http://www.nato.int/docu/pr/1999/p99-012e.htm>, accessed 2 May 2000. For media reports, see Jeffrey Smith and William Drozdiak, “NATO Approves Strikes in Yugoslavia: Kosovo Combatants Wary of Alliance Plan,” *Washington Post*, 31 January 1999.

<sup>37</sup> For more on these intra-European and transatlantic differences, see Chapters Five and Six.

<sup>38</sup> Craig R. Whitney, “Diplomats Using Sticks: Europeans Copy U.S. For Peace in Kosovo,” *New York Times*, 31 January 1999, available from <http://www.nytimes.com/library/world/europe/013199kosovo-assess.html>, accessed 1 February 1999.

<sup>39</sup> Perlez, “U.S. to Push NATO to Issue Ultimatum to Milosevic.”

Yugoslav dispute with the idea of “peaceful conflict resolution” in an attempt to prevent a major war and impose a settlement that would establish stability and allow for the gradual resolution of the contentious issues.<sup>40</sup> In 1999, there was a similar constellation of circumstances and objectives: Europe felt humiliated by the American success at Dayton; Washington was concerned over the credibility of NATO in light of the upcoming anniversary celebration; and both Europe and America seemed to be interested in preventing a major war and a refugee crisis out of concerns for their credibility.

The result was the joint European-American push for the agreement negotiated at the French castle of Rambouillet during February and March 1999.<sup>41</sup>

The Rambouillet agreement envisaged a generous legislative, executive, judicial, and cultural autonomy for Kosovo—an autonomy that went well beyond what Kosovo had enjoyed in Titoist Yugoslavia from 1974 through 1990, or until Belgrade unilaterally rescinded Kosovo’s autonomy. Leaving Kosovo outside the effective influence of Belgrade, the Rambouillet agreement focused on insuring the rights of Kosovo, but paid little attention to the rights of the Yugoslav Federation in Kosovo.<sup>42</sup>

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<sup>40</sup> For more details and references, see Chapters Three and Four.

<sup>41</sup> In analyzing the Kosovo agreement negotiated at Rambouillet, the author of this study has relied on three documents available in 1999 from the site of the Balkan Action. These documents include: “Draft Kosovo Interim Agreement” of 27 January 1999; “Interim Agreement for Peace and Self-Government in Kosovo” of 23 February 1999; and the Serbian copy of the “Interim Agreement.” The last document was the property of the Serbian delegation at Rambouillet: it gives the changes, deletions, and additions to the draft made by the delegation and thus indicate what Belgrade wanted or found unacceptable—a very useful reference for this study. All three documents were available from <http://www.balkanaction.org/archives>, accessed by the author on 24 March 2000. For a published version of the final agreement, which is also cited in this Chapter, see “Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords),” *International Peacekeeping* (Kluwer Law International) 5, nos. 1-2 (January-April 1999): 51-65. In order to avoid confusing this interim document with the later Kosovo agreement of 3 June 1999, this study will refer, in the text above, to the “Interim Agreement” as the “Rambouillet agreement.”

<sup>42</sup> In the case of the former Yugoslavia, the SFRY Constitution and the federal order prevailed over the constitutions and statutes of the republics and autonomous provinces. The constitutions of the SFRY republics could not contradict the Yugoslav Constitution (Art. 206), and the Federal statutes and regulations were binding throughout the SFRY territory (Art. 270). In the case of a dispute, the Yugoslav Federal Assembly would decide on issues of contention between the Federation and its federal units (Article 277). All articles mentioned refer to the SFRY Constitution: Yugoslavia (SFRY), *The Constitution of the Socialist Federal Republic of Yugoslavia [SFRY Constitution]*, in *Yugoslavia*, ed. Gisbert H. Flanz,

The Rambouillet agreement dealt extensively with military aspects and international authority in Kosovo, while ignoring the rights of the Belgrade government in Kosovo. To be sure, the agreement did invite the UNSC to establish, under Chapter VII of the UN Charter, a multinational peace force led by NATO, while rhetorically reaffirming Yugoslavia's sovereignty and territorial integrity.<sup>43</sup> However, the agreement also assigned, to the international organizations in Kosovo, a role inconsistent with the UN Charter, which upholds the territorial integrity and sovereignty of its member states.

For example, Belgrade could not deploy police or army units to Kosovo, and it would have to withdraw all of its armed force from this part of its sovereign territory.<sup>44</sup> Furthermore, international officials in Kosovo would have an undisputed authority in a manner reminiscent of Bosnia, having the right to remove or appoint officials in Kosovo and curtail the operation of Kosovo's institutions.<sup>45</sup> Moreover, the "final authority" to interpret Rambouillet would rest with the OSCE or international peace force.<sup>46</sup> Thus, though Yugoslavia would retain nominal sovereignty over Kosovo, it would have no

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Constitutions of the Countries of the World, ed. Albert P. Blaustein and Gisbert H. Flanz (Dobbs Ferry, NY: Oceana Publications, 1986), 27-197. On the other hand, according to the Rambouillet agreement, Kosovo might be beyond the reach of Belgrade's authority. The Rambouillet agreement specified that the laws passed by the Kosovo Assembly or the Kosovo Constitution could not be modified by the Yugoslav Federation (Chapter I: Article II.5) and stipulated that the Yugoslav "Federal organs shall not take any decisions that have a differential, disproportionate, injurious, or discriminatory effect on Kosovo" (Chapter I: Article II.7). However, there was no suggestion on who would be entitled to determine what is a "disproportionate" or "discriminatory" measure towards Kosovo, or what would happen if the Kosovo Assembly passed a law clashing with the Yugoslav constitutional order, or if the proposed Kosovo Government were to act in a manner detrimental to Yugoslavia's territorial integrity. Thus, the Rambouillet agreement proposed a very high degree of autonomy that extended well beyond what Kosovo had enjoyed in Titoist Yugoslavia-- the autonomy that Serbia had previously rejected through its Anti-Bureaucratic Revolution. For the quotes of the Rambouillet agreement, see "Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)," 52-53. See also the sections on the Serbian Anti-Bureaucratic Revolution in the historical part of Chapter Two.

<sup>43</sup> See Chapter 7, Article I, in "Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)," 60.

<sup>44</sup> See Chapter VII, Art I.2.a. in "Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)," 61.

<sup>45</sup> See Chapter V, Art. IV. 4 in "Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)," 60.

<sup>46</sup> See, e.g., Chapter II, Art IX, p. 59; Chapter V, Art. V, p. 60; Chapter VII, Art. XV, p. 63. All references related to the "Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)."

authority to interpret the agreement or oppose any measure ordered by the OSCE or NATO, even if the measure were in violation of the Rambouillet agreement.

Furthermore, the Kosovo peace force would not be under the UN authority, but would be “subject to the direction and the political control of the North Atlantic Council (NAC) through the NATO chain of command.”<sup>47</sup> NATO would not be liable for any damages to public or private property; it would be entitled to the free use of public facilities and could freely maneuver throughout Kosovo and Serbia.<sup>48</sup>

In short, the Rambouillet agreement envisaged that a trusteeship be applied to a portion of sovereign Yugoslav territory, with the international community being free to redefine the terms and conditions of the peace settlement, without being bound by any norms or liable to any local authorities. In the name of peace and stability, Serbia was urged to surrender Kosovo into the care of NATO, free from UNSC supervision and reassurance that Kosovo would return under Belgrade’s authority.

Rambouillet was not an agreement that a sovereign government would accept, let alone the government of Milosevic. Moreover, since Belgrade had previously rejected an autonomous Kosovo in Titoist Yugoslavia, it is unlikely it would have accepted the Rambouillet terms for an autonomy that exceeded what Kosovo had enjoyed under Tito.

Nor was Rambouillet an agreement that would win the support of the Albanians: peace in the absence of independence was not an acceptable outcome for the Albanians. Thus, to the disbelief of U.S. officials, the Albanians rejected the agreement.<sup>49</sup>

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<sup>47</sup> See Chapter 7, Art.I.1b in “Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords),” 60.

<sup>48</sup> See “Appendix B: Status of Multi-National Military Implementation Force” in “Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords),” 64-65.

<sup>49</sup> The Albanian rejection is being dealt in a separate section of this Chapter.

Rambouillet was an agreement that resulted from the Western calculus focused on peaceful conflict resolution: peace and stability now, as well as hope that the hard issues could be resolved over time with a limited Western engagement. The agreement was the result of the Western premise that the disputants could be compelled into a compromise that neither side wanted--an autonomous Kosovo within a future, democratic Yugoslavia. That policy was pursued despite past experiences in Croatia and Bosnia, which had already highlighted the limits, costs, and risks of coercive peacemaking undertaken against an absence of reconciliation and basic trust among the disputants. Moreover, the international policy of enforced reconciliation was pursued despite the clear evidence that in the circumstances as defined above, the disputants would negotiate in bad faith, and that the international involvement could play into the disputants' ambitions for unilateral victories, thereby triggering, rather than preventing, violence.

### **International Failure to Coerce the Serbs**

The Rambouillet agreement was totally unacceptable to Belgrade. While the agreement envisaged that Belgrade would not have any influence in Kosovo, the Serbian delegation at Rambouillet proposed that both the Yugoslav Federation and Serbia should "exercise their powers and rights" in Kosovo. Serbia did not want to give Kosovo any legislative or executive powers and thus rejected the proposed clauses on the "Kosovo Constitution," "Kosovo Supreme Court," or "Kosovo President." Moreover, Belgrade did not want an "interim" agreement and further negotiations on the "final settlement" in three years; also, it emphatically objected to any mention of a referendum on Kosovo's

independence. Serbia wanted a limited agreement that would re-affirm that Kosovo was not only a part of Yugoslavia but also a part of Serbia.<sup>50</sup>

Above all, Belgrade resented the highly intrusive international presence in Kosovo proposed by Rambouillet. At most, Serbia would be willing to accept a UN force authorized by the UNSC, but not a NATO force operating outside UN authority. Belgrade viewed the NATO deployment as a foreign occupation that would detach Kosovo from Serbia, and that would, Belgrade anticipated, lead to the ethnic cleansing of Kosovo Serbs. In short, Serbia was unwilling to surrender Kosovo even though it faced the threat of air strikes. The Serbian resolve only stiffened after American negotiators, in order to ensure the Albanian acceptance of the agreement, introduced a clause that would permit an Albanian referendum on Kosovo's independence.<sup>51</sup>

Instead of bending before the Western will, Serbia escalated the conflict. Coercive diplomacy failed, dragging the reluctant peacemakers into a conflict with Belgrade, a conflict that exceeded their original expectations. The Serbian strategy had, yet again, caught Western peacemakers by surprise. Not only did they fail to coerce Serbia into accepting Rambouillet, but their actions also provoked the Serb attacks against Kosovo's

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<sup>50</sup> The Serbian owned copy of the "Interim Agreement" with the changes, deletions, and additions made by the Serbian delegation at Rambouillet indicates the terms that Belgrade wanted or found unacceptable: "[Serbian Delegation Copy of] Interim Agreement for Peace and Self-Government in Kosovo," 23 February 1999, available from <http://www.balkanaction.org/archives>, accessed 24 March 2000.

<sup>51</sup> For the Serbian willingness to accept a UN—rather than NATO—deployment, see "'Discussions intensifies' après l'expiration de l'échéance," *Agence France Presse*, 20 February 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwyg://61/http://www.afp.com/ext/francais/lemonde/dos2/990220152333.dsh50qnw.html](http://www.afp.com/ext/francais/lemonde/dos2/990220152333.dsh50qnw.html), accessed 20 February 1999; Steven Erlanger, "In Serb Capital, More Ennui Than Anguish Over a Raid," *New York Times*, 21 February 1999, available from <http://www.nytimes.com/library/world/europe/022199kosovo-belgrade.html>, accessed 21 February 1999; Steven Erlanger, "Albanians 'Nay' Puts Milosevic in Role of Yea-Sayer," *New York Times*, 22 February 1999, available from <http://www.nytimes.com/library/world/europe/022299kosovo-belgrade.html>, accessed 22 February 1999. See also "Kosovo Talks: Albanian Yes to Deal," BBC News, 15 March 1999, available from [http://news.bbc.co.uk/1/hi/english/world/europe/newsid\\_297000/297118.stm](http://news.bbc.co.uk/1/hi/english/world/europe/newsid_297000/297118.stm), accessed 15 March 1999; Serbia and Montenegro, [Press release], "Serbian President Says Final Hours of Kosovo Talks 'a Farce and a Circus'," *BBC Summary of World Broadcasts*, 25 February 1999, available from Lexis-Nexis Universe, accessed 30 May 2000. The introduction of the clause that would permit the Albanian independence referendum will be quoted later.

Albanians. NATO proved incapable of stopping ethnic cleansing through its air strikes, and the numbers of Albanian refugees soon reached the dramatic proportions.

What were the reasons for Serbia's strategy of deliberate conflict escalation, and why did the Western powers miscalculate, failing to foresee this Serbian response? After all, as argued by this study, Serbia's response was consistent with its previous behavior. In 1992 the Serbs had launched a strategic surprise attack against Bosnia, even though America offered an early recognition to Sarajevo in order to prevent the war over new borders and impose a single, undivided Bosnia upon the Serbs.<sup>52</sup>

Western awareness of past lessons seemed lacking at the time of the Kosovo crisis. What was truly happening in the 1991-1995 period was poorly understood. The conventional wisdom regarding the Bosnian war's outbreak had focused on Germany and the Croatian recognition; there was little understanding at the time, as evident from the previous chapters of this study, that the Serbs had actually used the international involvement to regroup their forces and plan a strategic surprise attack against Bosnia as soon as the international policy began to undermine their objectives.<sup>53</sup>

Furthermore, the Kosovo peacemakers believed they were following the Dayton precedent, but there was little insight, in 1999, into what Dayton was really about: it was about accommodating, not just threatening, the Serbs. American moralistic rhetoric, combined with pride over having imposed a Bosnian peace agreement that had eluded Europe for years, eventually led to the general disregard for the fact that Washington's success at Dayton also depended on its willingness to accommodate the Serbs. America minimized the fact that it had accepted the legitimacy of the Bosnian Serb Republic and that its use of force had been limited. Force had not been used to eliminate the Bosnian

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<sup>52</sup> For details and references, see Chapter Five.

<sup>53</sup> For details and references, see Chapters Four and Five.

Serb Republic, but to redistribute Bosnia's land more equitably and thus support an international agreement on Bosnia's inner partitioning, an agreement that had already been endorsed by President Milosevic, a year earlier, as the Contact Group Plan.<sup>54</sup>

In formulating their strategy on Kosovo, the European and American diplomats followed what they saw to be the Bosnian lessons and the Dayton precedent.<sup>55</sup> Asked why he expected that air strikes would coerce Belgrade when history, most notably the Vietnam experience, had shown this not to be possible, U.S. National Security Advisor Samuel Berger responded as follows:

“Well, I think if you go back to Bosnia, for example—he was shelling Sarajevo. Sarajevo, if you recall, was under siege from the artillery all around the hills around Sarajevo, people being murdered daily. And NATO finally drew the line and said, stop the shelling or we're going to bomb. He didn't stop the shelling. NATO bombed. He did stop the shelling. And soon thereafter, we were able to get into a peace negotiation in Dayton, which...produced a peace agreement.”<sup>56</sup>

In the view of this study, the Rambouillet diplomacy was a poor copy of Dayton-- not because of the lack of credible use of force, but because Dayton came at a different stage of the conflict and was a very different type of the agreement. The Dayton success was due to the “carrot” of Bosnian Serb recognition, joined to the “stick” of military force that was able to roll back some of the Serbs' territorial gains. Furthermore, the Dayton negotiations were successful because Milosevic was in charge, and the Serbian President could more easily trade the Bosnian Serb land than the Pale leaders could have done so. Moreover, the Bosnian parties were exhausted after several years of fighting;

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<sup>54</sup> For details and references, see Chapter Six.

<sup>55</sup> Whitney, “Diplomats Using Sticks: Europeans Copy U.S. For Peace in Kosovo; Jane Perlez, “Lessons of Balkans Applied to Kosovo,” *New York Times*, 1 February 1999, available from <http://www.nytimes.com/library/world/europe/020199kosovo-assess.html>, accessed 1 February 1999; Nick Childs, “Analysis: Dayton Revisited?” *BBC News*, 3 February 1999, available from [http://news.bbc.co.uk/hi/english/special\\_report/1998/kosovo/newsid\\_271000/271515.stm](http://news.bbc.co.uk/hi/english/special_report/1998/kosovo/newsid_271000/271515.stm), accessed 4 February 1999.

<sup>56</sup> Berger in “NATO Launches Air strikes Against Yugoslavia; U.S. National Security Adviser Urges Yugoslav President to Sign Kosovo Agreement,” *CNN Larry King Live*, 21:00 pm ET, 24 March 1999, transcript # 99032400V22, available from Lexis-Nexis Universe, accessed 1 June 2000.

this situation made imposing the Dayton agreement easier than it would otherwise have been. Finally, the conclusion of the agreement at Dayton was further facilitated by the fact that the ambiguous peace settlement offered both sides the possibility to pursue their respective high-stake objectives over time, using a low-key strategy.<sup>57</sup>

On the other hand, the Rambouillet agreement was completely different, and so would be the result: failure to coerce Serbia. In 1999 Serbia was not offered any carrots; instead it was presented with an ultimatum to surrender its control of Kosovo. In addition, the Kosovo peacemaking came at a different stage of the conflict—a relatively early stage of the armed confrontation—before the disputing parties had incurred the costs for pursuing their high-stake victories. Finally, it was much more difficult for the Serbian President to consider the surrender of Kosovo—the cradle of the Serbian medieval statehood and cultural identity—than it had been for him to negotiate away Bosnian Serb territories at Dayton.

The assumption that coercing Milosevic over Kosovo would have been a replay of the end of the wars in Croatia or Bosnia, with a few rounds of NATO air strikes, even runs counter to the theory of coercive diplomacy, which points out the limits and risks of the strategy.<sup>58</sup>

As argued by Alexander George, coercive diplomacy is “highly *context-dependent*” and cannot be contemplated in a mechanistic manner by assuming that “because the strategy worked in one case it ought to be successful in other cases as well.”<sup>59</sup> George has also demonstrated that the effectiveness of coercive diplomacy

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<sup>57</sup> See Chapter Six for the detailed argument and specific references.

<sup>58</sup> For a theory of coercive diplomacy, see Alexander L. George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War*, with a foreword by Samuel W. Lewis. Washington (D.C.: United States Institute of Peace, 1991); for a more elaborate theory, see Alexander L. George and William E. Simons, eds., *The Limits of Coercive Diplomacy*, 2<sup>nd</sup> ed. (Boulder, San Francisco, Oxford: Westview Press, 1994).

<sup>59</sup> George, *Forceful Persuasion*, 69.

depends upon the disputants' level of motivation. If the coercive power makes excessive demands—those that involve the key interests of the target of coercion--the target will be more motivated to resist and coercive diplomacy will most likely fail.<sup>60</sup>

Not only were the Kosovo miscalculations precipitated by a failure to recognize the limits of forceful solutions, but they were also hastened by the misperception that Milosevic was an opportunistic politician whose sole motivation was power. The Kosovo peacemakers were misled by their “ethnopolitical” view of the conflicts in the former Yugoslavia, a view that legitimized the use of coercive peacemaking against the elected or populist politicians who opposed the Western policies.<sup>61</sup> The pro-interventionist International Crisis Group (ICG) described Milosevic as a leader without “strategic vision” or the Serb national interest at heart; the ICG saw him as a “brilliant tactician, operating from week to week, even day to day, his only goal to remain in power.”<sup>62</sup>

Media reports indicated that American and European officials at Rambouillet believed that the Serbian President would accept the Western ultimatum because he would conclude that air strikes “would be more destabilizing to his rule” than the NATO-led mission in Kosovo would have been.<sup>63</sup> This assumption is also evident from the question that CNN’s Christiane Amanpour addressed to Richard Holbrooke:

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<sup>60</sup> Ibid., 77-78; see also 12-13, 39-46, 31-37. See also Chapter One, the parts which point to the importance of “asymmetry of motivation” (George) by relating a successful case of coercive diplomacy during the Cuban Missile Crisis versus American failure to coerce Vietcong.

<sup>61</sup> For more criticism of the “ethnopolitical” view of identity disputes, see Chapter Two, especially its criticism of Warren Zimmermann. See also Chapter Seven (post-Dayton Bosnia), in particular the sections concerning the confrontation between Bosnia’s international administration and the Bosnian Croats.

<sup>62</sup> International Crisis Group (ICG), “Kosovo: Bite the Bullet: A Strategy To Resolve the Kosovo Crisis,” 22 January 1999, available from [http://www.icg\(??\)/projects/sbalkans/reports/kos09rep.htm](http://www.icg(??)/projects/sbalkans/reports/kos09rep.htm), accessed 16 February 1999.

<sup>63</sup> Jane Perlez, “Pressures Mount Against Defiant Milosevic,” *New York Times*, 19 February 1999, available from <http://www.nytimes.com/library/world/europe/021999kosovo-talks.html>, accessed 19 February 1999.

“Is it about power for him? Is it about staying in power and calculating what best way to hold on?...Do you estimate that Slobodan Milosevic needs at least one round of bombing before he agrees to come to the table?”<sup>64</sup>

The view of power-seeking Milosevic unconcerned about the Serbs was strengthened by the Serb grievance against Milosevic in the aftermath of Dayton. Since Milosevic had not intervened on behalf of the Croatian or the Bosnian Serbs in 1995, the Serb masses throughout the former Yugoslavia saw this as Milosevic abandoning the Serb cause. What ordinary Serbs failed to recognize was that Milosevic was a sophisticated, pragmatic politician who, having tested the limits of the dream of “Greater Serbia,” had wisely opted for peace while he could still preserve the most important Serbian gain from the war: recognition of the Bosnian Serb Republic within the nominally sovereign Bosnia-Herzegovina. Previously Milosevic’s popularity had been undisputed; in the aftermath of Dayton, it began to sink. Consequently, it was believed, within some circles in Serbia and also their friends in the West, that Milosevic had wanted to provoke the international intervention in order to “discharge” Kosovo from Yugoslavia’s control so it would no longer be a problem for him to resolve.<sup>65</sup>

However, Milosevic was not an autocratic tactician obsessed by power and accountable to nobody; he was a leader of Serbia answerable to his Serb constituencies, for whom Kosovo was an important cultural and emotional symbol. The Western strategy

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<sup>64</sup> Amanpour in Richard Holbrooke, “Text of Holbrooke Interview on CNN,” interview by Christiane Amanpour, *New York Times*, 23 March 1999, available from <http://www.nytimes.com/library/world/europe/032399holbrooke-cnn-interview.html>, accessed 26 March 1999.

<sup>65</sup> For example, Misha Glenny argued that Milosevic ordered the Racak massacre, in which around 30 Albanians were killed, and thereby triggered the Western intervention in order to “keep hold of power by letting go of Kosovo.” See Misha Glenny, “Motives for a Massacre,” *New York Times*, 20 January 1999, available from <http://www.nytimes.com/yr/mo/day/oped/20glen.html>, accessed 20 January 1999. See also some Serbian voices that express similar concerns in Steven Erlanger, “U.S. Aides Meet With ‘Inflexible’ Milosevic,” *New York Times*, 22 January 1999, available from <http://www.nytimes.com/library/world/europe/012299kosovo-us.html>, accessed 22 January 1999.

aimed at coercing Milosevic into an ultimatum disregarded that Serbia's leader was unable to surrender Kosovo peacefully because his constituencies would not accept this.

Finally, Western miscalculations were precipitated by the arrogance of power, or the tendency of the strong to jump to the conclusion they can easily coerce the weak, regardless of how big their demands placed upon the weak might be. Thus, as European diplomats tried to urge Serbia to accept the Rambouillet settlement, doubts persisted in America, but not any doubts that would reveal the questioning of the strategy in view of what Kosovo meant to Serbia. Instead, U.S. officials believed that the Europeans, who initially ran the show, could not "deliver Milosevic," and would not be able to duplicate the Dayton success, because Dayton had been "an American show from start to finish," with forceful American negotiators backed up by the credible threat of force.<sup>66</sup>

The above American thinking in fact betrays the cultural and psychological variables reflective of the dominant, Western societies. From the perspective of the world's most powerful democracy, it does not make sense for a weak actor to defy America and "choose to pick a fight" with a superpower. However, the Serbian reasoning was different: even if threatened by a superpower, Serbia could not surrender its most important symbol without a fight. As Serbia's Deputy Prime Minister said during the American arm-twisting at Rambouillet, "Serbia can lose Kosovo only if it is defeated by others who are stronger, and not through negotiations."<sup>67</sup>

For that reason, the American failure to coerce Serbia to surrender Kosovo peacefully confirms that coercive diplomacy can be a risky strategy, particularly when the strong contemplate coercing the weak:

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<sup>66</sup> Jane Perlez, "World of Difference Between Dayton and Kosovo Negotiations in France," *New York Times*, 18 February 1999, available from <http://www.nytimes.com/library/world/europe/021899kosovo-talks.html>, accessed 18 February 1999; Perlez, "Lessons of Balkans Applied to Kosovo."

<sup>67</sup> Serbia's Deputy Prime Minister Ratko Markovic quoted in "Kosovo Talks: Albanian Yes to Deal."

Coercive diplomacy is an attractive strategy insofar as it offers the possibility of achieving one's objective in a crisis economically, with little or no bloodshed, fewer political and psychological costs, and often with less risk of unwanted escalation than does traditional military strategy. But for this very reason coercive diplomacy can be a beguiling strategy. Particularly leaders of militarily powerful countries may be tempted sometimes to believe that they can, with little risk, intimidate weaker opponents to give up their gains and their objectives. But, of course, the militarily weaker side may be strongly motivated by what is at stake and refuse to back down, in effect calling the bluff of the coercing power.<sup>68</sup>

As is the case with other strategic surprises, there was enough information available to predict both Serbia's rejection of Rambouillet and the upcoming Serb offensive against the Albanians. However, the warning signs were dismissed or misinterpreted within the analytical framework used by the coercive peacemakers.<sup>69</sup>

Towards the end of February 1999, Kosovo's security situation began to deteriorate. Serbia was preparing for the upcoming war and was, therefore, increasing its military presence in Kosovo. Meanwhile, the Kosovo population had begun to flee in anticipation of the upcoming NATO air strikes: the Kosovo Serbs were concerned that the KLA would step up its attacks concurrent with the NATO air strikes, while the Albanians were worried about the Serb reprisals, since Belgrade had repeatedly warned it would retaliate against the Albanians if NATO attacked Yugoslavia.<sup>70</sup>

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<sup>68</sup> George, *Forceful Persuasion*, 6-7.

<sup>69</sup> For some theoretical considerations and case studies of strategic surprise attack, see Klaus Knorr and Patrick Morgan, eds., *Strategic Military Surprise: Incentives and Opportunities*, with contributions by Michael Doyle, Michael Handel, and Richard Betts (New Brunswick, N.J.; London: Transaction Books, 1983). See also Chapter Five, which gives more theoretical references and deals with the Serb strategic surprise attack on Bosnia in the spring of 1992.

<sup>70</sup> Ellen Knickmeyer, "Security Stepped Up, Fighting Reported in Kosovo," *Associated Press*, 20 February 1999, available from Lexis-Nexis Universe, accessed 20 May 2000; Rupert Cornwall and Raymond Whitaker, "On the Brink: All Eyes Are Fixed on Kosovo," *Independent* (London), 21 February 1999, available from Lexis-Nexis Universe, accessed 20 May 2000; Carlotta Gall, "Deadline in the Balkans: In Kosovo; Fearing Air Strikes on Province, and Neighbors' Reprisals," *New York Times*, 21 February 1999, available from Lexis-Nexis Universe, accessed 20 May 2000. As evident from the above and supported by first-hand media reports, the first flight from Kosovo started in late February 1999 in anticipation of the confrontation between Serbia and NATO. This flight coincided with the unsuccessful conclusion of the first round of peace talks at Rambouillet, during which it became clear that most likely there would be no agreement and that Serbia would not be able to avoid the NATO attack. The air strikes were launched after the unsuccessful conclusion of the peace talks at Rambouillet towards the end of March 1999, or about a month later after the events mentioned in this footnote and the text above. The Serbian threats of retaliation

Yet, Western officials dismissed the importance of the Serbian build-up in Kosovo. The military buildup had started in late February 1999, or a month before the final collapse of the Rambouillet talks and the launch of the NATO air strikes. Instead, Western officials interpreted Serbia's actions as a sign of forthcoming Serbian acceptance of Rambouillet. American officials believed that Belgrade wanted to wipe out the KLA to create new realities on the ground before it would agree to the NATO deployment.

Thus, towards the end of February 1999, Under Secretary of Defense Walter Slocombe warned Belgrade against attacking the KLA; his words did not, however, indicate any concern about Serbian preparations for what would be a sweeping offensive against the Albanian civilians:

The US and other Allies are carefully watching evidence of a build up of Serb forces in and near Kosovo. If Belgrade were foolish enough to attack the KLA in some deluded effort to destroy the Kosovar insurgency before an [Rambouillet] agreement took effect, Belgrade would meet with strong NATO military action.<sup>71</sup>

Western officials interpreted the Serbian actions of February 1999 as an attempt reminiscent of Serbia's 1998 summer offensive which had attempted to destroy the KLA (and their civilian support) before Belgrade consented to the October 1998 agreement negotiated by Holbrooke. Thus, they interpreted the worrisome information through the prism of past experience, coupled with their firm expectation that Milosevic would

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against the Albanians in the case of the NATO attack on Yugoslavia were ignored. One of the few Western scholars and excellent observers of the Balkans who understood well Milosevic's strategy and warned that the greatest ethnic cleansing would start only after the initiation of the air strikes was Jonathan Eyal, who nevertheless was supportive of the NATO action in Kosovo: Jonathan Eyal, "Analysis: Why Milosevic Is Defying NATO?" *BBC News*, 24 March 1999, available from [http://news.bbc.co.uk/1/hi/special\\_report/1998/kosovo2/302563.stm](http://news.bbc.co.uk/1/hi/special_report/1998/kosovo2/302563.stm), accessed 31 January 2004. For the Albanian expectation that signing the Rambouillet agreement might mean the escalating war in Kosovo, see an op-ed written by one of the Albanian negotiators at Rambouillet: Veton Surroi, "In Kosovo, War Is Peace," *New York Times*, 26 March 1999, available from <http://www.nytimes.com/yr/mo/day/oped/26surr.html>, accessed 26 March 1999.

<sup>71</sup> United States of America, Congress, Senate, Armed Services Committee, "Kosovo," Prepared Statement for Walter B. Slocombe, Under Secretary of Defense, *Federal News Service*, 25 February 1999, available from Lexis-Nexis Universe, accessed 30 May 2000.

eventually agree to Rambouillet. NATO Commander Wesley Clark would later acknowledge this miscalculation:

“We thought the Serbs were preparing for a spring offensive that would target KLA strongholds, which had also been reinforced in previous months...But we never expected the Serbs would push ahead with the wholesale deportation of the ethnic Albanian population.”<sup>72</sup>

Despite their obvious miscalculation and surprise, at the time Western leaders initially denied that the Serbian strategy had surprised them. They refused to admit that they had wrongly assumed that the threats of NATO air strikes would have imposed Rambouillet upon Belgrade. Instead, Western officials insisted that the NATO attacks had been launched based on the assumption that Serbia was preparing a major offensive.

And yet, evidence shows that the Western powers were mainly concerned about imposing a peace settlement rather than deterring the Serb offensive aimed at displacing the Kosovo Albanians. Even though the ominous Serb build up had started in late February 1999—thus, necessitating a Western response had the goal been primarily humanitarian--the Western Alliance refused to act until the Albanians had accepted the Rambouillet agreement in mid March 1999.<sup>73</sup>

As the ominous Serbian military build-up started in late February, James Rubin, State Department Spokesman, said the following:

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<sup>72</sup> General Clark cited in R. Jeffrey Smith and William Drozdiak, “Serbs’ Offensive Was Meticulously Planned,” *Washington Post*, 11 April 1999, available from Lexis-Nexis Universe, accessed 31 May 2000.  
<sup>73</sup> Jane Perlez, “Albright Rules Out Bombing if Both Sides Bar Pact,” *New York Times*, 22 February 1999, available from <http://www.nytimes.com/library/world/europe/022299kosovo-talks.html>, accessed 22 February 1999. See also Secretary Albright’s speech on “Worldnet,” quoted in Associated Press, “Milosevic Again Rejects NATO Troops,” *New York Times*, 10 March 1999, available from <http://www.nytimes.com/aponline/AP-Yugoslavia-Kosovo.html>, accessed 10 March 1999. See also the statement by Wesley Clark, NATO Supreme Commander, cited in Gabriel Partos, “Kosovo Talks: Round Two,” *BBC News*, 12 March 1999, available from [http://news.bbc.co.uk/1/hi/english/world/europe/newsid\\_294000/294995.stm](http://news.bbc.co.uk/1/hi/english/world/europe/newsid_294000/294995.stm), accessed 12 March 1999. For the Serbian military build-up around that time, see Craig R. Whitney, “Serbs Reinforce Kosovo Forces, Clouding Talks,” *New York Times*, 17 March 1999, available from <http://www.nytimes.com/library/world/europe/031799kosovo-talks.html>, accessed 17 March 1999.

“We have said very clearly that if the Serbs are responsible for the failure of agreeing to this two-part military and political package that they would be subject to air strikes but we can’t make that threat credible and give the Serbs the pressure that we would like to see them under so that they would agree unless the Kosovar Albanians do agree.”<sup>74</sup>

Such statements are inconsistent with later Western claims that their actions were based on the assumption that the Serbs were preparing to expel the Albanians, and support, instead, the argument that the Western leaders had miscalculated.

Furthermore, the miscalculation was obvious from the fact that the aid agencies were not prepared for the large numbers of the Kosovo refugees; there was a scarcity of food and shelter in the first few weeks. Speaking six days after the air strikes had been launched, U.S. officials admitted that the Administration was unprepared for the unfolding humanitarian disaster, since the prepositioned humanitarian aid had envisaged only 100,000 Kosovo refugees.<sup>75</sup>

Furthermore, the miscalculation was evident from official Western statements that made it clear that the Western objectives were changing as the initially declared objectives had turned out to be unattainable.

The initial Western objective had been to impose the Rambouillet settlement in order to prevent the Kosovo war between the Serbs and the Albanians. Thus, more than a month before the initiation of the air strikes, President Clinton said the following:

Bosnia taught us a lesson. In this volatile region, violence we fail to oppose leads to even greater violence we will have to oppose later, at greater cost. We must heed that lesson in Kosovo...If conflict persists, there likely will be a tremendous loss of life and a massive refugee crisis in the middle of Europe...If we wait until

<sup>74</sup> Rubin quoted in “Pressure Grows on Ethnic Albanians,” *BBC News*, 22 February 1999, available from [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_283000/283854.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_283000/283854.stm), accessed 22 February 1999.

<sup>75</sup> United States, Defense Department, Briefing, by Kenneth Bacon, *Federal News Service*, 30 March 1999, available from Lexis-Nexis Universe, accessed 31 May 2000; United States, Information Agency, Foreign Press Center, Briefing, “NATO Operation Against Federal Republic of Yugoslavia Military and Security Forces; Kosovo Humanitarian Crisis,” Briefing by James Pardew, Ambassador and Special Representative for Kosovo Implementation and Military Stabilization, *Federal News Service*, 30 March 1999, available from Lexis-Nexis Universe, accessed 31 May 2000.

casualties mount and war spreads, any effort to stop it will come at a higher price under more dangerous conditions. The time to stop the war is right now. With our NATO allies and Russia, we have offered a comprehensive plan to restore peace and return self-government to Kosovo. NATO has authorized air strikes if Serbia fails to comply with its previous commitment to withdraw forces and fails to support a peace accord.”<sup>76</sup>

However, as it became clear that the NATO air strikes had failed to impose a quick settlement and instead had precipitated a refugee crisis, Western officials then denied that their goal had been conflict prevention through the imposition of the Rambouillet agreement. Thus, a few days after the initiation of the air strikes, British Foreign Minister Robin Cook denied that the international objective had been to coerce Serbia into accepting Rambouillet:

The objective is not to bomb him [Milosevic] back to the negotiating table. And we could end the bombing if he came back to the negotiating table, but the objective is to make it more difficult for his military to carry out the repression we’re seeing in Kosovo.<sup>77</sup>

The worsened humanitarian situation in Kosovo caused Western leaders to have grave concerns about their reputations. After the first few days of the air strikes, as the humanitarian crisis unfolded, the Clinton team discussed “how to counter perceptions that NATO [had] miscalculated and the air campaign [had] helped unleash the crackdown.” President Clinton told his advisors to remind the Americans of the Serb behavior in

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<sup>76</sup> United States of America, President, Address, “Clinton on Kosovo: ‘We Can Make a Difference’,” *New York Times*, 14 February 1999, available from <http://www.nytimes.com/library/world/europe/021499kosovo-clinton-text.html>, accessed 18 February 1999. The text was a transcript of President Clinton’s weekly radio address. See also later statements issued on the occasion of the launch of air strikes, after it had become clear that Serbia would launch a major offensive, and the goal became to “deter” or “disrupt” the Serb attacks against the Albanians: North Atlantic Treaty Organization (NATO), Press Statement by Dr. Javier Solana, Secretary General of NATO, NATO Press Release (1999) 040, 23 March 1999, available from <http://www.nato.int/docu/pr/1999/p99-040e.htm>, accessed 2 May 2000; United States of America, President, Statement, “President Clinton’s Address on Airstrikes [sic] Against Yugoslavia,” *New York Times*, 24 March 1999, available from <http://www.nytimes.com/library/world/europe/032599clinton-address-text.html>, accessed 26 March 1999.

<sup>77</sup> Robin Cook in “Strike Against Yugoslavia: Robin Cook Discusses the NATO Mission,” *CNN*, 3:30 pm ET, 27 March 1999, Transcript # 99032713V27, available from Lexis-Nexis Universe, accessed 31 January 2004.

Bosnia and “to make the public case that the current crackdown would have happened whether or not NATO’s air campaign had happened.”<sup>78</sup>

Thus, the revised Western position on Kosovo emerged: the peacemaking had been “built on the assumption” that Serbia was planning to launch an offensive against the Albanians.<sup>79</sup> Denying any charge that the NATO attack might have aggravated the conflict, American officials argued that the crackdown had been underway before NATO launched its air strikes and that the repression of Albanians would have intensified anyway. According to NATO Commander General Wesley Clark:

“Whether we bombed or not, Milosevic would have done this... There was clearly a long-term plan worked out many months ago. We saw preparation well underway even before last month’s peace negotiations, and they swung into high gear within the past two weeks.”<sup>80</sup>

A few weeks later it would be claimed that the proof that the violent expulsion had been pre-meditated lay in the existence of the Serbian plan to cleanse out Kosovo under the code name “Horseshoe,” and that the Western intervention, therefore, did not provoke the Serbian aggressive strategy towards the Albanians. The revelation of the “Horseshoe” plan originated with Bulgarian intelligence and the German Government. The German leaders were embarrassed by the NATO campaign and wanted to counter rising criticism at home by emphasizing the humanitarian aspects of the NATO campaign as well as the inevitability of the conflict’s escalation.<sup>81</sup>

<sup>78</sup> Thomas W. Lippman and John F. Harris, “U.S. ‘Stealth’ Fighter Shot Down,” *Washington Post*, 28 March 1999, available from [wysiwyg://307/http://www.washingtonpost.com/p-srv/inatl/longterm/balkans/balkans.htm](http://www.washingtonpost.com/p-srv/inatl/longterm/balkans/balkans.htm), accessed 27 March 1999.

<sup>79</sup> Lippman and Harris, “U.S. ‘Stealth’ Fighter Shot Down.”

<sup>80</sup> General Clark quoted in William Drozdiak, “Wave of Refugees Stirs Fears Of a New Balkan Nightmare,” *Washington Post*, 29 March 1999, available from <http://www.washingtonpost.com/wp-srv/inatl/daily/march99/wave032999.htm>, accessed 29 March 1999.

<sup>81</sup> “German Foreign Minister Says Belgrade Had Long Planned Kosovo Action,” *BBC Monitoring Europe – Political*, 6 April 1999, available from Lexis-Nexis Universe, accessed 31 May 2000. For later criticism that claimed that “Horseshoe” plan even did not exist, see “German Lawmakers Say Minister Misled Them Over Kosovo: Newspapers,” *Agence France Presse*, 30 March 2000, available from Lexis-Nexis Universe, accessed 31 May 2000; John Goetz and Tom Walker, “Serbian Ethnic Cleansing Was a Fake, Says

Meanwhile, the Serbian elites engaged in a different interpretation of the events that, nevertheless, revealed a similar pattern of thinking: the NATO campaign had been meticulously prepared and, Serbians argued, the existence of NATO planning indicated that NATO would have bombed Serbia even if Belgrade had accepted the Western demands and even if there had been no humanitarian emergency in Kosovo. Arguing that Serbia was bombed because of Belgrade's resistance to the American design for worldwide hegemony, a retired Serb general argued as follows:

NATO has repeatedly asserted that it reacted to humanitarian emergency on 24 March, showing mass flight of refugees of 25 March, while its maps already had 2,400 identified targets in SRJ [Yugoslavia]...that had to be bombed. To discover precise location of such high number of targets, it was necessary to spend at least five years of precise spy work, technical intelligence, and missile and bomb programming. That means that the intelligence work to identify targets must have started no later than 1994, and then began the search for the reasons that would be used to justify aggression [against Yugoslavia].<sup>82</sup>

The Serbian side denied the existence of a plan to expel the Albanians. Instead, Belgrade claimed that the Albanians were fleeing from the NATO attacks, or that the NATO intervention had "radicalized" the Serbs, leading to the Serb hatred and the spontaneous revenge against the Albanians.<sup>83</sup>

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General," *Sunday Times* (London), 2 April 2000, available from Lexis-Nexis Universe, accessed 30 May 2000.

<sup>82</sup> Dušan Pekić, "Godinama pripremana agresija" (Aggression prepared for years), *Politika* (Politics) (Belgrade), 30 June 1999, available from [http://www.politika.co.yu/politika/izbor/izb\\_03c.htm](http://www.politika.co.yu/politika/izbor/izb_03c.htm), accessed 8 January 2000; translated from Serbian by the author of this study. The Serbian argument that NATO bombed Serbia in order to affirm American hegemony throughout the world was later taken over by Marxist scholars; see, e.g., Diana Johnstone, "Nato and the New World Order: Ideals and Self-Interest," in *Degraded Capability: The Media and the Kosovo Crisis*, ed. Philip Hammond and Edward S. Herman, (London; Sterling, Va.: Pluto Press, 2000), 13, 16-17; Tariq Ali, "After the War," Introduction to *Masters of the Universe? NATO's Balkan Crusade* (London, New York: Verso, 2000), xvii. For more on the Marxist criticism of the Kosovo intervention, see Chapter One.

<sup>83</sup> Serbs and those having affinity to their plight blamed NATO for provoking, with its intervention, the Serbs' radicalization and rage directed against the Albanians. For example, Vuk Draskovic, the charismatic leader of the Serbian opposition, who also became Yugoslav Deputy Prime Minister during the Kosovo war, told CNN that "NATO produced incredible hatred Serbs against Albanians and the Albanians against Serbs." "Strikes Against Yugoslavia: Day 27 Delivers More Bombs, More Refugees," *CNN*, 11:30 am ET, 19 April 1999, transcript # 99041900V10, available from Lexis-Nexis Universe, accessed 31 May 2000.

Contrary to the Serbian assertions above, the speed and extensiveness of the campaign to expel the Albanians, in addition to interviews with Serb veterans, suggested a systematic, well-planned effort on the part of the Belgrade authorities to depopulate Kosovo rather than a spontaneous reaction and uncoordinated Serb actions responding to the NATO attacks.<sup>84</sup> Hence, there must have existed a plan to expel the Albanians, whether under the code name “Horseshoe” or some other name. However, the question still remains whether the existence of the “Horseshoe” military plan constitutes sufficient proof to argue that the campaign against the Albanians would have happened whether or not NATO had launched air strikes against Yugoslavia.

This study believes that if NATO had not attacked, the “Horseshoe” plan would not have become operational, and Belgrade might not have engaged in its whole-scale deportation of the Albanians. However, Belgrade would still have continued with its war against the KLA, killing and displacing the Albanian civilians in the process. Thus, there is some relevance in the words of NATO Secretary-General Javier Solana who said that, before the NATO intervention, Serbia was cleansing “a village a day.”<sup>85</sup>

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<sup>84</sup> Smith and Drozdak, “Serbs’ Offensive Was Meticulously Planned;” John Daniszewski, “Sunday Report: Evidence Details Systematic Plan of Killings in Kosovo; As More Graves Are Discovered Daily, A Times Investigation Finds that the Terror Against Ethnic Albanians Was Premeditated and Worse Than Suspected,” *Los Angeles Times*, 8 August 1999, available from Lexis-Nexis Universe, accessed 30 May 2000; “Documents Link Milosevic to Kosovo Killings,” *Deutsche Presse-Agentur*, 27 June 1999, available from Lexis-Nexis Universe, accessed 31 May 2000; Paul Watson, “Saturday Journal; Serbian Veterans Recount Their side of Kosovo War; Fear and Frustration Haunt Them—But Their Consciences Are Clear. They Say They Didn’t Massacre Civilians,” *Los Angeles Times*, 14 August 1999, available from Lexis-Nexis Universe, accessed 31 May 2000.

<sup>85</sup> The expression itself comes from Serbian diplomats who used to boast, before the NATO involvement, as follows: “A village a day keeps NATO away.” In other words, before the NATO intervention, Serbia had been accomplishing its objectives in Kosovo by engaging in low-intensity operations, while feeling reassured that a low-level of violence would not trigger an outside intervention. See Javier Solana’s words in Barton Gellman, “The Path to Crisis: How the United States and Its Allies Went to War,” *Washington Post*, 18 April 1999, available from <http://www.washingtonpost.com/wp-srv/Wplate/199904/18/0311-041899-idx.html>, accessed 18 April 1999; John F. Harris, “Despite ‘Lessons,’ Clinton Still Seen Lacking Strategy,” *Washington Post*, 27 March 1999, available from Lexis-Nexis Universe, accessed 31 January 2004.

Had NATO not intervened, Serbia would have most likely continued to cleanse “a village a day,” while the KLA would have persisted in its fight for independence. The conflict would have resumed at a low-level for quite some time, as long as Serbia continued to fear that large-scale operations would draw in the Western military involvement. After all, this had been the Serb strategy in Croatia, in the summer of 1991, when the threats of early Croatian recognition should violence resume had led Belgrade to switch from high-intensity military operations to a low-intensity conflict.<sup>86</sup>

In other words, it should not be presumed—as much as intervention worsened the situation in Kosovo—that non-intervention would have meant peace in Kosovo, as believed by some critics of the NATO intervention, with whom this study disagrees.<sup>87</sup>

Nonetheless, the fact that the Kosovo conflict would likely have continued and escalated without Western military involvement should not obscure this fact: a particular decision of Western leaders acted as a trigger for conflict escalation, a point that has often been rejected by proponents of the Kosovo intervention.

Testifying at hearing of the U.S. Senate’s Committee on Foreign Relations, Robert Kagan of the Carnegie Endowment for International Peace argued that it would have been necessary to “credibly threaten military force in the early stages of a crisis, before a potential adversary [had] completed preparations for the attack that they [intended] to carry out.”<sup>88</sup>

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<sup>86</sup> For the detailed argument and references, see Chapter Three.

<sup>87</sup> Noam Chomsky, *The New Military Humanism: Lessons From Kosovo* (Monroe, Maine: Common Courage Press, 1999).

<sup>88</sup> Kagan as cited in United States of America, Congress, Senate, Foreign Relations Committee, “Failure of U.S. Diplomacy in Kosovo: Hearing of Senate Foreign Relations Committee,” chaired by Senator Sam Brownback (R-KS), witnesses: Ivo Daalder, Senior Fellow, Brookings Institution; Robert Kagan, Senior Associate, Carnegie Endowment for International Peace, *Federal News Service*, 28 September 1999, available from Lexis-Nexis Universe, accessed 15 June 2000.

Thus, Kagan believed that NATO should have carried out a limited air campaign in October 1998, when Serbia had fewer forces in Kosovo and could not, therefore, have carried out the “Horseshoe” operation. By the time the NATO air strikes were initiated, Serbia had introduced fresh forces into Kosovo, and the limited air campaign, which would have worked in October 1998, according to Kagan, proved insufficient to deter the Serbian campaign in the spring of 1999.<sup>89</sup> Kagan thus concluded:

Had the United States employed force in October [1998] to enforce an ultimatum to Milosevic, the full extent of the catastrophe of the spring of 1999 might well have been avoided.<sup>90</sup>

Kagan’s interpretation illustrates the resistance to the idea that the Western intervention might have provoked the Serb attacks against the Albanians. Instead, Kagan suggests that the Serbian campaign reflected Belgrade’s predetermined will to expel Kosovo’s Albanians, irrespective of any Western threats addressed at Serbia. That opinion has gained considerable popularity, especially among the proponents of the Kosovo intervention.<sup>91</sup>

However, evidence indicates that Serbia’s military build-up was Belgrade’s response to the Western threats. The build-up started in late February 1999, as soon the Rambouillet negotiators had introduced the clause permitting Kosovo’s independence referendum and Belgrade had concluded it would not be possible to have an agreement that would preserve its sovereignty over Kosovo.<sup>92</sup> Almost immediately, Pentagon

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Wesley Clark’s *Waging Modern War* is the most comprehensive account in support of this argument that gained popularity; see, in particular, Clark, pp. 419-423. However, the study cites from Robert Kagan’s testimony rather than from Clark’s book for the sake of brevity.

<sup>92</sup> For the introduction of the clause that references an Albanian referendum, see Jane Perlez, “Kosovo Albanians, in Reversal, Say They Will Sign Peace Pact,” *New York Times*, 24 February 1999, available from <http://www.nytimes.com/library/world/europe/022499kosovo-talks.html>, accessed 24 February 1999.

sources reported that Serbia began to amass troops and heavy weapons on its border with Kosovo.<sup>93</sup>

When, two weeks later, the Albanians finally accepted the Rambouillet agreement--thereby clearing the way for the NATO air strikes--American intelligence reported new ominous developments in and around Kosovo. The military build-up in Kosovo now included 30,000 Serbian troops and heavy M-84 tanks.<sup>94</sup> By 16 March 1999, the CIA had warned the American policymakers of the looming Serb offensive. Later the intelligence community would argue that Operation "Horseshoe" started as soon as the Albanians signed the agreement, in mid March 1999.<sup>95</sup>

The Serbian military build up and the subsequent offensive were Belgrade's response to the Western threats: therefore, it does not make sense to argue that Belgrade's sweeping offensive against the Albanians would have been prevented if America had bombed Serbia several months earlier. Namely, Kagan and like-minded authors assume that an early intervention would have prevented what was, in fact, the Serbian response to the later threats and the NATO intervention. Logic would suggest that an earlier NATO intervention would merely have provoked an earlier Serbian offensive.

This also means that some scholars or policy-makers have not understood the limits and risks of coercion, despite the warnings of Alexander George, who has demonstrated that coercive diplomacy can provoke a surprise attack:

It is sometimes assumed that the strategy of coercive diplomacy is certain to succeed if only the demands one makes on an opponent, however far-reaching they are, are backed by an unmistakably credible threat of severe punishment. The case of U.S.-Japanese relations leading to Pearl Harbor reveals that this

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<sup>93</sup> "En cas d'offensive serbe, l'OTAN frapperà," *Agence France Presse*, 25 February 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwy://63/http://www.afp.com/ext/francais/lemonde/dos2/990225224003.lv8fzsbb.html](http://www.afp.com/ext/francais/lemonde/dos2/990225224003.lv8fzsbb.html), accessed 25 February 1999.

<sup>94</sup> "Kosovo Talks: Albanian Yes to Deal;" Whitney, "Serbs Reinforce Kosovo Forces, Clouding Talks."

<sup>95</sup> Gellman, "The Path to Crisis: How the United States and Its Allies Went to War."

assumption rests on a dangerously oversimplified and distorted understanding of coercive diplomacy and that it ignores some of the most important risks of strategy. In fact, the oil embargo the United States imposed on Japan in July 1941 was so credible and so potent that it quickly provoked Japanese leaders into making a very difficult and desperate decision to initiate war rather than capitulate to Washington's extreme demands that it get out of China and, in effect, give up its aspirations for regional hegemony in Southeast Asia.<sup>96</sup>

Some may dispute George by pointing out that the American-Japanese war would have taken place regardless of Washington's coercive diplomacy, given Japan's militarism and its expansionist goals. These critics may be correct as to the point of the war's inevitability in view of the geopolitical circumstances. However, their point does not disapprove the argument that it was American coercive diplomacy that, having placed extreme pressures upon Japan—unacceptable because of the Asian cultural belief in the importance of saving one's face—actually did lead to one particular decision, or the Japanese decision to attack the United States.<sup>97</sup> According to George,

The ambitious objective of the coercive diplomacy pursued by the United States had backed the Japanese government into a corner without leaving it an acceptable way out. With its highest imperialist aspirations at stake, the Japanese government chose the desperate, low-confidence strategy of war with the United States.<sup>98</sup>

Likewise, one can argue that the Kosovo and Bosnian wars, as well as the civilian displacement which resulted, were inevitable in view of the disputants' irreconcilable positions and feelings of insecurity. Even if there had been no outside intervention, the Kosovo conflict would have worsened over time, and the Bosnian war would have raged, with or without Bosnia's premature recognition. However, these realities are not

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<sup>96</sup> George, *Forceful Persuasion*, 19. In 1941, Japan was importing about 80% of its oil supplies from the United States. Therefore, its leaders were faced with the decision either to give in to the American demands—which they found unacceptable on account of face saving—or else initiate a war as soon as possible, while Japan still had enough oil supplies for the war effort. *Ibid.*, 20.

<sup>97</sup> *Ibid.*, 22-23. The surprise attack on Pearl Harbor, argues George, is the result of a failure of coercive diplomacy that “provoked the adversary into a decision for war.” George does not see this attack as the result of the failure of deterrence. *Ibid.*, 20-21.

<sup>98</sup> *Ibid.*, 21-22.

inconsistent with the fact that Washington, on two separate occasions, miscalculated and provoked the same target, Serbia, into a deliberate conflict escalation that included a major ethnic cleansing campaign: in Bosnia in 1992, and in Kosovo in 1999.<sup>99</sup>

There is good reason to suppose that Serbia was using the same strategy in Kosovo (1999) as it had in Bosnia (1992), particularly since its Bosnian strategy had worked to its benefit.

In 1992 Washington recognized Bosnia in order to prevent a war over new borders; however, the Serbs responded by escalating the conflict and eventually accomplished their objective. America did not follow up with any policy after its early recognition failed to deter the Serbs, while the Bosnia conflict escalation forced the Western powers to return to the negotiations on Bosnia's division, the negotiations that had been abandoned in exchange for Bosnia's recognition.

Thus, by escalating the Kosovo conflict and producing a humanitarian catastrophe, Belgrade's goal had most likely been to force the Western powers to return to the negotiating table, where the previous unacceptable demands could be watered down and made more palatable to Belgrade.

Moreover, the criticism generated in Western capitals seemed to have gone the direction that Serbia would have liked, indicating a partial success of the Serbia's replayed strategy. Western governments grew increasingly embarrassed because the Rambouillet diplomacy had failed to prevent the conflict, while NATO seemed unable, in the short term, to reverse the conflict escalation and ethnic cleansing in Kosovo. Hence,

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<sup>99</sup> For the Bosnian miscalculation, see Chapter Five.

some urged Washington to end the air strikes and renegotiate the Rambouillet settlement, including the composition of the peace force acceptable to Serbia.<sup>100</sup>

Accordingly, very soon after initiating its campaign against the Albanians, Serbia offered to end the confrontation, return to the negotiating table, and permit the return of refugees, but only if the NATO allies ended the air strikes and their support for the Albanians. However, the United States rejected, on several occasions, Milosevic's offer to end the air strikes and return to the negotiating table, even after Serbia had unilaterally declared a cease-fire. Instead, the NATO allies said that they would not renegotiate the Rambouillet agreement and declared that the bombing would proceed until President Milosevic had agreed to the Western "non-negotiable" demands.<sup>101</sup>

Underlying this Western rejection of the Serb offer was the credibility concern: Western leaders had demonized Milosevic, and could not afford to let themselves appear weak and negotiate with the leader they had dubbed another "Hitler."

"My sense is that there is not the slightest chance of doing business with Milosevic anymore," said a senior U.S. diplomat in Europe, "but we are

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<sup>100</sup> For example, after several weeks of air strikes, Clifford Bob of the Kennedy School of Government, Harvard University, told CNN that the Clinton Administration had miscalculated by embracing Albanians at Rambouillet, that it was wrong of NATO to initiate the air strikes, and that negotiations could have succeeded because the NATO's and Serbia's positions had not been that far apart when the strikes were initiated. Clifford Bob correctly pointed out that the Serbs had accepted an international presence in Kosovo, but that the major disagreement had been over the composition of the international peacekeeping force, with Serbia refusing a NATO force. According to the Harvard scholar, the United States had made a mistake in opting for the bombing instead of bringing the UN into the Rambouillet peace talks to negotiate a UN force for Kosovo. However, in the view of this study, Bob's criticism fails to take into account that such an agreement would not have been possible because the Albanians would not have accepted the UN troops (they explicitly requested NATO forces), and that a UN peace-keeping deployment against the disputants' wishes would not have been a wise course of action in view of the UN's frustrations with its mission during the Bosnian war. For Clifford Bob's argument, see "Strikes Against Yugoslavia: Day 27 Delivers More Bombs, More Refugees." For an excellent analysis of Milosevic's strategy, see Eyal, "Analysis: Why Milosevic Is Defying NATO?" Eyal had correctly predicted Milosevic's strategy even before the launch of the strikes—that Serbia would escalate the campaign against the Albanians, thereby hoping for an end of the air strikes and for the start of new negotiations more favorable to Belgrade.

<sup>101</sup> "Milosevic Talks Offer 'Unacceptable'," *BBC News*, 31 March 1999, available from [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_308000/308089.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_308000/308089.stm), accessed 30 March 1999; "Strike Against Yugoslavia: President Clinton and NATO Rebuff Yugoslav Offer of Cease-fire; Exodus From Kosovo Overwhelms Aid Efforts," *CNN*, 22:00 pm ET, 6 April 1999, transcript # 99040607V54, available from Lexis-Nexis Universe, accessed 31 May 2000.

desperately hoping that there is some other answer. Because if we can't talk to him, we have to defeat him and remove him."<sup>102</sup>

In conclusion, the Western leaders had seriously miscalculated. Rather than preventing the bloodshed—the stated objective behind their desire to impose the Rambouillet settlement on Serbia—the intervention had provoked Belgrade to step up its attacks against the Albanians: the result had been a whole-scale, forcible deportation of Albanian civilians at gunpoint.<sup>103</sup> Four days after the air strikes were launched against Belgrade, NATO Spokesman Jamie Shea declared that the international community was facing “a major humanitarian disaster...the likes of which we have not seen in Europe since the closing days of World War II.”<sup>104</sup>

The Serbian strategic attacks against the Albanians, which surprised Western leaders, might have been the strategy of the Serbian dwarf fighting off the military giants, while preserving a sense of honor by refusing to give up its cultural symbol: Kosovo. Nonetheless, the Western powers could not return to negotiations with Serbia out of concern for preserving their credibility; instead they opted to defeat Serbia, without much conviction on their part, while Kosovo's Albanians continued to flee from Kosovo.

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<sup>102</sup> Roger Cohen, “West Ponders How to Make a Demonized Milosevic Into a Savior of Peace,” *New York Times*, 30 March 1999, available from <http://www.nytimes.com/library/world/europe/033099kosovo-milosevic.html>, accessed 30 March 1999.

<sup>103</sup> For details regarding the well-planned campaign to expel Kosovo's Albanians (forced deportation, such as Serb forces ordering Albanians to collect their belongings and leave; Serb confiscation of refugees' documents in order to prevent Albanian return to Kosovo; wide-spread murder, torture, or rape), see “Annex I: Documentation on Human Rights Violations,” in Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford, New York: Oxford University Press, 2000), 301-318.

<sup>104</sup> Shea quoted in George Jahn, “NATO Calls Serb Assault ‘Genocide’,” *Washington Post*, 28 March 1999, available from <http://search.washingtonpost.com/wp-srv/WAPO/19990328/V000843-032899-idx.html>, accessed 28 March 1999.

### Coaxing the Albanians into the Rambouillet Agreement

The underlying premise of the Rambouillet diplomacy was that the international community would not only coerce the Serbs but that it would also enforce its will upon the Albanians. The international community would come up with a compromise that allegedly reconciled the positions of the both sides while, in fact, reflecting the basic Western interest in achieving peace and stability.

Thus, the Serbs and the Albanians were urged to accept an “interim” settlement that postponed the hard issue at the heart of dispute—Serbian sovereignty over Kosovo or Albanian independence—for later times. It was hoped that the government in Belgrade would change in a few years, and that the Albanians would be willing to accept an autonomous arrangement under a democratic Belgrade government. As explained by an anonymous French official, the West did not want to see the emergence of a “Greater Albania” and hoped that Kosovo would eventually agree to remain under the Belgrade sovereignty: “We want substantial autonomy for Kosovo within Serbia for a determined period of, say, three years, which will allow time to reach a permanent settlement.”<sup>105</sup>

Thus, NATO pressured the Albanians into accepting an agreement that did not guarantee Kosovo’s eventual independence, even though the agreement did not explicitly reject it either. For this reason, the same NATO statement that threatened the Serbs with

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<sup>105</sup> French official quoted in Craig R. Whitney, “NATO Authorizes Attack if Serbs Shun Talks,” *New York Times*, 31 January 1999, available from <http://www.nytimes.com/library/world/europe/013199kosovo-nato.html>, accessed 1 February 1999. See also Clark, *Waging Modern War*, 121-122, 128. For a different view, which insisted that the international community should sponsor Kosovo’s move towards independence, see International Crisis Group (ICG), “Kosovo: Bite the Bullet: A Strategy To Resolve the Kosovo Crisis.” “Bite the Bullet” is linked to another ICG report which argues in favor of Kosovo’s eventual independence: International Crisis Group (ICG), “Intermediate Sovereignty As a Basis For Resolving the Kosovo Crisis,” 9 November 1998, available from <http://crisisweb.org/home/index.cfm?id=1596&l=1>, accessed 1 February 2004.

air strikes also stated that the Alliance would reach the decision on bombing Serbia based on the Kosovo Albanian attitude towards the Rambouillet negotiations.<sup>106</sup>

The NATO Secretary General will take full account of the position and actions of the Kosovar leadership and all Kosovar armed elements in around Kosovo in reaching his decision on military action [against Serbia]. NATO will take all appropriate measures in case of a failure by the Kosovar Albanian side to comply with the demands of the international community.<sup>107</sup>

In other words, if the Albanians proved uncooperative at the Rambouillet talks, NATO would not launch air strikes against Serbia and would seek to cut the arms flow to the KLA through Albania, possibly by deploying a force into Albania. In addition, NATO officials told the media that they would obstruct the KLA communications and logistics, as well as close the KLA bank accounts.<sup>108</sup>

“We will not allow ourselves to be pushed into serving as the air force of the KLA,” a senior European diplomat said. “We have to find ways to maximize pressure on both sides to reach a political settlement.”<sup>109</sup>

The Albanians proved as resistant as the Serbs to Rambouillet: they refused to sign the agreement in the absence of some promise of independence. Frustration increased among both the European and American negotiators. The American officials were “flabbergasted” by “the spectacle of the little-known rebels holding the United States at bay” and rejecting an agreement that Washington believed was beneficial to the Albanians.<sup>110</sup> They felt offended that Demaci, a top KLA leader and a former dissident, would dare to say “no” to American Secretary Madeleine Albright:

<sup>106</sup> NATO Press Release (99) 12, 30 January 1999.

<sup>107</sup> Ibid.

<sup>108</sup> Steven Erlanger, “Kosovo Negotiators Will Look to Impose a Quick Settlement,” *New York Times*, 4 February 1999, available from <http://www.nytimes.com/library/world/europe/020499kosovo-talks.html>, accessed 4 February 1999.

<sup>109</sup> Smith and Drozdiak, “NATO Approves Strikes in Yugoslavia.”

<sup>110</sup> Jane Perlez, “Talks on Kosovo Near Breakdown; Deadline Is Tuesday,” *New York Times*, 23 February 1999, available from <http://www.nytimes.com/library/world/europe/022399kosovo-talks.html>, accessed 23 February 1999. It should be noted that it was not only Albright who exerted pressure upon the Albanians to sign before NATO would act against the Serbs; see the previously quoted statements of other American

“Here we had the secretary of state being stiffed by someone no one has ever heard of...I guess he decided that since [he] stood up to Tito, he could say no [to Albright].”<sup>111</sup>

The U.S. officials assumed they could induce the weak Albanians to accept Rambouillet by promising a peace under the protective wing of a superpower. Their surmise was that the Albanian leaders, once exposed to the American coaxing, would strike a deal with the Rambouillet negotiators. The Americans repeated their error when they had calculated Milosevic’s likely response to Western pressure to give up Kosovo: the Americans assumed that Kosovo Albanian leaders had no need to defend the objectives of their constituencies in Kosovo.

Nevertheless, a peace and stability without independence was not the Albanian objective; their leaders could not accept an agreement without some promise of eventual independence. Professor Paul Williams of the American University, who served as an advisor to the Albanian delegation, told the media that the Albanians had difficulty in signing the agreement because they had “particularly sensitive constituencies and they wanted to be sure they were taking a step forward [towards independence], not backward.”<sup>112</sup>

The Western idea had been that the international community would be in charge of deciding what the eventual agreement would be without needing to offer any firm commitment to insure either Yugoslavia’s territorial sovereignty in order to win over Belgrade or Kosovo’s independence in order to attract the Albanian support. However,

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officials, such as State Department’s Spokesman James Rubin (in ‘Pressure Grows on Ethnic Albanians’) or by NATO Commander Wesley Clark.

<sup>111</sup> Anonymous American official quoted in R. Jeffrey Smith, “Analysis: Albanian Intransigence Stymied Accord,” *Washington Post*, 24 February 1999, available from <http://www.washingtonpost.com/wp-srv/inatl/daily/feb99/policy24.htm>, accessed 24 February 1999. See also “Madeleine Albright s’est prise à son propre piège,” *Agence France Presse*, 24 February 1999, available from the website of *Le Monde* (Paris), L’actualité en continu avec l’AFP: [wysiwyg://11/http://www.afp.com/ext/francais/lemonde/dos2/990224163105.4unvg7dp.html](http://www.afp.com/ext/francais/lemonde/dos2/990224163105.4unvg7dp.html), accessed 24 February 1999.

<sup>112</sup> Professor Williams quoted in Smith, “Analysis: Albanian Intransigence Stymied Accord.”

the Western idea of coercing both sides into an interim settlement that offered neither side a promise of winning its objective would prove to be an unworkable compromise rejected by both Belgrade and the Kosovo Albanians.

In order to salvage the agreement, and possibly her prestige, Secretary Albright permitted a change to the agreement that tilted the balance towards the Albanians. Thus, towards the end of February 1999 a clause was introduced that would permit a referendum on Kosovo's independence:

Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts, regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.<sup>113</sup>

By introducing "the will of the people," the agreement's terms now slightly favored the Albanians, without binding the international community to sponsor Kosovo's transition to independence. The carefully drafted paragraph does not make the result of the referendum legally binding upon either Belgrade or the international community: it only represents a rhetorical attempt to bridge deep-seated differences with ambiguity while leaving the Western powers in the role of final interpreter as to what the agreement would eventually mean.

Despite Albright's pressure and the introduction of the referendum clause, in late February 1999, the Albanians refused to sign the agreement.<sup>114</sup> The Albanian leaders did

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<sup>113</sup> Chapter 8, Art. I.3 of the "Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accords)," pp. 52-53. Emphasis added in underlying by the author of this study.

<sup>114</sup> Jane Perlez, "No Winner at Kosovo Peace Talks, and Albright Seems to Lose Prestige," *New York Times*, 25 February 1999, available from <http://www.nytimes.com/library/world/europe/022599kosovo-assess.html>, accessed 25 February 1999.

not feel sufficiently reassured, particularly when some French diplomats publicly rejected the idea of Kosovo's independence being guaranteed by the agreement.<sup>115</sup>

The KLA leaders withdrew from the Rambouillet talks, while the rest of the Albanian delegation gave its conditional approval, arguing it would need two weeks to consult its constituencies.<sup>116</sup>

Nonetheless, further Western pressure and statements promising a military intervention against the Serbs in the case of the Albanian acceptance of Rambouillet eventually made the Albanians sign the agreement in mid-March 1999.<sup>117</sup>

Meanwhile, as soon as the referendum clause was introduced at Rambouillet in late February 1999, Serbia started its military build-up along Kosovo's border. The violence erupted two weeks later, after the Albanians had finally signed the agreement; the Serbian campaign against the Albanians accelerated with the onset of the NATO air strikes on Belgrade, initiated on 24 March 1999.<sup>118</sup>

In his address to the nation, President Clinton justified the air strikes against Serbia by pointing to the American moral responsibility towards Albanians:

Remember, we asked them to accept peace and they did. We asked them to promise to lay down their arms and they agreed. We pledged that we, the

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<sup>115</sup> See French officials' statements in "Serbes et Kosovars se sont rapprochés d'un accord," *Agence France Presse*, 23 February 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwy://23http://www.afp.com/ext/francais/lemonde/dos2/990223200907.vjpy9jdg.html](http://www.afp.com/ext/francais/lemonde/dos2/990223200907.vjpy9jdg.html), accessed 23 February 1999.

<sup>116</sup> Perlez, "Talks on Kosovo Near Breakdown;" Perlez, "Kosovo Albanians, in Reversal, Say They Will Sign Peace Pact;" "UCK: L'indépendance dépend de la 'résolution' des Kosovars," *Agence France Presse*, 25 February 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwy://56http://www.afp.com/ext/francais/lemonde/dos2/990225192836...html](http://www.afp.com/ext/francais/lemonde/dos2/990225192836...html), accessed 25 February 1999.

<sup>117</sup> William Claiborne and R. Jeffrey Smith, "Kosovo Pact Appears More Uncertain: Hopes High That Ethnic Albanians Will Sign, But Milosevic Expected to Remain Intractable," *Washington Post*, 13 March 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-03/13/0751-031399-idx.html>, accessed 13 March 1999; "Kosovo Talks: Albanian Yes to Deal;" Surroi, "In Kosovo, War Is Peace." See also statements by NATO and U.S. State Department (Rubin) quoted in this study previously, which demonstrate that the NATO Allies had encouraged the Albanians to sign the Rambouillet agreement before the Alliance would decide to bomb the Serbs.

<sup>118</sup> Whitney, "Serbs Reinforce Kosovo Forces, Clouding Talks."

United States and the other 18 nations of NATO would stick by them if they did the right thing. We cannot let them down now.

Imagine what would happen if we and our allies instead decided just to look the other way as these people were massacred on NATO's doorstep. That would discredit NATO, the cornerstone on which our security has rested for 50 years now.<sup>119</sup>

Western involvement has often been sought by weaker disputants: first by the Slovenes and the Croats, and later by the Bosnian Muslims and the Albanians. Their assumption had been that the outside involvement would help resolve their problems with the stronger Serbs to their benefit, and with fewer costs on their part. The Bosnian Muslims and Albanians had felt reassured by the outside involvement, believing they were enjoying the protection of a benevolent superpower in their drive for independence.

However, the plight of the Albanians in 1999, as that of the Bosnian Muslims following America's early Bosnia recognition in 1992, brings into question the wisdom of the assumption that outside involvement should be desired by either the weaker disputants or the outside parties themselves. When coercive peacemaking fails, and the weak are exposed to the attacks of the stronger disputants, they may discover that the protection from powerful states which they had expected would, instead, either not be forthcoming or would be only faint-hearted and inadequate.

After all, in 1992 Washington did not take any military action when America's early recognition policy failed to coerce the Serbs, provoking the strategic surprise attack on Bosnia instead. By 1999, America's refusal to become militarily involved had changed: coercive peacemaking was, by then, being conducted under the intense scrutiny of the international media and against the upcoming NATO celebration. As a result, this time America and its European Allies chose to intervene on the side of the weak

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<sup>119</sup> USA, President, "President Clinton's Address on Airstrikes Against Yugoslavia." See also Albanian demands that the NATO fulfill its promises: Surroi, "In Kosovo, War Is Peace."

disputant (the Albanians), but they did so only reluctantly and inefficiently, since there was little at stake except the credibility of both NATO and the Western statesmen.

These weak interests may have been enough to make Western leaders launch and conduct a limited air campaign that offered a promise of what looked to be an easy, cheap solution, creating the impression that something was being done without running the risk of Western casualties. Serbia, it was understood, was in too weak a position to retaliate against the Western powers. However, the credibility concerns were not enough to motivate the Western leaders to conduct the military campaign in a manner that might place their pilots in harm's way as they took actions to disrupt the ethnic cleansing on the ground. Involvement in a ground war, creating the prospect of casualties and criticism at home, was of course ruled out at the very beginning.

The NATO leaders were more concerned about the safety of their pilots than about the plight of the Kosovo civilians being pushed out of their homes at gunpoint. Missions were flown at very high altitudes to prevent any casualties among the NATO pilots. Flying at high altitudes avoided casualties, but it also made NATO pilots unable to target the Serb forces as they engaged in their campaign to violently expel the Albanians; instead, NATO was content to pound away at the Serbian infrastructure. Ironically, the NATO strategy to protect its pilots also meant, in many cases, that Belgrade's civilian infrastructure was also targeted (e.g., power grids). A number of targeting mistakes resulted in unnecessary civilian casualties (e.g., hitting a Belgrade hospital). Thus, not only did the NATO strategy of keeping its pilots out of harm's way prevent NATO from

being in a position to attack the YFA forces expelling Kosovo's Albanian civilians, but it also put the lives of Belgrade's civilians at risk as well.<sup>120</sup>

It would take several weeks before the Western leaders would gain the determination to strengthen the air campaign and possibly be willing to use ground troops if they were necessary to end the war. In the end, they were forced to do so, not because they cared about the plight of the displaced Albanians, but because Western leaders could not afford to tarnish their personal reputations or the standing of their countries.<sup>121</sup>

As a result, NATO was unable to prevent the massive expulsion of the Albanians, and the Kosovo conflict reached the proportions of a humanitarian catastrophe. According to the UNHCR, before the NATO attacks there had been 201,500 Kosovo refugees as a result of 15 months of conflict (January 1998 through 24 March 1999). After NATO had attacked Serbia on 24 March 1999, another 100,000 refugees were produced in less than a week. By 20 April 1999, there had been 735,000 additional Albanian refugees outside of Yugoslavia, with 500,000 to 800,000 displaced still within Kosovo.<sup>122</sup>

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<sup>120</sup> For this criticism of how the campaign was conducted, see Paul Robinson, "'Ready to Kill but not to Die': NATO Strategy in Kosovo," *International Journal* (Canadian Institute of International Affairs) vol. 54, no. 4 (Autumn 1999): 671-682; Nat Hentoff, "Morality at 15,000 Feet," *Washington Post*, 19 June 1999, available from Lexis-Nexis Universe, accessed 1 February 2004; Matthew Grant, "At War Over Truth and Peace," *BBC News*, 19 August 1999, available from [http://news2.thls.bbc.co.uk/hi/english/s...rgh\\_festival\\_99/newsid\\_424000/424102.stm](http://news2.thls.bbc.co.uk/hi/english/s...rgh_festival_99/newsid_424000/424102.stm), accessed 7 September 1999; "UK General Attacks Kosovo Campaign," *BBC News*, 13 July 1999, available from [http://news2.thls.bbc.co.uk/hi/english/uk/newsid\\_393000/393239.stm](http://news2.thls.bbc.co.uk/hi/english/uk/newsid_393000/393239.stm), accessed 5 October 1999; Steven Erlanger, "Staff at the Hospital Asks Why 4 Had to Die," *New York Times*, 21 May 1999, available from <http://www.nytimes.com/library/world/europe/052199kosovo-attack.html>, accessed 21 May 1999. See also Howard Kurtz, "NATO Hit on TV Stations Draws Journalists' Fire," *Washington Post*, 24 April 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-04/24/1131-042499-idx.html>, accessed 24 April 1999.

<sup>121</sup> Wesley K. Clark, "The Strength of an Alliance," in *Kosovo: Contending Voices on Balkan Interventions*, ed. William Joseph Buckley (Grand Rapids, Mich.: William B. Eerdmans Publishing Company, 2000), 253-255; Clark, *Waging Modern War*, 422. See also "The Path to Victory," in Ivo H. Daalder and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, D.C.: Brookings Institution Press, 2000), 140-143, in particular p. 140.

<sup>122</sup> "Un mois de frappes aériennes et d'épuration ethnique," *Le Monde* (Paris), 22 April 1999.

The superpower and its allies who became involved should have understood that coercive peacemaking would bring with it a moral responsibility towards its impact on the Albanians. Even if it can be argued that the Kosovo Albanian safety and independence should not concern America and Europe out of some general legal obligation, their involvement in the conflict had incurred a moral obligation to protect the Albanians. If the Western powers did not want such an obligation, before they became involved they should have evaluated the limits and risks of coercion and reflected on the moral and ethical responsibilities that would accompany their actions. If the Western allies were unprepared to accept the risks and responsibilities associated with coercive peacemaking, they should perhaps have stayed out altogether.

### **Ending the Kosovo War: Ambiguous, Costly Victory**

There are several different opinions regarding why the Kosovo war ended. Some have argued that the end of the war was precipitated by the public discussion about the introduction of the ground troops: damage from NATO's air campaign against Serbia had progressively increased, yet Milosevic only gave in to Western demands after America had begun its planning for the ground war.<sup>123</sup> Others have argued instead that the NATO allies miscalculated and that the campaign did not accomplish much beyond what had been offered by Serbia before the air strikes: a UN deployment.<sup>124</sup>

However, this study would argue that, while Western policy did not lead to a clear military and political victory, it did substantially influence the Serbian decision-making.

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<sup>123</sup> The best-known account expressing this opinion is Wesley Clark's *Waging Modern War*, the book written by the NATO Commander in charge of the Kosovo campaign; see also Daalder and O'Hanlon, *Winning Ugly*, in particular pp. 5, 140-143. See also Kagan's testimony cited in USA, Congress, Senate Veterans' Affairs Committee, "The Lessons of Kosovo: The Failure of Deterrence."

<sup>124</sup> See, e.g., Chapter 5, "The Diplomatic Record" in Chomsky, *New Military Humanism*, 104-130; see in particular pp. 108-109, 113-114, 116, 118.

The end of the war and its aftermath suggest that both the NATO alliance and Belgrade moderated their initial demands. The results were an ambiguous victory for NATO, and an important political victory for Belgrade, a victory that would make it difficult for the Western powers to disengage from the Balkans. Kosovo was eventually pacified, but not without imposing costs on all sides, including the peacemakers who became entrapped.

After NATO had launched its air strikes, Serbia tried on several occasions to offer peace in exchange for an end to the bombing and new negotiations that would respect Belgrade's sovereignty over Kosovo. While consenting to the return of all refugees and demanding the end of the bombing, the principles outlined by Milosevic also showed that Serbia still insisted on Kosovo's autonomy within Serbia (rather than within Yugoslavia) and still rejected a NATO deployment in favor of a UN mission in Kosovo.<sup>125</sup>

The Western leaders rejected the Serb offer, insisting on a NATO mission, and continued with the air campaign. Since they could not negotiate with the demonized Milosevic, the Western leaders brought in Russia. Within a few days of rejecting the Serbian proposal, the Western powers had agreed with Russia on a draft of the Kosovo peace plan that included some of the Serbian demands. At their meeting at Petersburg on 6 May 1999, the G-8 Foreign Ministers agreed on the deployment to Kosovo of the "effective international civil and security presences, endorsed and adopted by the United

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<sup>125</sup> "Appel pressant de Jackson à la négociation," *Agence France Presse*, 2 May 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwyg://83/http://www.afp.com/ext/francais/lemonde/dos1/99052175408.my0qe8lf.html](http://www.afp.com/ext/francais/lemonde/dos1/99052175408.my0qe8lf.html), accessed 2 May 1999; "Les quatre principes de base énoncés par Milosevic," *Le Monde: L'actualité en continu avec l'AFP*, *Agence France Presse*, 2 May 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwyg://78/http://www.afp.com/ext/francais/lemonde/dos1/99052161103.103mmsih.html](http://www.afp.com/ext/francais/lemonde/dos1/99052161103.103mmsih.html), accessed 2 May 1999; "Draskovic: Belgrade prête à accepter une force de l'ONU," *Agence France Presse*, 27 April 1999, available from the website of *Le Monde* (Paris), L'actualité en continu avec l'AFP: [wysiwyg://35/http://www.afp.com/ext/francais/lemonde/dos1/990427181123.qeca91nn.html](http://www.afp.com/ext/francais/lemonde/dos1/990427181123.qeca91nn.html), accessed 27 April 1999.

Nations” and the “establishment of an interim administration for Kosovo, to be decided by the Security Council of the United Nations.”<sup>126</sup>

Even though the G-8 meeting did not even mention NATO while inviting the UN to step in, the Western leaders portrayed the G-8 outcome as a sign that their campaign was working. The Foreign Secretaries of America and Britain, Madeleine Albright and Robin Cook, asserted that the air campaign was damaging the Serbian “killing machine,” and that the Alliance was pursuing a settlement that would permit the “deployment of an international security force, with NATO at its core.”<sup>127</sup> NATO Spokesman Jamie Shea said, “We very much welcomed the results of the G8, we believe it sends a strong signal to President Milosevic that the road he is on is now truly a dead end.”<sup>128</sup>

However, the G-8 agreement was not an indication of the success of the military campaign in the sense that Serbia was ready to accept NATO’s “non-negotiable” demands. One of the Rambouillet demands was a NATO deployment free of rules and the UNSC supervision. Yet, the text of the G-8 principles did not contain any reference to a NATO-led force in Kosovo, while containing two references to the UN.<sup>129</sup>

This indicates that the Western leaders--after more than a month of the war they had not wanted but, nonetheless, needed to engage in to preserve their credibility--were

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<sup>126</sup> “Full Text of [Kosovo] Peace Principles,” *BBC News*, 6 May 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_336000/336979.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_336000/336979.stm), accessed 6 May 1999.

<sup>127</sup> Madeleine K. Albright and Robin Cook, “Our Campaign Is Working,” *Washington Post*, 16 May 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-05/07/0481-051699-idx.html>, accessed 17 May 1999.

<sup>128</sup> Shea quoted in Peter Biles “Kosovo: Can Diplomacy Succeed?” *BBC News*, 7 May 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_338000/338338.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_338000/338338.stm), accessed 19 May 1999.

<sup>129</sup> “Kosovo Peace Blueprint Agreed,” *BBC News*, 6 May 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_336000/336941.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_336000/336941.stm), accessed 19 May 1999; “Full Text of [Kosovo] Peace Principles.” In order to appreciate the Western moderation of their initial demands at the G-8 Meeting, see the previous analysis of the Rambouillet agreement, in particular the passages pointing to NATO’s demand for unrestricted access throughout Serbia and very weak, if non-existent, references to the UN framework.

willing to lower their initial demands in order to reach a peace with Serbia. Expectedly, the Albanians rejected the G-8 principles, while Belgrade responded positively.<sup>130</sup>

As well argued by *The Washington Post*, the success of the G-8 summit lay in “ambiguity” and its lack of precision regarding the real settlement:

Administration officials stressed that the joint statement by the Group of Eight nations is “consistent with” NATO’s core demands for removal of Yugoslav troops in the rebellious province and their replacement with a well-armed, NATO-led force. But on its face, it is equally consistent with abandonment or softening of both demands.

Whether the deal becomes a climb-down or triumph for NATO...will not be decided until events give meaning to the “general principles” it sets out. Major points of silence include whether Belgrade’s troops have to leave Kosovo or only some; who will decide the orders and armaments of foreign troops intended to become Kosovo’s effective governors; and what role will be played by the U.N. Security Council.<sup>131</sup>

Western leaders had started the campaign with a denial that the hostilities were directed against the people of Serbia; they asserted it was only Serbia’s “dictatorial” leadership that they were challenging. However, the NATO war against Yugoslavia reinforced Milosevic’s hold onto power and mobilized the Serbs, who vilified NATO as the “North Atlantic Terrorist Organization.”<sup>132</sup>

After NATO jets had hit power centers, about 70 percent of Serbia was without electricity and Belgrade’s water supplies went down to 10 percent.<sup>133</sup> If the campaign had

<sup>130</sup> “KLA Rejects G8 Proposals, Belgrade Warmer?” *BBC News*, 7 May 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_338000/338436.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_338000/338436.stm), accessed 19 May 1999.

<sup>131</sup> Barton Gellman and Steven Mufson, “Ambiguity Wins in Agreement on Kosovo,” *Washington Post*, 7 May 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-05/07/0621-050799-idx.html>, accessed 19 May 1999.

<sup>132</sup> See the picture of demonstrations appended to the BBC article “NATO: ‘Leaner and Meaner’,” *BBC News*, 24 April 1991, available from <http://news.bbc.co.uk/1/hi/world/327755.stm>, accessed 23 August 2003.

<sup>133</sup> There were a number of well-known targeting mistakes that resulted in civilian casualties. The mistakes increased as NATO stepped up its campaign, with the main concern still being the safety of the Western pilots: pilots flying at high altitudes were more likely to commit mistakes. This proves, as argued above, that the Western allies were not that happy with the G-8 outcome, despite their public statements to the contrary, for the intensification of the campaign—and the resultant mistakes and violations of the laws of war—took place in the second half of May 1999, after Serbia had already accepted the G-8 principles. The hitting of the electricity network, which had a direct consequence on the water supplies, was not a mistake

been successful, as affirmed by the NATO Allies--with the G-8 outcome supposedly being the proof of the success—one wonders why it was necessary for the Alliance to intensify the campaign to include an air campaign that both violated the laws of war and inflicted hardship on the entire Serbian populace.

Despite the façade of unity and confidence displayed by Albright and Cook, deep divisions persisted among the allies: the air campaign was not really ensuring the Western objectives, while the G-8 principles were too vague to promise a clear victory for NATO. Behind the scenes, some criticized the West's lack of clear objectives in Kosovo and the limited means being used to obtain the ambitious goals. The inner disagreements broke into the open when General Colin Powell publicly criticized the conduct of the campaign, while it was leaked to the press that the Joint Chiefs of Staff were urging Defense Secretary Cohen to begin planning a ground force for Kosovo.<sup>134</sup>

The proposal to deploy the ground troops helped to move both Serbia and NATO towards peace: it opened the prospect of Serbia's complete subjugation and Western casualties amidst the growing transatlantic tensions. According to some U.S. officials, the American leaders dreaded casualties and were not seriously considering sending troops to Kosovo except into a "permissive environment" allowing for a non-combat, peace-keeping mission. As revealed by a Pentagon official, the suggestion of the ground option at the NATO summit did not reflect any serious intentions on the part of Washington, but

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apologized for by NATO, but was evidently done intentionally, if one is to judge by the words of the NATO Spokesman Jamie Shea: "What we have done is demonstrate our ability to shut off the power system whenever we want it." Shea quoted in Associated Press, "NATO Jets Hit Belgrade Power Grid," *New York Times*, 3 May 1999, available from <http://www.nytimes.com/yr/mo/day/late/ap-yugo-kosovo.html>, accessed 3 May 1999. See also "Serb Water and Power Hit," *BBC News*, 24 May 1999, available from [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_351000/351387.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_351000/351387.stm), accessed 24 June 1999.

<sup>134</sup> "US and NATO Divided On Ground Troops," *BBC News*, 17 May 1999, available from [http://news.bbc.co.uk/hi/english/world/europe/newsid\\_345000/345836.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_345000/345836.stm), accessed 18 May 1999.

stood for the American tactic to “box in ground troop talk.”<sup>135</sup> Rather than launching a ground mission, America would agree to some “face-saving diplomatic formula” that would be made to “look as if the deal’s more than it will be.”<sup>136</sup>

Washington’s dread of the ground war and the resultant softening of its demands on Serbia now caused new transatlantic frictions. French diplomatic sources reported considerable differences between Britain and France, on the one hand, and United States, on the other, regarding the joint peace mission to Belgrade, led by Russian Envoy Viktor Chernomyrdine and UN Envoy Martti Ahtisaari. The United States believed in a “division of labor” between the Russian envoy, who was to explain the “principles” of the G-8 plan to Serbian President Milosevic, and the European Envoy, whose mission would be limited to discussing the “modalities.”<sup>137</sup>

The Europeans were against this division of roles, fearing that assigning Russia the major role in the interpretation of the vague G-8 principles would lead to the erosion of the Western demands.<sup>138</sup> These European fears were justified because the Russian interpretation of the G-8 blueprint had suggested that the international peace force deployed to Kosovo would operate with consent of the Belgrade government and would not have any enforcement functions as originally desired by NATO.<sup>139</sup>

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<sup>135</sup> Molly Moore and Bradley Graham, “NATO Plans For Peace, Not Ground Invasion: Refugees’ Return Is Allies’ Focus,” *Washington Post*, 17 May 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-05/17/0771-051799-idx.html>, accessed 18 May 1999.

<sup>136</sup> Former U.S. Secretary of State Lawrence Eagleburger quoted in “US and NATO Divided On Ground Troops.”

<sup>137</sup> “Difficultés entre les alliés sur une mission d’Ahtisaari,” *Agence France Presse*, 18 May 1999, available from the website of *Le Monde* (Paris), L’actualité en continu avec l’AFP:Kosovo: [wysiwyg://81/http://www.afp.com/ext/francais/lemonde/dos1/990518205514.gllbujd5.html](http://www.afp.com/ext/francais/lemonde/dos1/990518205514.gllbujd5.html), accessed 18 May 1999.

<sup>138</sup> Ibid.

<sup>139</sup> On the subject of NATO deployment to Kosovo, it should be noted that Russian Foreign Minister Igor Ivanov told the press, after the G-8 meeting, that NATO could not deploy to Kosovo without Yugoslavia’s consent. See Ivanov’s statement cited in “Kosovo Peace Blueprint Agreed.” See also later Russian statements, cited in the text above, regarding the UN deployment and mandate in Kosovo.

The Europeans were actually wary of Washington's newly conciliatory mood, particularly as it appeared that the main focus of official Washington was to end the war in order to avoid having to participate in the ground war against Serbia. France and Britain, on the other hand, would have supported the ground war against Serbia in order to impose the original NATO conditions on Belgrade.<sup>140</sup>

On 3 June 1999, Serbia accepted the peace agreement presented in Belgrade by the Russian and European envoys. The Western leaders greeted this turn of the events as a Western victory, as though Belgrade had accepted something that it had firmly refused before. Unlike the Rambouillet terms, which would have placed NATO into the role of an indisputable master of both Kosovo and Serbia without any reference to the UNSC, the text of the 3 June agreement switched the authority explicitly to the United Nations. The 3 June agreement envisaged the deployment "under UN auspices of effective international civil and security presences."<sup>141</sup>

Besides showing Western moderation of its position, the 3 June agreement also displayed a new willingness on the part of Belgrade to accept the NATO forces, albeit under UN authority. The agreement envisaged that the international force would be deployed "with substantial NATO participation," whereas the G-8 agreement had not mentioned NATO at all.<sup>142</sup> Thus, after several months of the air campaign, and particularly after NATO had targeted the civilian infrastructure in order to break the will of the Serbian nation, Belgrade had become more pliable and open to the previously

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<sup>140</sup> Steven Pearlstein, "NATO Allies Divided on Path to Peace in Kosovo: Britain Presses for a Massing of Ground Troops," *Washington Post*, 18 May 1999, available from [wysiwyg://91http://search.washingtonpos...v/Wplate/1999-05/18/0771-051899-idx.html](http://www.washingtonpost.com/archive/local/1999/05/18/0771-051899-idx.html), accessed 18 May 1999; "Difficultés entre les alliés sur une mission d'Ahtisaari;" Moore and Graham, "NATO Plans For Peace, Not Ground Invasion."

<sup>141</sup> "Full Text of the [Kosovo] Peace Document," *BBC News*, 4 June 1999, available from [http://news2.bbc.co.uk/hi/english/world/europe/newsid\\_360000/360507.stm](http://news2.bbc.co.uk/hi/english/world/europe/newsid_360000/360507.stm), accessed 23 June 1999.

<sup>142</sup> *Ibid.* For the G-8 principles of settlement, see "Full Text of [Kosovo] Peace Principles," 6 May 1999.

rejected NATO deployment, provided that the NATO forces were to come under UN authority, a non-negotiable point for Serbia.

However, the agreement of 3 June did not bridge some of the fundamental differences. Russia and NATO continued to view the UN deployment “with substantial NATO participation” rather differently, as reflected from the oblique language indicating that the two sides were merely acknowledging each other’s viewpoints without reaching a common position.

NATO still wished to be in total control of the Kosovo operation and operate autonomously, even if initially deployed with the UN blessing:

It is understood that Nato considers an international security force with “substantial Nato participation” to mean unified command and control and having Nato at the core. This in turn means a unified Nato chain of command under the political direction of the North Atlantic Council in consultation with non-Nato force contributors.<sup>143</sup>

Meanwhile, Russia did not want NATO to be in charge of the mission, but only to be the major contributor to the international operation still to be decided by the UN.

Thus, the agreement of 3 June says that the Russian troops would operate outside the NATO command and control system:

It is understood that Russia’s position is that the Russian contingent will not be under Nato command and its relationship to the international presence will be governed by relevant additional agreements.<sup>144</sup>

Some interpreted the agreement as an indication of the future division of Kosovo, just as Germany and Berlin had become divided through the establishment of separate occupation zones after World War II. If a large Russian contingent were to take control of

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<sup>143</sup> “Full Text of the [Kosovo] Peace Document,” 4 June 1999.

<sup>144</sup> Ibid.

one part of Kosovo and the Albanians refused to return to the area under Russian control, Kosovo might end up being divided between the Serbs and the Albanians.<sup>145</sup>

Thus, the 3 June agreement did not represent a clear victory for the Alliance. Given its ambiguity and the different interpretations surrounding it, the agreement would soon become the stumbling block in the peace process. Russia urged two separate commands, whereas America insisted on a single NATO command, inviting Russia to place its troops under NATO command.<sup>146</sup>

This American insistence came despite the explicit reference in the 3 June agreement that the Russian contingent would not be under the NATO command.<sup>147</sup> Speaking at the NATO Headquarters, Belgium, Deputy State Secretary Strobe Talbott argued that this reference meant that non-NATO countries could participate, presumably under the NATO command. Talbott affirmed that this interpretation flowed from the Russian acceptance of the need for an “effective” international force in Kosovo: the Russian delegation did not object to the adjective “effective,” and the Americans chose to interpret that acquiescence as an indication that Russia would eventually submit to the single and unified NATO command in Kosovo.<sup>148</sup>

Thus, NATO continued to insist that the 3 June agreement provided for NATO-led force under the direction of NATO, while Russia insisted that the composition of the

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<sup>145</sup> For such analyses, see Gabriel Partos, “What’s In the Deal?” *BBC News*, 5 June 1999, available from [http://news2.bbc.co.uk/hi/english/world/europe/newsid\\_360000/360932.stm](http://news2.bbc.co.uk/hi/english/world/europe/newsid_360000/360932.stm), accessed 23 June 1999; Jonathan Eyal, “Slow Road to Peace,” *BBC News*, 5 June 1999, available from [http://news2.bbc.co.uk/hi/english/world/europe/newsid\\_361000/361492.stm](http://news2.bbc.co.uk/hi/english/world/europe/newsid_361000/361492.stm), accessed 23 June 1999.

<sup>146</sup> Robert Fisk, “War in the Balkans: Milosevic to Seize His Chance in Rift; Serbia,” *Independent* (London), 3 June 1999, available from Lexis-Nexis Universe, accessed 19 June 2000.

<sup>147</sup> See “Full Text of the [Kosovo] Peace Document,” 4 June 1999; the full citation provided previously.

<sup>148</sup> United States of America, State Department, Press Conference, with U.S. Deputy Secretary of State Strobe Talbott, “Acceptance of NATO Conditions by Federal Republic of Yugoslavia,” *Federal News Service*, 3 June 1999, available from Lexis-Nexis Universe, accessed 19 June 2000.

force and its mandate were the prerogative of the UN Security Council, not NATO.<sup>149</sup>

Russian Foreign Minister Igor Ivanov complained about NATO as follows:

“Nato is trying to unilaterally say that an international peacemaking force will be based on Nato forces, and have the right to use force. This is the UN Security Council’s prerogative and we, the G8 foreign ministers, have come here specifically for working out the future Security Council resolution.”<sup>150</sup>

It looks as if Moscow had a point. The 3 June plan stipulated that the “agreement should be reached” about

“deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter.”<sup>151</sup>

The initial agreement had not given explicit enforcement powers to the UN Kosovo mission but instead had left the issue to be negotiated in the Security Council, where Russia has veto power. Furthermore, it is very likely that Russia and Serbia had accepted the plan under the premise that the UN would come in a peacekeeping mode, operating with consent of Belgrade, with the use of force being authorized only for the purpose of peacekeepers’ self-defense, as has been the case with other UN missions.

Moreover, the possibility of the two separate commands had probably left Belgrade with a hope of not losing control over all of Kosovo but of administering at least a part of it in cooperation with Russia, eventually gaining the part of Kosovo under the Russian control in the case of a future partitioning.

<sup>149</sup> “Russia Sides With Serbs,” *BBC News*, 7 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_363000/363102.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_363000/363102.stm), accessed 23 June 1999.

<sup>150</sup> Minister Ivanov quoted in “Russia Sides With Serbs.” See also “Kosovo Peace ‘Breakthrough’,” *BBC News*, 8 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_363000/363922.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_363000/363922.stm), accessed 23 June 1999.

<sup>151</sup> United Nations, Security Council, 4011<sup>th</sup> Meeting, “Resolution 1244 (1999) [On Situation Related to Kosovo],” S/RES/1244 (1999), 10 June 1999, in *International Peacekeeping* (Kluwer Law International) 5, no. 3 (May-June 1999): 97-99; annexes include G-8 Meeting (Annex 1) and Chernomyrdine-Ahtisaari-Milosevic Agreement of 3 June 1999 (Annex 2). For the citation in the above text, see point 3 of the Annex 2 of the Resolution 1244 (1999), p. 99; emphasis in the citation is added by the author of this study.

However, when Moscow insisted on the two separate commands, State Department Spokesman James Rubin refuted the interpretation of the agreement offered by Russian Envoy Chernomyrdine, insisting that European Envoy Ahtisaari was the only one who could provide detailed answers regarding the Kosovo force in accordance with the 3 June agreement.<sup>152</sup>

The American refutation of the Russian position had come after Washington had previously insisted—against the will of its European allies—that the Russian envoy be the only one to present the G-8 principles to Milosevic.<sup>153</sup> Previously, Washington had likely insisted on this with the hope that the Russian envoy's presentation of the G-8 principles would make the agreement more palatable to Serbia and, thus, terminate a war that America did not want and that had begun to look menacing as the prospect of casualties being taken for a cause with only intangible American interests at stake.<sup>154</sup>

Meanwhile, Belgrade said it would not begin the withdrawal of its forces from Kosovo until the UNSC had passed a resolution guaranteeing Yugoslavia's territorial integrity. As Belgrade refused to sign the withdrawal agreement, NATO stated that it would intensify the bombing of Serbia.<sup>155</sup>

In the course of the NATO campaign, Serbia had softened on a number of positions, including acceptance of the NATO troops. However, Belgrade had never been willing to give up on the issue that seemed most crucial in its eyes, and therefore non-negotiable--the territorial integrity of Yugoslavia. Such Serbian behavior casts doubts upon the interpretation popular in America that sees the 3 June agreement as a Serbian

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<sup>152</sup> Fisk, "War in the Balkans: Milosevic to Seize His Chance in Rift."

<sup>153</sup> "Difficultés entre les alliés sur une mission d'Ahtisaari."

<sup>154</sup> See the previous footnotes and references pointing to American-European disagreements regarding both the Chernomyrdine-Ahtisaari mission to Belgrade and the introduction of NATO ground troops.

<sup>155</sup> Gabariel Partos, "Why Belgrade Did Not Sign," *BBC News*, 8 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_363000/363237.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_363000/363237.stm), accessed 23 June 1999.

“capitulation” brought about by a successful air campaign and a proposed ground troop deployment.<sup>156</sup> Despite the agreement of 3 June and the threats of the intensified NATO attacks, Serbia still refused to withdraw from Kosovo until the UNSC would pass a resolution guaranteeing that Kosovo was part of Yugoslavia.<sup>157</sup>

In the end, further confrontation between Serbia and NATO was avoided by reaching a common understanding on a timetable. First, there would be the agreement on the draft UNSC resolution, followed by a Belgrade-NATO military agreement on the Serbian withdrawal from Kosovo. Serbia would take the immediate steps to implement this military agreement so that NATO could end the bombing. Only then would the previously agreed upon draft resolution be put to a vote in the UNSC.<sup>158</sup>

Accordingly, following the agreement on the UNSC draft resolution confirming Belgrade’s sovereignty over Kosovo, Serbia and NATO concluded the military agreement on 9 June 1999.<sup>159</sup>

The following day, on 10 June 1999, the draft resolution was put to a vote in the UN Security Council. Reaffirming the commitment to “sovereignty and territorial integrity of the Federal Republic of Yugoslavia,” Resolution 1244 (1999) authorized, under Chapter VII, the deployment to Kosovo of “international civil and security presences.” Besides establishing a secure environment that would facilitate the return of the Albanian refugees, the UN mission was supposed to help oversee the establishment of an autonomous Kosovo within Yugoslavia. The resolution did not give NATO the

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<sup>156</sup> See previous discussions and references, in particular to Clark, Kagan, and Daalder; see, e.g., Daalder, *Winning Ugly*, 5.

<sup>157</sup> Partos, “Why Belgrade Did Not Sign.”

<sup>158</sup> Barnaby Mason, “Breaking the Stalemate,” *BBC News*, 8 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_364000/364198.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_364000/364198.stm), accessed 23 June 1999.

<sup>159</sup> “Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia,” in *International Peacekeeping* (Kluwer Law International) 5, no. 3 (May-June 1999): 99-102.

undisputed supremacy that it wanted, nor did it mention NATO, except by appending the rather ambiguous agreement of 3 June (Annex 2).<sup>160</sup>

Despite the previous agreements and this UN resolution, NATO was unwilling to accept anything other than its undisputed authority over Kosovo. Accordingly, the disagreement with the Russians persisted since Moscow insisted on its independence from NATO. Thus, the Russian troops rushed to Pristina, apparently in an attempt to set up a separate sector outside NATO control, a sector that Russia would then run in cooperation with Belgrade. Russian troops blocked NATO access to the Pristina airport, refusing to allow the British troops to set up their headquarters there.<sup>161</sup>

The Russia-NATO dispute was eventually resolved through negotiations that did not reflect legality or respect for the previous agreements, but rather the distribution of power in the post-Cold War period. Until the UN passed the resolution, Russia had considerable political leverage over the Western leaders; the American leaders in particular, were deeply worried over how to end the war in Kosovo and were eagerly seeking the Russian help. However, once the agreement and the UN resolution were in place, the Clinton Administration sighed relief and felt it did not need to accommodate Russia any further. Thus, America turned around and imposed, despite Russian

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<sup>160</sup> United Nations, Security Council, S/RES/1244 (1999), 10 June 1999. See also later citations regarding the final settlement that should take into account Belgrade's sovereignty over Kosovo.

<sup>161</sup> David Hoffman, "Failed NATO Talks Triggered Russia's Run to Kosovo: Troops in Bosnia Dash Across Yugoslavia as Moscow Parley Falts," *Washington Post*, 12 June 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-06/12/1221-061299-idx.html>, accessed 23 June 1999; "Russians Enter Kosovo," *BBC News*, 12 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_366000/366543.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_366000/366543.stm), accessed 22 June 1999; "Russians Refuse to Budge," *BBC News*, 13 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_367000/367927.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_367000/367927.stm), accessed 22 June 1999.

objections, its own interpretation of the G-8 and 3 June agreements, including the unified NATO command and control structure throughout Kosovo.<sup>162</sup>

The Security Council resolution was adopted under Chapter VII of the UN Charter which authorizes enforcement measures in the Balkans. Nato quickly interpreted this resolution as a blank cheque allowing the alliance not only the sole command of the force, but also the ability to change the mandate at will, by imposing particular conditions on the Yugoslav military's withdrawal and threatening to resume air strikes if these are not met.<sup>163</sup>

Because it had no other option, Russia consented with resentment to these new rules of the game based on America's post-Cold War dominance. When Moscow demanded a larger role in Kosovo, Washington asked Yugoslavia's neighbors to deny over-flight rights to the Russian military planes bringing in more peace-keepers until the Russian role in Kosovo was clarified.<sup>164</sup>

The NATO victory and its subsequent deployment to Kosovo, as well as the resultant departure of the Serb civilian and security presence from Kosovo, was followed by the Kosovo Serbs' flight. According to the Human Rights Watch (HRW), the Albanians embarked upon widespread burning of the deserted Serb houses, and the Serbs who had remained were exposed to beatings, abduction, torture, and murder. Altogether 210,000 Slavic minorities fled Kosovo, out of which 150,000 fled Kosovo after the war ended, mostly during the first six weeks of the KFOR presence.<sup>165</sup>

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<sup>162</sup> William Drozdiak, "U.S., Russia Reach Military Agreement: Russians to Patrol NATO Sectors," *Washington Post*, 19 June 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-06/19/1281-061299-idx.html>, accessed 23 June 1999. For the text of the agreement, see "Agreed Points on Russian Participation in KFOR Signed in Helsinki on 18 June 1999," in *International Peacekeeping* (Kluwer Law International) 5, no. 3 (May-June 1999): 104-108.

<sup>163</sup> Jonathan Eyal, "Russia in the Balkans," *BBC News*, 15 June 1999, available from [http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid\\_369000/369141.stm](http://news2.thdo.bbc.co.uk/hi/english/world/europe/newsid_369000/369141.stm), accessed 21 June 1999. It should be noted that the UNSC Resolution 1244 (1999) does not give NATO the undisputed authority it claimed in Kosovo; it even does not mention NATO at all.

<sup>164</sup> Sharon LaFraniere, "Moscow Talks Set on Peacekeeping Tiff," *Washington Post*, 5 July 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-07/05/0811-070599-idx.html>, accessed 5 July 1999.

<sup>165</sup> At first, it appeared that the events were motivated by Albanian revenge against the Serbs, but soon the Albanian rage was directed against non-Serbs as well: Gypsies, Bosnian Muslims, and Croats in Kosovo.

It is the view of this study that the departure of the Kosovo Serbs was inevitable and predictable, given the absence of reconciliation in a dispute that involved threatened identities and included a societal dimension. The Kosovo Serb exodus was reminiscent of the previous Serbs' flights which had followed their military defeats in Croatia and Bosnia—in the wake of the Zagreb offensive that had forcefully reunified Croatia; when U.S. envoy Richard Holbrooke had encouraged the Bosnian Muslim-Croat offensive against the Bosnian Serbs; and before the Bosnian Muslims had reclaimed the previously divided Sarajevo in accordance with the Dayton agreement.<sup>166</sup>

The flight of the Kosovo Serbs also undermined one of the stated goals of Washington: preserving a multiethnic Kosovo. Namely, America had urged Rambouillet's acceptance in disregard for Belgrade's prediction that Rambouillet would lead to the Kosovo Serbs' flight. Under Secretary of Defense Walter Slocombe had argued that the force would protect the rights of all and maintain a "multiethnic" Kosovo:

"A credible international military presence would assure the Kosovar Albanians that an autonomy agreement would stop Serb repression. The Serbs would be reassured that the rights of the Serb minority in Kosovo would be protected."<sup>167</sup>

In the end, however, it proved that NATO was unable to create a "multiethnic Kosovo" based on equal rights and protection for both the Serbs and the Albanians but, instead, could only create new winners (Albanians) and new losers (Serbs).

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Human Rights Watch, "Abuses After June 12, 1999," in *Under Orders: War Crimes in Kosovo, 2001*, available from <http://www.hrw.org/reports/2001/kosovo/>, accessed 20 October 2002. For the individual incidents as recorded by a Serbian journalist in Kosovo, see Nikola Živković, *Косово, 1999/2000: Дневник* (Kosovo, 1999/2000: Diary) (Novi Sad, Serbia: Prometej, [1999]).

<sup>166</sup> For these events, see Chapters Four and Six.

<sup>167</sup> United States of America, Congress, Senate, Armed Services Committee, "Kosovo," Prepared Statement for Walter B. Slocombe, Under Secretary of Defense, *Federal News Service*, 25 February 1999, available from Lexis-Nexis Universe, accessed 30 May 2000. For the Serbian argument that rejected the NATO forces because of the fear that the departure of the Serb forces would lead to the cleansing of the Kosovo Serbs, see Serbia and Montenegro, [press release], "Serbian President Says Final Hours of Kosovo Talks "a Farce and a Circus'."

The outcome of NATO's "humanitarian war"--a Kosovo cleansed of its Serb minority--brings into question the humanitarianism and desirability of coercive peacemaking that imposed such high costs on the defeated disputants while leaving the Western powers to operate without any accountability.

Even without the evidence of forcible deportation, the 1995 flight of the Croatian Serbs has been treated as a case of a deliberate "expulsion"--as if the main purpose of the offensive to reunify Croatia and return the Croat refugees to their homes was the ethnic cleansing of the Serbs. Meanwhile, the Kosovo intervention has been portrayed as a "humanitarian intervention" aimed to return the Albanians into their homes. And yet, the majority of the Albanians were displaced during the NATO intervention, while the flight of the Serbs in the aftermath was helped by the passive stance of the KFOR as it stood by when the Albanians attacked Kosovo Serbs. In fact, the Kosovo "humanitarian war" started with around 200,000 Albanian war refugees, and ended with over 200,000 Serb peace refugees.

In the view of this study, the flight of the Kosovo Serbs confirms the limits and costs of coercive peacemaking, when undertaken in the absence of reconciliation, for intervention in high-intensity identity disputes helps create new victors and losers, as previously evident in the case of Croatia and Bosnia.<sup>168</sup> Thus, besides imposing the costs on the weakest disputants when the Rambouillet diplomacy failed and the Albanians were exposed to the Serb attacks and a displacement of massive proportions, coercive peacemaking has also demonstrated that there can be costs for the stronger disputants when defeated, in this case the Kosovo Serbs. Moreover, the Western powers could engage in the peacemaking detrimental to the defeated disputants without accountability,

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<sup>168</sup> See Chapters Four and Six; see in particular the flight of the Sarajevo Serbs in Chapter Six.

even though they demand accountability and impractically high standards from the weak states in the region.<sup>169</sup>

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<sup>169</sup> Those who unlawfully killed the Serbs during or after the offensive should be prosecuted, be it in the case of Croatia, Bosnia, or Kosovo. However, in the case of Croatia, for example, the ICTY is not interested in specific offenses that would lead to the indictment of soldiers or civilians who actually committed the crimes. Instead, the ICTY seeks to discredit the Croatian military operation itself by indicting high-level generals, presenting the offensive as a deliberate attempt aimed at expulsion. Yet, there was no forcible deportation; instead, most of the Serbs fled before the advance of the Croat forces. The Croatian generals are being indicted on the basis of their command responsibility, for having been in charge of the operation that displaced the Serbs and for having failed to prevent or punish the killing of dozens of the Serbs, most of them killed in the aftermath of the offensive. The Prosecutor of the Tribunal argued that the “cumulative effect” of three months of arson, looting, and unlawful killings that took place after the Croatian Army took control of the area is the “forcible displacement” of the Croatian Serbs, which preceded the entry of the Croatian Army into the area (because of this, the indictment is somewhat illogical). On the other hand, the Court does not similarly question the accountability of the NATO officers and leaders, who could also be subject to indictment on the basis of a broadly defined command responsibility as practiced by the Court when applied to Croatia. For example, NATO officers and leaders ordered and conducted the Kosovo intervention without taking adequate measures to protect the Serbs and prevent their displacement. Therefore, indicting these Western actors would seem consistent in view of the ICTY insistence on command responsibility in the case of Croatia, if the Hague Tribunal’s proceedings were being conducted in a manner appropriate to an institution of law, interested in impartial legal criteria, rather than politicized trials based on an exceptional view of law and judicial process, designed for a particular weak actor (i.e., Croatia). The author of this study finds it worrisome that there is no accountability for the Western powers engaged in coercive peacemaking. She is deeply disturbed by the ease with which many of the liberal elites in America have dismissed the question of the Western accountability. The Western liberal elites tend to maintain the argument of the overall desirability of Kosovo’s “humanitarian intervention,” despite its impact on both the Albanians and the Serbs; at the same time, these liberal elites urge high-level indictments for the Croats, not because of specific offenses, but simply because the impact of the Croatian offensive was the displacement of the Serbs from the self-proclaimed Republic of Serbian Krajina. The author also believes that such double standards spring from the general Western wishful thinking about “multiethnic” societies and humanitarian intervention, including the need to validate the myth of the Western history of consensual, negotiated nation-building, as well as the myth that the benevolent rationales for Western liberal imperialism can transform its actions into humanitarianism. One example of such double standards being applied is the Human Rights Watch (HRW) which, though critical of NATO, elaborated as to how NATO soldiers were “not psychologically prepared” nor “equipped” to protect the Kosovo Serbs and prevent their exodus; yet, simultaneously, HRW demanded the arrest of Ante Gotovina, one of the Croatian generals in charge of the operation, because the offensive, according to HRW, “left several hundred thousand Croatian Serbs as refugees.” Benign intent is assumed for the NATO soldiers; evil intent is assumed for the Croatian officers, despite the fact that both actions had a similar impact upon the defeated Serbs: their flight from the Serb-held areas of Croatia in 1995 or from Kosovo in 1999. For the Gotovina indictment, see United Nations (UN), International Criminal Tribunal for the Former Yugoslavia (ICTY), *The Prosecutor of the Tribunal against Ante Gotovina* (IT-01-45-I, ‘Operation Storm’), Indictment, available from <http://www.un.org/icty/indictment/english/got-ii010608e.htm>, accessed 18 October 2002. For a critical view of this indictment, see Roy Gutman, with John Barry, “What Did the CIA Know,” *Newsweek*, 27 August 2001, available from Lexis-Nexis Universe, accessed 21 December 2002. For a benevolent view of the Kosovo “humanitarian” war, despite the Serb displacement, see Human Rights Watch, “Abuses After June 12, 1999.” For a contrasting picture of the Croat offensive, deemed undesirable because it led to Serb displacement, given by the same organization, see Human Rights Watch, “Open Letter to E.U. Foreign Ministers, E.U. High Representative for Common, Foreign, and Security Policy Javier Solana, and European Commissioner for External Relations Chris Patten,” 2 October 2002, available from <http://www.hrw.org/press/2002/10/eu-ltr1001.htm>, accessed 20 October 2002.

Several years later, few of the Serb refugees returned to the internationally administered Kosovo, while the remaining Kosovo Serbs still live in fear enclosed within their own communities.<sup>170</sup> Moreover, almost five years after the war, Kosovo has still not been pacified. On 17 March 2004, violent clashes erupted in Kosovo, leaving dozens of dead and hundreds of injured, while sending a new wave of the Serbs out of Kosovo.<sup>171</sup>

In conclusion, what can be said about the end of the Kosovo war? Did Alliance impose its “non-negotiable demands” on Belgrade?

The common perception has been that the intervention was a success and that Serbia caved in to the NATO demands, though opinions vary as to why Belgrade gave in.

Some have believed that the air campaign worked well and that Serbia eventually surrendered after Russia had accepted the “Western” peace plan, thus abandoning Belgrade. According to this opinion, the ambiguous language of the 3 June agreement was a “face-saving” feature for Russia and Serbia rather than reflection of Western unclear and still undecided victory: the United States “compromised...in language, not substance,” by letting the UN play a role as well.<sup>172</sup>

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<sup>170</sup> According to a 2002 report by the Council of Europe, minorities still continue to flee from Kosovo, and only “a few thousand” have returned to Kosovo, out of the total of 233,300 Serbs, Roma, and other non-Albanian refugees registered in Serbia, Montenegro, and Macedonia. Council of Europe, Office of the Commissioner for Human Rights, *Kosovo: The Human Rights Situation and the Fate of Persons Displaced from Their Homes*, report by Alvaro Gil-Robles, Commissioner for Human Rights, 16 October 2002, CommDH(2002)11 (Strasbourg: Council of Europe, 1992, photocopied), 5. For the bleak situation in present-day Kosovo, see British Helsinki Human Rights Group (BHHRG), “Kosovo: The International Community’s ‘Success Story’,” 28 August 2003, available from <http://bhhr.org/LatestNews.asp?ArticleID=24>, accessed 1 February 2004.

<sup>171</sup> “Kosovo Mourns Violence Victims,” *BBC News*, 22 March 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3556279.stm>, accessed 27 August 2004; Tamsin Smith, “Kosovo Residents Still on Edge,” *BBC News*, 23 March 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3561121.stm>, accessed 27 August 2004.

<sup>172</sup> Candice Hughes, “Milosevic Accepts Western Peace Plan To End Kosovo Crisis,” *Associated Press*, 3 June 1999, available from Lexis-Nexis Universe, accessed 19 June 2000. The above opinion was popular with the Clinton officials who defended the campaign against those who challenged the conduct of the military campaign.

Others have found explanations for the Western success in the military measures, though they have remained critical regarding the conduct of the campaign. Conventional wisdom, built on the American experience in Vietnam, believes that air campaigns do not work, and that ground forces are the essential component of any successful military campaign. Furthermore, conventional wisdom also believes in the availability of escalatory options: if air strikes are threatened, the coercive power must be prepared to escalate, if necessary, and use ground troops.<sup>173</sup>

Given the conventional wisdom about the limits of air campaigns, a number of civilian and military strategists have been critical of how the campaign was conducted; however, they have also argued that the Kosovo intervention eventually turned out to be a success. According to this opinion, NATO went from losing the war towards winning it, as the NATO member states eventually united and intensified the campaign because Western leaders could not afford to lose the war. These critics have also believed that NATO won the war because the proposed introduction of the ground troops eventually forced Milosevic to “capitulate” before the Western “non-negotiable” demands.<sup>174</sup>

In the early days of the campaign...the plans for the air campaign still emphasized “signaling” and gradual escalation and contained no answer to the huge offensive which Serb forces had launched against the Kosovo Albanian population. It would be weeks before the air campaign adjusted, and weeks more before the U.S. and NATO came to the realization that it might be necessary to commit ground forces in Kosovo. When word reached Milosevic that NATO was preparing for the

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<sup>173</sup> For that reason, military officers were repeatedly warning Western leaders against threatening Serbia without being prepared to use ground forces. German General Klaus Naumann reportedly told the civilian leaders, “Don’t take step one unless you’re willing to take step six.” Naumann quoted by Shelton in United States of America, Congress, Senate, Armed Services Committee, “Lessons Learned from Military Operations and Relief Efforts in Kosovo: Hearing of the Senate Armed Services Committee,” Chaired by Senator John Warner (R-VA), Witnesses: William Cohen, Secretary of Defense; Henry Shelton, Joint Chiefs of Staff, *Federal News Service*, 14 October 1999, available from Lexis-Nexis Universe, accessed 19 June 2000. Though the German general is quoted here for the purpose of including a variety of sources, the most famous account espousing this opinion is a lengthy book written by former NATO Commander Wesley Clark, quoted in this Chapter on several occasions: *Waging Modern War*.

<sup>174</sup> This opinion is very popular among those involved primarily with military issues: see, e.g., Wesley Clark’s *Waging Modern War*, in addition to Daalder and O’Hanlon’s *Winning Ugly*. The opinion quoted subsequently, extracted from Kagan’s testimony before the Senate, goes along the same pattern of thinking.

introduction of ground forces, he capitulated. For only then did he believe that the U.S. and NATO had come up with a way of defeating his strategy.<sup>175</sup>

Against this majority belief, Noam Chomsky has argued that the NATO campaign did not accomplish much: America gave in to the Serbian demands for a UN deployment rather than one controlled by NATO. Thus, Chomsky has believed that NATO did not win any victory in Kosovo: it had seriously miscalculated and had eventually consented to what Belgrade had offered before the launch of the air strikes: a UN deployment.<sup>176</sup>

However, the examination of the events and evidence presented in this Chapter suggests that NATO's involvement had made it possible for the war to end because the costs of the war had imposed moderation on both sides. Serbia was eventually forced to accept the NATO troops, but the Western leaders had to accept the UN framework, which confirmed Belgrade's sovereignty over Kosovo. Serbia was indeed coerced—but less than commonly believed by the proponents of the NATO intervention (e.g., Kagan), and more so than the critics of NATO would be willing to admit (e.g., Chomsky).

Belgrade's attitude evolved from its 1991 assertion that Kosovo was Serbia's internal question, to the willingness to discuss the issue of Kosovo's autonomy within Serbia and the deployment of unarmed monitors under the international pressure (the Holbrooke agreement of 1998). Faced with the credible use of force on the part of NATO, Belgrade expressed willingness to accept a UN peace force, but rejected NATO troops in either a leading or participatory role.<sup>177</sup>

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<sup>175</sup> Kagan's testimony cited in USA, Congress, Senate Veterans' Affairs Committee, "The Lessons of Kosovo: The Failure of Deterrence."

<sup>176</sup> See, e.g., Chomsky, *New Military Humanism*, 104-130; see in particular pp. 108-109, 113-114, 116, 118. For a negative view of the NATO campaign and its result in Kosovo, see also Ted Galen Carpenter, ed., *NATO's Empty Victory: A Postmortem on the Balkan War* (Washington, D.C.: Cato Institute, 2000).

<sup>177</sup> See, e.g., "Belgrade Appears at Odds Over Foreign Troops in Kosovo," *Deutsche Presse-Agentur*, 25 February 1999, available from Lexis-Nexis Universe, accessed 30 May 1999; Serbia and Montenegro, [press release], "Serbian President Says Final Hours of Kosovo Talks "a Farce and a Circus'."

However, as the war progressed and the costs for the Serbs increased, the Belgrade leadership became more responsive to Western demands. Yet, Belgrade had never been willing to accept an agreement that would not leave it with some hope that Kosovo would eventually return under its authority. Essential to this Serbian objective was a UN deployment, a non-negotiable Serbian demand that NATO eventually had to respect. Belgrade did accept NATO forces, previously rejected at Rambouillet, but only under the UN flag.<sup>178</sup>

Nevertheless, had NATO not engaged in the war against Belgrade, it is questionable if Serbia would have consented to the NATO deployment at all or to the international administration of Kosovo, even under UN auspices.

At the same time, the NATO allies had also moderated some of their initial demands. The Rambouillet agreement had envisaged NATO maneuvering throughout Yugoslavia and operating in Kosovo without UN supervision, or without any promise of how Kosovo might eventually return to Serbia's control. On the other hand, the Kosovo peace force, though essentially a NATO force, came under the UN banner.

Regarding the popular argument that the ground troop option forced Serbia to "capitulate," it should be noted that the prospects of the ground war did not only increase the Serbian will for peace, but it also increased NATO's, and most importantly Washington's, desire to end the war: it thus became possible for the West to agree to the ambiguous peace settlement terms that made important concessions to Russia and Serbia. There was not enough at stake for the Western leaders to continue with the campaign or,

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<sup>178</sup> Thus, Vuk Draskovic, Serbian Deputy Prime Minister, told the Serbian deputies objecting to the 3 June agreement that the "NATO forces would be in Kosovo under the flag of the U.N." Draskovic quoted in John-Thor Dahlburg and Richard Boudreaux, "Crisis in Yugoslavia; Yugoslavia Accepts Western Demands to Pull Out of Kosovo; Balkans: Milosevic and Serb Parliament OK Tentative Plan That Would End Bombing. NATO Will Continue Airstrikes Until Withdrawal Starts," *Los Angeles Times*, 4 June 1999, available from Lexis-Nexis Universe, accessed 19 June 2000.

especially, to escalate to a ground war. Nothing was at stake but the credibility of NATO and the Western officials, and these concerns would have been unpersuasive to the Western publics in the face of casualties suffered for a distant cause.

Consequently, the Western leaders had been watering down their demands on paper all along in the hope of ending a war they did not truly want. Moreover, they resorted to unilateral and, at times distorted, interpretation of the signed agreements; one could even question their good faith in signing the agreements as well as the legality of some of their actions.<sup>179</sup> They engaged in these unflattering actions in hopes of moving the peace process along because they were so desirous to preserve their credibility while finding a way out of the conflict that looked ominous with its ground war prospect.

### **Kosovo Peace: West's Entrapment and Serbia's Pursuit of Victory By Other Means**

The Kosovo case study shows the limits with respect to the ability of the strong to coerce the weak, for despite the Western considerable military and political clout, Belgrade snatched an important political victory, even in its military defeat. By engaging in the war with the most powerful alliance in the world, weak Serbia extracted an important concession captured in every agreement after the air strikes were launched and, most importantly, in the UNSC Resolution 1244 (1999). Rather than being some self-created NATO mission, the present Kosovo mission is bound by the UN Charter, which emphasizes territorial integrity of its member states.

While many would tend to interpret this Serbian insistence upon the UN as a face-saving element that America graciously allowed Serbia to have, this study would like to

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<sup>179</sup> For example, the American imposition of the unified NATO control upon Russia, despite the G-8 peace principles that opened the possibility of dual command, is one of several examples that brings into question Washington's good faith during the G-8 negotiations and the legality of its subsequent actions.

suggest that the UN issue was not only of paramount importance for Belgrade but is also one reason why it has become more difficult for the Western powers to disengage from Kosovo. Because of the UN Resolution 1244, they would not be able to disengage without acknowledging at least some of the Serbian interests, and possibly damaging some of the Western objectives in the larger area. Seeking a final settlement on the basis of the UN Charter means that it would be very difficult to recognize Kosovo's independence: the Charter emphasizes the territorial integrity and sovereignty of its member states. Furthermore, if a permanent settlement were to seek Kosovo's independence or partitioning, the Western powers would not be able to pursue such a settlement without undermining their policy of a unified Bosnia.

The main reason why Serbia accepted the NATO deployment was the Western acknowledgement of Belgrade's authority over Kosovo, at least *de jure*, if not *de facto*. The Yugoslav news agency reported on the 3 June agreement as follows, expressing the Serbian calculation that it was undesirable to withstand further NATO attacks if the peace plan guaranteed Belgrade's sovereignty over Kosovo:

The [Yugoslav] federal government also accepted the peace plan proposal of the Russian Federation and the EU, considering that it guarantees the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, that it prevents terrorist and separatist activities, and that it puts an end to the aggression against our country, the suffering of the population and the destruction of the national resource [sic]. The federal government finds it particularly important that the decision-making process is being transferred to the United Nations, on the basis of the UN Charter.<sup>180</sup>

It is very likely that the Serbian acceptance of peace within the UN framework was also based upon lessons Serbia had learned hard way, most importantly in its earlier

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<sup>180</sup> Serbia and Montenegro, [Press release.], "Yugoslav Government Endorses Kosovo Peace Plan," *BBC Monitoring Europe – Political, Supplied by BBC Worldwide Monitoring*, 4 June 1999, available from Lexis-Nexis Universe, accessed 19 June 2000. See also Serbia and Montenegro, [Press release.], "Serbian Ruling Party Says UN Must Resolve Kosovo Crisis on Basis of G8 Plan," *BBC Summary of World Broadcasts*, 3 June 1999, available from Lexis-Nexis Universe, accessed 19 June 2000.

conflict with Croatia. The UN force was originally deployed to Yugoslavia in response to a Serbian suggestion. Faced with the forthcoming recognition of Croatia, Belgrade wanted to replace its own troops with UN peace-keepers in order to prevent the Croats from retaking the territories that Zagreb had lost in the war of 1991. The Serbian expectations did indeed prove correct, at least initially. The UN deployment froze the situation on the ground to the Serbs' benefit: thereby the Serbian problem of keeping the Croats out had then been shifted to the UN. Under UN protection, the self-declared Republic of Serbian Krajina, existing on Croatia's territory, functioned as part of the Serbian legal order.<sup>181</sup>

However, Belgrade's plans would soon turn into disappointment: *de facto* situation favorable to the Serbs would be clashing with *de jure* situation, flowing from Croatia's recognition and its admittance to the UN. Instead of accepting the newly created realities, the UNSC and UNGA resolutions would begin to treat the disputed areas as *de jure* parts of Croatia, urging Belgrade to end the "occupation," and the Croatian Serbs to seek resolution of their problem within the Croatian constitutional system. Thus, UN resolutions were continuously passed contradicting the realities on the ground, placing the international community in the awkward situation of being unable to implement any of its decisions, given the Croatian Serbs' opposition to being integrated into Croatia. As the Serbs incurred a reputation for brutality and the world became frustrated with the Bosnian war, the Croats drew political support for their military offensive that forcefully reintegrated Croatia.<sup>182</sup>

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<sup>181</sup> For the events and references, see Chapter Four of this study.

<sup>182</sup> For the UN resolutions that affirmed Croatia's territorial integrity, see the following: United Nations (UN), General Assembly, 49<sup>th</sup> Session, "Resolution 49/43: The Situation in the Occupied Territories of Croatia," A/RES/49-43, 9 December 1994, available from <http://www.un.org/documents/ga/res/49/a49r043.htm>, accessed 8 December 2003; United Nations, Security Council, 3512<sup>th</sup> Meeting, "Resolution 981 (1995) [On establishment of the UN Confidence Restoration Operation in Croatia

There is no reason to suppose that Belgrade did not learn the lesson: the UN is more supportive of territorial integrity of its member states, and it could be, therefore, more responsive to Belgrade's need to maintain the claim of sovereignty—if not actual authority—over Kosovo. This conclusion flows not only from the fact that the UN is restricted by the UN Charter more than any other international body, and thus more respectful of territorial sovereignty of states. It also proceeds from the reality that Russia and China, in tune with the Serbian needs and generally opposed to the break-up of states for their own domestic reasons, sit in the UN Security Council and can veto any UNSC resolution bringing into question Belgrade's claim over Kosovo.

Here again one can learn from the events of 1991 and 1992. Politically and legally it was much easier for Europe to launch negotiations on the break-up of Yugoslavia--particularly when all participants indicated they wanted separation--than it was for the UN to acknowledge the break-up of its founding member state, or Titoist Yugoslavia. The situation changed in 1992 with American-led recognition of Bosnia, and both Bosnia's and Croatia's acceptance into the UN, the acceptance that could not have been done without Russian and Chinese support.

If the above is true then how should one view a proposal for Kosovo's independence in a report that believes, paradoxically, in the importance of the UN and international norms? The Independent International Commission on Kosovo, headed by Justice Richard Goldstone of South Africa, formerly with the International Criminal Tribunal for Former Yugoslavia (ICTY), proposed that the international community

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(UNCRO)]," S/RES/981(1995), 31 March 1995, Document No.I.2-74 in *Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement*, ed. by Snežana Trifunovska (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International), 336-338. See this study's Chapter Four, which cites from these UN resolutions.

should disregard the Resolution 1244 (1999), permitting Kosovo's independence against the opposition of Belgrade.<sup>183</sup>

Kosovo's independence, or its division, may be inevitable, for neither Serbia nor the international community would be willing to keep two million Albanians under their control forever. However, that outcome should not be viewed as consistent with the UN Charter or international principles proclaimed in the area, nor should it be assumed that such an outcome would be possible without a major struggle with Serbia, Russia, and China, and without bringing into question all the previous international policies--most importantly, the continuous international efforts to keep Bosnia together.

The UNSC resolution 1244 (1999), to which the Western powers agreed, is very beneficial to Serbia because it demands a principled approach to be applied throughout the region, thereby reinforcing the Serbian position and weakening that of the Western powers. The resolution demands that the final settlement be based upon

“the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region.”<sup>184</sup>

The principles upon which the previous international policy was based were inherited from the Badinter opinions that upheld *uti possidetis*, refusing to accept new borders among the former Yugoslav republics. Thus, neither the Serbs could secede from Zagreb and Sarajevo, nor could Kosovo's Albanians split away from Belgrade. Even though, in Titoist Yugoslavia, Kosovo had functioned autonomously and had a direct representation at the level of the Yugoslav Federation independent of Serbia, the European Community, which claimed to have been led by the Badinter principles,

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<sup>183</sup> Independent International Commission on Kosovo, *Kosovo Report*; see pp. 263-279 for the discussion of the possible options, with preference given to independence; see also pp. 9-10.

<sup>184</sup> United Nations, Security Council, “Resolution 1244 (1999),” Annex 2, Point 8, p. 99. Annex 2 is the Chernomyrdine-Ahtisaari-Milosevic agreement of 3 June 1999.

rejected the Kosovo Albanian appeal for independence, saying that only republics were entitled to the recognition of independence.<sup>185</sup>

But if Kosovo should win its independence, why should not the Bosnian Serb Republic? If the borders of Serbia should change, why should not those of Bosnia? Would a hypothetical secession of Kosovo not undermine the current international policy to keep Bosnia together?

This study believes that one important reason for the continued Western entrapment in Kosovo, as well as in Bosnia, would prove to be the implications of the Resolution 1244. The Western allies did not accomplish a clear political victory resulting in the final Kosovo settlement: instead, Serbia was allowed to maintain its paper claim on Kosovo. NATO successfully alienated Kosovo from Belgrade's authority *de facto*, but not *de jure*. The significance of the UN resolution, and the constraints it has imposed on the Western powers, will become increasingly apparent with time, as the "international community" gets tired of its efforts to mend divided Bosnia and administer Kosovo as nominally part of Serbia against the wishes of the majority of the Kosovo Albanians. Eventually, the Western powers will begin an active search for a permanent settlement, but will find themselves constrained by the UN framework and the Resolution 1244, which bar Kosovo's independence.

At present, the international community is administering the divided Bosnia as if it were a single, unified state, and Kosovo as if it were an autonomous province of Serbia: both arrangements are in violation of the UN Charter since they apply trusteeship models

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<sup>185</sup> Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (New York: Columbia University Press, 1998), 252-253; Peric Zimonjic, "Yugoslavia: Kosovo, Serbia's Next Trouble Spot," *IPS-Inter Press Service*, 2 January 1992, available from Lexis-Nexis Universe, accessed 27 August 2004. See also Chapter Four, which deals with the EC recognition policy and the Badinter principles.

to UN member states.<sup>186</sup> The tensions between the *de facto* and *de jure* worlds, coupled with the costs of maintaining the troops and large administrations for what has now been eight years, will sooner or later create a push for the final settlement permitting the international disengagement. When that moment comes, the Western powers will not be able to ignore the implications of the Resolution 1244 and will have to recognize the Serb interests in the final settlement.

For these reasons, despite its military defeat, Serbia accomplished a small, but important political victory, opening up the opportunity to continue to fight for its objective of eventually incorporating Kosovo or else to permit its secession in exchange for getting the Bosnian Serb Republic, and even perhaps a part of Kosovo as well. In other words, Serbia scored a political victory in its military defeat:

The Western approach [to war] is best summarized by Clausewitz's observations; central to his theory is the notion that war is a tool meant to serve political ends which, according to Western (i.e., European and American) experience, can be served only through victory. Thus in Western experience and rationality, a state never resorts to war if it has little or no chance to win militarily; political goals cannot be achieved by defeat. Many non-Western cultures have departed from Western logic. They agree with Clausewitz on the primacy of politics and the subordinate role of military action to politics. But war is considered a worthwhile undertaking even if military success is *not* guaranteed, so long as political goals can be attained, including, often, the preservation of one's honour and pride. Paradoxically—in terms of Western experience—political aims are frequently obtained even through defeat.<sup>187</sup>

<sup>186</sup> Article 78 of the UN Charter says: "The trusteeship system shall not apply to territories [i.e., Yugoslavia, Bosnia] which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality."

<sup>187</sup> Michael I. Handel, *Perception, Deception and Surprise: The Case of the Yom Kippur War*, Jerusalem Papers on Peace Problems, no. 19 (Jerusalem, Israel: The Hebrew University, Leonard Davis Institute for International Relations, 1976), 23-24. In the study cited, Handel writes about the Arab-Israeli conflict and the surprise attack on Israel in the Yom Kippur of 1973. After initial military losses, Israel regained military control; however, the Arabs, in particular Egypt and its President Anwar el-Sadat, had gained political advantage despite their eventual military setback. Through launching an attack upon Israel in 1973, President Sadat regained a feeling of honor at home, which had been lost due to Egypt's humiliating defeat at the hands of Israel in 1967. Having inflicted some damage on Israel, Sadat could finally engage in peace negotiations from a position of strength and honor regained. Furthermore, the Arab attack made Israel feel vulnerable and more interested in peace negotiations: before the Yom Kippur surprise attack, Israel had believed that its enlarged boundaries and occupied territories gained through the previous wars would protect Israel itself against any Arab attacks. The peace process was, therefore, relaunched,

Western rationality is based on the presumption that going to war and risking a military defeat is completely irrational; however, this logic flows from the fact that America is a military giant that always engages in a war from the position of great strength. America in fact projected its own rationality into Serbia: the United States normally engages in a war with the calculation it could win decisively, and with minimal casualties on its part. Accordingly, when contemplating coercing Serbia, Washington just assumed that Milosevic would simply bend before the Western demands, rather than provoke the war with a military superpower—for in the American understanding, there was nothing to be gained from a military defeat.

However, this Western rationality does not apply to weak actors whose societies still face many unresolved issues and are, therefore, prepared for greater self-sacrifice, including the human and material costs of a military defeat in order to reaffirm an important political or moral objective, for which they continue to struggle despite military setbacks. From the perspective of these societies, risking a military defeat seems reasonable in order to defend honor—Serbia could lose Kosovo only if defeated militarily—or in order to accomplish a small, but significant, political victory, such as forcing the Western powers to deploy NATO under the UN framework.

Moreover, these weak societies continue their struggle for victory, previously unobtainable through military means, as they had to face military giants. In other words, they score some political victory in a military defeat, and then continue to fight for the final political resolution to their satisfaction despite the military setback. For these weak

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eventually ending with the Camp David Accords and the return of the Sinai to Egyptian sovereignty. Thus, Handel was right in that the Arabs, in particular Egypt, with their strategic surprise attack upon Israel in 1973, managed to achieve political victory despite military defeat. One minor adjustment needs to be made, though: what Handel calls “non-Western cultures” here might be just weak opponents who fight for their objectives in a manner different than that available to powerful Western democracies.

societies, peace—particularly when reposing on ambiguous peace settlements--can provide opportunities to continue the war policy “with other means.” These societies continue to fight for victory--enlist the support of various international actors while they seek the resolution in dominating, rather than accommodating, their opponents.<sup>188</sup>

Thus, it made sense for Belgrade to resist the most powerful alliance in the world--even if it could never hope to defeat it--because that resistance brought to the Serbs an important political and moral victory. That non-Western rationality might be far away from the rationality of the stable high-tech democracies. Living with decades of domestic peace and stability, Western democracies look at self-sacrifice for homeland in a different manner; they also assume that political victories should proceed from their military campaigns that are bound to be successful in view of their superpower strength.<sup>189</sup>

Still, there remains the following question: If Western leaders had been more decisive in prosecuting their war against Serbia—rather than had been willing to give in on paper to get the Serbian signature on the peace agreement—could there have been a more clear military victory ensuring a more coherent and enforceable peace settlement? In other words, could NATO have forced Serbia to give up on Kosovo for once and all?

Michael Howard has rightfully warned that military force can rarely impose “conflict resolution,” or in his words, “total solutions,” even if force is being wielded in a

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<sup>188</sup> The above sentences play upon Karl von Clausewitz’ famous definition of war that has influenced generations of Western military scholars and civilian strategists: “War is regarded as nothing but the continuation of state policy with other means.” This study believes that weak actors, in comparison, can view ambiguous peace settlements as an opportunity to continue with a war policy (i.e., search for victory) by other (i.e., political) means. For the Clausewitz quote see, *The Columbia World of Quotations*, ed. Robert Andrews, Mary Biggs, Michael Seidel, et al. (New York: Columbia University Press, 1996), no. 12605, available from <http://www.bartleby.com/66/5/12605.html>, accessed 1 February 2004. For more on Clausewitz and his relevance, see the subsequent sections on Michael Howard’s work.

<sup>189</sup> In that respect, Salem was right to point out that many “post-modern” societies attuned to the material comforts of Western democracies misunderstand the turbulent areas of the world where self-sacrifice still predominates because these non-Western societies are still motivated by many unresolved problems. Paul E. Salem, “In Theory: A Critique of Western Conflict Resolution from a Non-Western Perspective,” *Negotiation Journal* 9, no. 4 (October 1993): 361-369.

decisive manner.<sup>190</sup> He has argued against the present-day relevance of the traditional Clausewitzian distinction that the majority of military strategists still seem to uphold: on the one hand, a limited war strategy (*Ermattungsstrategie*), which seeks to influence an opponent, and on the other, a total war strategy (*Vernichtungsstrategie*), which seeks to destroy an enemy.<sup>191</sup> The distinction between coercion (limited war strategy) and decisive force (total war strategy) is irrelevant, argues Howard, because force is not likely to impose a victor's decision upon the vanquished, regardless of the victor's intention to use force coercively or decisively, and irrespective of technological sophistication that permits outstanding military victories.<sup>192</sup>

Howard illustrates this point by comparing the eventual outcome of the two total wars ending in complete military victories. He points out that World War I ended with a total military victory; however, it failed to impose the desired political solution, and Germany initiated another war a few decades later. On the other hand, argues Howard, the military victory led to peace in Europe after World War II, because the Germans accepted the post-World War II settlement and were treated with respect by the Allies.<sup>193</sup> According to Howard, "conquest [can] be made fruitful only through conciliation."<sup>194</sup>

Howard thus concludes that it does not matter whether one relies on coercion and limited warfare or else seeks to impose a solution through decisive force, because "even

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<sup>190</sup> Michael Howard, "When Are Wars Decisive?" *Survival* 41, no. 1 (Spring 1999): 126-135. In order to avoid confusion with the field of conflict resolution, the term "conflict resolution" as understood by some military strategists is not used by this study except on a very few occasions. Instead, this study uses terms such as "decisive force," an equally and even more broadly acceptable term referring to the maximum use of force that aims to impose a particular solution by securing a military victory. It should be noted, however, that "conflict resolution" (i.e., decisive force) as understood by military strategists has nothing in common with the understanding of conflict resolution in the field of negotiations and conflict resolution theory. The latter emphasizes peaceful, negotiated solutions and identifies conflict resolution with conflict transformation, as explained in Chapter One.

<sup>191</sup> Howard, "When Are Wars Decisive?" 128.

<sup>192</sup> *Ibid.*, 126-135.

<sup>193</sup> *Ibid.*, 130-132.

<sup>194</sup> *Ibid.*, 134.

the most complete military victory” cannot accomplish more than “provide opportunities for a political solution.”<sup>195</sup>

According to Howard, the main reasons why decisive force and military victory cannot impose a conclusive outcome are the advent of “people’s wars” and the development of communications that recruit popular support with emotional appeals:

It was thus the advent of ‘people’s wars’ that made war total, shifting the centre of gravity away from armies on the battlefield to the people on whose endurance and support the continuance of the war depended, making it ever harder to reach a ‘decision.’ Not simply the armies but the will of the enemy people had to be crushed.”<sup>196</sup>

Howard thus concludes that the question of whether wars are limited or total is not decided by wars’ original objectives or by the use of limited versus total military means against opponents. Instead, this question is being decided by “the nature of society”—in particular, by “the degree of popular involvement in the conduct of the war.”<sup>197</sup> He argues that that the decisive force that disregards the need for a political solution can impose a decision upon the defeated people only by their physical elimination or permanent subjugation.<sup>198</sup> He finally concludes that “a war, fought for whatever reason, that does not aim at a solution which takes into account the fears, the interests and, not least, the honour of the defeated peoples is unlikely to decide anything for very long.”<sup>199</sup>

Howard has in fact warned us against complacent thinking that assumes that military-technological superiority can be easily translated into a political victory reposing on a successful military campaign. The use of force—even when “decisive,” or aimed at

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<sup>195</sup> Ibid., 133.

<sup>196</sup> Ibid., 129.

<sup>197</sup> Ibid., 130.

<sup>198</sup> Ibid., 132.

<sup>199</sup> Ibid., 135.

securing an undisputed military victory--cannot ensure that a particular solution can be imposed on disputants against their will.

From the perspective of the Western democracies, the Kosovo and Bosnia campaigns were short-term commitments led by limited objectives and pursued by limited means that, nevertheless, could still prevail over weak disputants. From the perspective of the disputants, however, these were total wars with unlimited commitments: the wars were supported by the majority of the peoples in question, and their struggles to attain their respective political objectives have continued even in the aftermath of the externally imposed peace settlements.

In other words, the Western democracies have enough military and political clout to completely subdue Serbia, forcing it into some type of unconditional surrender whereby Belgrade would give up its claim on Kosovo without any promise of return (i.e., without the Resolution 1244). However, one should not expect that such a forcefully imposed outcome would equal a durable peace settlement; Howard's story about Germany and the two devastating wars it had initiated is highly indicative. Would Serbia give up, or would it just wait for a new opportunity to launch a war? How long would NATO be prepared to stay in Kosovo in order to deter the Serbs who want to get it back forcefully? Some territorial disputes, such as the one between Argentina and Britain over the Falklands, have displayed a remarkable persistence of weak disputants against military superpowers, with resultant instability and a possibility of escalation at some point in future.

However, while one should not seek "conflict resolution" on the battlefield, it nevertheless remains true that a more seriously pursued military campaign could have

shortened the Kosovo war-- even though it could not have entirely prevented the Serb campaign against the Albanians.

Though it is difficult to argue in a hypothetical manner about past events, this study believes that even if NATO had issued stronger threats and had been prepared to use ground troops from the beginning, Serbia might still have refused to bend before the Western demands, engaging instead in the deportation of the Albanians. In fact, this study believes that the pattern of argument emphasizing the importance of military means, ground troops included, reflects superpower rationality inapplicable to weak actors. Sending large numbers of refugees against the NATO troops trying to enter Kosovo would have served the Serbian purpose in the short-term: NATO would have had a hard time trying to invade Kosovo against a tide of refugees fleeing from Kosovo. The Kosovo war was in fact a case of asymmetric warfare where weak opponents do not fight by the rules of high-tech democracies: expelling refugees in order to create a humanitarian crisis might have become a new form of warfare.<sup>200</sup>

In short, it is doubtful whether the conflict could have been prevented by stronger international will, more credible threats, or the willingness to use ground troops from the outset, and it is equally questionable whether stronger military measures could have ensured a clear, durable peace settlement in disregard for the Serb wishes. However, a more serious campaign could have shortened the war. The real, as opposed to "virtual,"

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<sup>200</sup> John Kifner, "Expelling Refugees for a Relief Crisis," *New York Times*, 29 May 1999, available from <http://www.nytimes.com/library/world/europe/052999kosovo-atrocities.3.html>, accessed 25 June 1999. In addition, some top Chinese generals suggested additional methods of warfare that Serbia might have employed. They argued that President Milosevic should have countered NATO's military superiority by sending small terrorist units to NATO bases and population centers in Europe. See John Pomfret, "China Ponders New Rules of 'Unrestricted War'," *Washington Post*, 8 August 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-08/08/1541-0808999-idx.html>, accessed 9 August 1999.

commitments could not have prevented the Albanian expulsion, though they could have imposed the end of violence sooner.<sup>201</sup>

## Conclusion

In his testimony before the Congress, Joint Chiefs of Staff Chairman General Henry Shelton claimed that the Kosovo campaign was a success: “We were fortunate to come out with no combat casualties. Milosevic’s forces are out and we’re in. And so the Kosovar Albanians are back at home.”<sup>202</sup>

Yet, the Western campaign started with the goal of “preventing” a major humanitarian catastrophe through imposing the Rambouillet settlement, a goal declared before the air strikes had been launched. To be sure, the NATO allies did manage to bring over a million displaced Albanians back into their homes; however, the vast majority of these refugees were produced after the air strikes had been initiated. Thus, if the Kosovo campaign was a success with respect to its stated goals, one wonders whatever happened to the ambitious goal of conflict prevention, the stated goal of the coercive diplomacy that had led to NATO’s initiation of the air campaign.

While the Kosovo intervention has been portrayed as a success because NATO won the war without casualties on its part, it should be noted that the Albanians, as the weakest and most vulnerable party, paid a considerable price. The air campaign had little effect on what was happening on the ground—the brutal campaign of ethnic cleansing. Instead, the main objective of the Western leaders remained coercing Serbia into a peace

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<sup>201</sup> Michael Ignatieff, a proponent of the Kosovo intervention, bemoaned Kosovo’s “virtual war,” reflective of weak Western commitments to help the Albanians. Ignatieff argued in favor of credible threats to prevent, and a strong military response to end, the war between the Serbs and the Albanians. See Michael Ignatieff, *Virtual Wars: Kosovo and Beyond* (New York: Henry Holt, Metropolitan Books, 2000).

<sup>202</sup> Shelton cited in USA, Congress, Senate, “Lessons Learned from Military Operations and Relief Efforts in Kosovo: Hearing of the Senate Armed Services Committee.”

settlement that would permit the eventual return of the Albanians, most of whom were displaced during the campaign itself. While stopping ethnic cleansing on the ground would be difficult from the air, it is also true that the Western leaders, out of concern for the safety of their pilots, were not really willing to run the risks that might have disrupted ethnic cleansing, such as permitting the flights at lower altitudes.

Moreover, though the Albanians eventually returned to their homes, the Western intervention produced the Serb exodus from Kosovo, thereby failing to re-establish a “multiethnic” Kosovo and inadvertently helping in the cleansing of the Kosovo Serbs.

In addition, one should not overlook how the Western leaders prosecuted their military campaign in order to coerce Serbia. Despite their claim that the target was Milosevic, the air campaign eventually sought to break the will of the Serbian populace, which stood behind Milosevic’s refusal to surrender Kosovo. In the end, NATO had to engage in a campaign that targeted the civilian infrastructure, plunging most of Serbia into darkness and producing a shortage of basic necessities, such as water. The way that the campaign was prosecuted—militarily and diplomatically—cannot serve to the credit of the Western allies and NATO, the proud institution that had championed freedom and human rights during the difficult years of the Cold War.

According to Shelton, the Kosovo intervention was a “success” because the Western allies got the Serb forces out of Kosovo and forced Belgrade to accept the NATO troops.<sup>203</sup> However, one should ask what purpose this outcome served.

The most obvious one is that the Serbian-Albanian conflict has been mitigated, even though not resolved. The Western allies successfully imposed NATO troops on Serbia and thereby pacified the conflict in Europe’s backyard, accomplishing its most

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<sup>203</sup> Ibid.

important goal of regional stability. After the NATO intervention, Kosovo has indeed eventually become more peaceful.

However, this success at conflict management is being overshadowed by the fact that peace has been accomplished at considerable costs to the disputants and eventually to the third parties as well.

The Albanians paid in blood for a Western involvement on their side: yet, they received no independent Kosovo in return, and the goal of independence is still uncertain. To be sure, the Albanians are free of Serb rule, but they did not get even a self-governing Kosovo in return; instead, they have a Western-run protectorate. The Albanians' frustration with Kosovo's unresolved status is bound to increase, and their former "ally" (the Western peacemakers) may be viewed as a new enemy and a target of their anger.

The Serbs also paid the price for the West's coercive peacemaking, including the exodus of the Kosovo Serbs in the aftermath of the NATO victory. They continue to hold a grudge towards the West for Kosovo having been alienated from Belgrade, even though Serbia has managed to preserve its sovereignty on paper and hopes to regain Kosovo under more favorable international circumstances.<sup>204</sup>

The Western powers had to prosecute the war they did not really want and had to accept responsibility for taking care of the land (Kosovo) that, officially, belongs to Belgrade. There is no permanent settlement, least of all because Serbia scored an important political victory in its military defeat by getting the UN involved. Moreover, excessive concerns over credibility did not allow the Western leaders to embrace more practical solutions, such as the dual control over Kosovo, which would have allowed for

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<sup>204</sup> This Serbian hope and strategy has already produced some results, though on a smaller scale. After the change of leadership in Belgrade and the outbreak of the conflict in Macedonia, the Western powers permitted Belgrade to bring some of the borderline areas in southern Serbia under its control in order to contain the Macedonian Albanians' drive for independence from Macedonia.

Kosovo's eventual partitioning and the Western disengagement. Instead, by winning over Belgrade militarily and over Moscow diplomatically, the NATO allies inherited the difficult problem of administering Kosovo's self-rule against the Serb claim of sovereignty: this situation does not please either the Serbs or the Albanians, and it has entrapped the international community into a mission without an end in sight.

Perhaps the new international policy of "standards before status"—that is, demanding that Kosovo fulfill impractically high "standards" before there would be talks on Kosovo's final status—is just another sign of the high-sounding liberal rhetoric that seeks to postpone the thorny issue that the international community does not know how to resolve: the question of new borders in Kosovo and, inevitably, Bosnia as well.<sup>205</sup>

Thus, the Kosovo conflict has been mitigated by displaying the limits of peacemaking and imposing the costs on all sides: the Albanians, who got displaced during the campaign; the Serbs, who became the Albanians' target in the aftermath of

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<sup>205</sup> At present, the Serbs have reconciled to a partial loss of Kosovo: they demand its division into two entities, as they see no Serb future in Kosovo unless they would be permitted to have their own institutions. The Albanians, on the other hand, refuse any idea of dividing Kosovo, and demand independence for all of Kosovo, while resisting the Serbs' return. The international community, therefore, puts off the dilemma by asserting "standards before status" policy. An idea behind this policy is that the return of the Kosovo Serbs and the establishment of a "multiethnic" Kosovo would resolve the Kosovo Serbs' problems and thereby, perhaps, lift off the Serbs' opposition to Kosovo's independence. Also, this policy tries to encourage the Albanians to treat their Serbs humanely by offering a prospect of a conditional independence. In the meantime, the "standards before status" policy serves an important international purpose: postponing the real problem that the international community does not know how to solve. Rather than being an issue of minority rights, the real question in Kosovo is the following: to whom does Kosovo belong? The UN does not know how to return Kosovo under Belgrade's sovereignty against Albanian resistance, nor does it know how to make Kosovo independent against Belgrade's wishes and in disregard for the UN Charter. For the "standards before status" policy, as well as the Serbs' and the Albanians' opposition, see "U.N. Supports 'Standards' to Improve Kosovo Situation," *Deutsche Presse-Agentur*, 12 December 2003, available from Lexis-Nexis Universe, accessed 27 August 2004; "Serb Representative Sees Standards Plan as Step to Kosovo Independence," *BBC Monitoring International Reports*, 10 December 2003, available from Lexis-Nexis Universe, accessed 27 August 2004; "Serb Members of Kosovo Government Decide to Boycott Working Groups for Standards," *BBC Monitoring International Reports*, 17 December 2003, available from Lexis-Nexis Universe, accessed 27 August 2004; "Kosovo Serbs Call for Creation of Two Entities in Province," *BBC Worldwide Monitoring*, 18 December 2003, available from Lexis-Nexis Universe, accessed 27 August 2004; Nick Thorpe, "UN Kosovo Mission Walks a Tightrope," *BBC News*, 24 March 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3565799.stm>, accessed 27 August 2004; "UN Launches Kosovo 'Peace Plan'," *BBC News*, 1 April 2004, available from <http://news.bbc.co.uk/1/hi/world/europe/3588217.stm>, accessed 27 August 2004.

NATO's victory; both the Albanians and the Serbs, who are unhappy over the lack of resolution—still impossible in view of their divergent goals and expectations; and the Western peacemakers, who, in the absence of a permanent peace settlement and resolution, have found themselves entrapped in Kosovo.

## CHAPTER NINE

### CONCLUSION

#### **Is Coercive Peacemaking Benign, Viable, or Desirable?**

##### **Introduction**

This study has offered a comprehensive analytical overview of coercive peacemaking in the former Yugoslavia. Coercive peacemaking, as practiced in these cases, has been shown to be a type of conflict management that has relied primarily on third parties' coercive measures in support of a peaceful conflict resolution according to some internationally affirmed principles, while disregarding the absence of reconciliation among the disputants and their very divergent perspectives, objectives, and needs.

As it has emerged in the post-Cold War period, this form of interventionism has been led by the idea of the international community's primacy over the rights of sovereign states. The central assumption of coercive peacemaking has been that it is possible to intervene successfully at any stage of a dispute--though preferably early--and to induce disputants to settle their differences peacefully by embracing internationally sponsored settlements whose terms have been inspired by legal or moral norms whose existence has, in fact, been more apparent than real.

This form of interventionism has been portrayed as benevolent, desirable, viable, and aimed at affirming values such as peace, democracy, and humanitarianism. Nonetheless, when undertaken in the absence of disputants' reconciliation, coercive peacemaking has been demonstrated to have severe limits, undesirable risks, and mounting costs for both the disputants and the intervening parties. Moreover, the ability of coercive peacemaking to contribute to a better world remains dubious.

### **Limited Influence Over Disputants**

What surprises most is how relatively weak disputants can remain resilient in the face of the immense political, economic, and military power which can, and often has, been brought to bear by the West. It has not mattered whether the approach taken is one of friendly persuasion coupled with positive incentives; or one of diplomatic arm-twisting, economic sanctions, military threats; or even an outright military action: all of these approaches have displayed limits, risks, and costs when attempted in the face of the disputants' strong motivation to pursue their own respective solutions.

Thus, the 1991 European threats of unilateral Croatia's recognition in the case of the resumption of violence were able to moderate the behavior of Serbia, the disputant with the greater military strength, yet only slightly. In response to pressures, Belgrade switched tactics from the YFA high-intensity operations to the low-intensity warfare conducted by the local Serbs in Croatia (Chapter Three). Furthermore, America's early recognition of Bosnia in 1992, aimed at imposing the existing Bosnian borders as legitimate international borders, failed to deter Belgrade and the Bosnian Serbs from attempting to divide Bosnia. Despite threats of economic and diplomatic sanctions, Belgrade continued to escalate the conflict with the goal of forcing the Western powers to reckon with the realities of a divided Bosnia. Belgrade began supporting the international peace plans in 1993, only after it had won enough on the battlefield and had secured international support for its own solution of a divided Bosnia (Chapter Five).

While some may believe that the main problem of coercive peacemaking lies in the lack of international will and the eroded credibility of third party threats, the Kosovo case has demonstrated that Belgrade could still refuse to bend, even when faced by an ultimatum issued by the world's most powerful military alliance. In the end, NATO was

able to enter Kosovo only after waging a war against Belgrade and suffering international embarrassment over a refugee crisis that NATO's actions had helped, albeit inadvertently, to trigger. Even though some are convinced that the Alliance succeeded in forcing Belgrade's "capitulation" through its air campaign and its threat to use ground troops, the fact is that Belgrade refused to pull out of Kosovo until the UN Security Council was ready to pass a resolution confirming Belgrade's sovereignty over Kosovo (Chapter Eight). In short, the international leverage over Serbia seemed limited, even when the international community contemplated military measures.

Moreover, it is not only the stronger and, predictably, more uncompromising disputants (i.e., Serbs) who have displayed resilience to coercive peacemaking. The weaker disputants, or those who in fact had demanded an outside involvement, thinking it would help them to resist Serb pressures, also succeeded in undermining some of international objectives. Thus, despite Europe's insistence on a peaceful, negotiated solution and Croatia's initial expectation that respect for Europe's preferences would earn it recognition, Zagreb did eventually choose to attack selected YFA facilities in the fall of 1991. Zagreb decided it had no choice but to obtain for its forces some weapons from YFA installations in order to prevent the imposition of an unfavorable peace settlement: Croatia's division (Chapter Three).

Furthermore, squeezed in between the Serbs and the Croats, and mindful of the international demands more than any other disputant, "weak" Sarajevo did launch a military offensive against the Bosnian Croats in order to prevent the division of Central Bosnia to its detriment. Sarajevo made this decision even though, in an effort to please the international community, it had previously accepted the Vance-Owen Peace Plan (VOPP) on Bosnia's division (Chapter Five).

In short, weaker disputants have also proved willing to scuttle the international peace proposals whenever they found them totally unacceptable, even though these disputants, by virtue of their weakness, were more dependent upon the outside support and, thus, more likely to be compromising and amenable to third party influence.

### **Early Intervention, “Devious Objectives,” and Conflict Escalation**

One of the major problems of coercive peacemaking is that the disputing parties entertain mutually exclusive views about nationhood, statehood, history, borders, and justice, making it difficult for them, therefore, to reach a compromise and a peaceful, negotiated solution. The conflicts are not fueled merely by the elites, as the popular “ethnopolitical” interpretation would like to believe: instead, underlying the disputants’ conflicting nationalist perspectives are historically insecure national identities that involve entire communities. Under such circumstances, it is difficult for the leaders of the respective societies to reach an agreement on a workable settlement that the disputants could implement with minimal international coaxing, or that the outside parties could effectively enforce as a viable, self-sustaining solution.

The disputants do negotiate, but they engage in peace talks with “devious objectives,” with the aim of eventually reaching the victory they have always sought, not with the goal of facilitating a compromise. They use international involvement to further their respective causes: to regroup or to avoid international criticism.<sup>1</sup>

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<sup>1</sup> Oliver Richmond, “Devious Objectives and the Disputants’ View of International Mediation: A Theoretical Framework,” *Journal of Peace Research* 35, no. 6 (1998): 707-722; see, in particular, p. 708. See also Chapter One, which quotes from Richmond and explains “devious objectives.”

Consequently, the international efforts—undertaken with the assumption that an early intervention can prevent conflicts—in fact often encourage the opposite result: conflict escalation.

The full extent of the problem generated by bad faith negotiations has already been made apparent during the Croatian war of 1991. At first, Croatia did not attack the YFA; the Serbs were gaining territories; and Belgrade resisted greater European involvement that criticized its actions. However, after Zagreb had carried out some limited attacks against the YFA facilities, Belgrade began to look forward to EC involvement while still rejecting EC's goals. The Serbs never shared Europe's desire to facilitate the search for an integrative settlement reflecting the EC guidelines on *uti possidetis*, minority rights, and regional cooperation. Instead, Serbia hoped that Europe and UN would help Belgrade restrain the Zagreb offensive, legitimize Croatia's division, and enable the Serbs to regroup their military resources in preparation for a war in Bosnia (Chapters Three and Four).

The international community became involved in the Bosnia conflict early, before the outbreak of war. Again, the Serbs welcomed the international engagement only to the degree it could help them achieve their goal—a division of Bosnia that would be to the Serbs' greatest benefit. Therefore, Serbia participated in the Lisbon talks aimed at dividing Bosnia, but escalated its military actions as soon as Sarajevo had reneged the Lisbon principles. Under European pressure, Sarajevo had accepted the Lisbon agreement, however, it renounced it as soon as an American offer of unconditional recognition came along. Sarajevo, ostensibly the most moderate and accommodating disputant, engaged in the negotiations on Bosnia's inner partitioning at Lisbon, while hoping to attract international support for independence for all of Bosnia (Chapter Five).

Eventually the two-way Bosnian war became a three-way conflict: the fighting erupted between the Croats and the Muslims in 1993, triggered by the VOPP negotiations. The Bosnian Croats accepted the plan as an encouragement to carve out “Croat provinces” from the mixed areas of Central Bosnia. Furthermore, Sarajevo had accepted the VOPP on the premise that the partitioning plan would never go into effect because the Bosnian Serbs would reject the plan and then be bombed by NATO: a military intervention would weaken the Bosnian Serbs and thus help the Bosnian cause. Thus, Sarajevo was willing to negotiate Bosnia’s partitioning even as it continued to pursue—as paradoxical as it may seem—its goal of a single, undivided state. When international intervention against the Serbs did not take place, a disappointed Sarajevo, with the goal of gaining control of more land, then turned against the Bosnian Croats: the Bosnian Croats were an easier target than were the Bosnian Serbs. Thus, Sarajevo launched its offensive against the Bosnian Croats even though it had previously agreed, under international pressure, that the VOPP should be implemented on a bilateral basis, between Sarajevo and the Bosnian Croats (Chapter Five).

A similar situation then took place in Kosovo: in the absence of the disputants’ will for reconciliation and good faith in negotiations, the outside involvement did not help preserve peace but instead precipitated the war. In the perspective of the Serbs, who resisted outside interference, the international mediation was supposed to affirm that Kosovo was part of Serbia: the Serbs then switched from a strategy of negotiation to the one of preparation for offensive actions as soon as it had become clear that the international negotiators were tilting the agreement towards the Kosovo Albanians’ side. Nonetheless, the Kosovo Albanians had urged greater international involvement on the premise that outside involvement would help their cause of independence against the

militarily stronger Serbs. Thus, the Albanians did not wish to sign the Rambouillet agreement until the international negotiators had introduced a clause opening up a possibility for Kosovo's eventual independence and had promised a military action against Serbia. Under such circumstances, the international involvement actually precipitated the Kosovo war and led, eventually, to an ambiguous peace settlement (Chapter Eight).

### **Engaging in Peacemaking without a Commensurate Sense of Responsibility**

The most troubling aspect of these experiences is that coercive peacemakers have not appeared to feel any commensurate sense of responsibility when their peacemaking worsens a conflict and renders more vulnerable the weaker disputants who have adhered to terms insisted upon by the peacemakers. For example, the American offer of unconditional recognition for Bosnia encouraged Sarajevo to pursue independence without considering a prior division of Bosnia, as was demanded by the Serbs: the American support for a single Bosnia left Sarajevo with a false hope that independence could be reached for all of Bosnia because of the international support. In stark contrast to these Bosnian expectations, when the Serbs launched their strategic surprise attack, America stood by, even though it had encouraged Sarajevo to renege on the Lisbon settlement that the Serbs wanted in exchange for Bosnia's recognition (Chapter Five).

Europe also stood by even though its previous involvement had helped shift balance to the detriment of Sarajevo. The 1991 international involvement in Croatia--by allowing the Serbs to regroup, to inherit all the YFA weapons based in Croatia, and to re-deploy from Slovenia and Croatia to Bosnia—had helped shift the overall military balance to the Serbs' advantage. However, neither Europe nor America did anything of

consequence when the war broke out in Bosnia in 1992. Furthermore, Europe stood by when its peace plan, or the VOPP, precipitated the conflict between the Croats and the Muslims in 1993: Europe's inaction was merely a repeat of its 1991 failure, in Croatia, to recognize its responsibility for the consequences of the peace agreements whose terms it had pressured disputants to accept (Chapters Three and Five).

The Western powers only finally took action in response to the violence that had erupted in Kosovo, after the Serbs had launched a strategic surprise attack against the Kosovo Albanians. Yet even in the Kosovo case, Western powers took military action reluctantly and inefficiently. It was quite apparent that the NATO governments worried less about the safety of Albanian refugees fleeing from a Kosovo under Serbian attack than they did about the safety of the NATO pilots carrying out the air campaign that was designed, supposedly, to protect Kosovo's Albanians (Chapter Nine).

In short, the international community today is faced with existential identity conflicts in which the disputants do not really seek compromises, and the approaches being taken to peacemaking carry the risk of worsening conflicts by precipitating—rather than mitigating—violence. These approaches can encourage the weak to push for unrealistic solutions that can trigger stronger disputants' violent attacks; they can also unintentionally reinforce the position of the stronger disputants and, in the end, worsen the plight of the most vulnerable parties affected by the dispute. Those most vulnerable are always the civilians whose governments are unable to defend them against military attacks. These are the eventual victims who often bear the brunt of the military attacks that have been prompted, albeit inadvertently, by circumstances created by the negotiations and the terms of agreements insisted upon by outside powers.

However, the peacemakers' actions indicate that, as third party participants trying to resolve conflicts, they still do not appreciate that they must engage in the peacemaking process with a sense of responsibility commensurate to the consequences of their actions and statements. This risky and costly situation, coupled with peacemakers' weak commitments to remain effectively involved, is one important reason why coercive peacemaking is undesirable: despite the intended benevolence of its goals, coercive peacemaking can contribute to conflict escalation, making the weakest parties even more vulnerable without providing an adequate remedy for their vulnerability.

### **Ambiguous Settlements and Entrapped Coercive Nation-Builders**

While coercive peacemaking shows serious limits at the early stages of a dispute, when it risks precipitating greater violence, this form of conflict management can mitigate conflicts and, eventually, impose an end to the violence. However, wars are being ended by ambiguous peace settlements that freeze disputants' irreconcilable perspectives without reconciling them: such settlements merely allow disputants to pursue their respective victories with means other than war. These settlements turn out to be complicated cease-fire agreements that do bring in stability, but that also create new problems because they do not address the substance of the dispute. These agreements are unworkable compromises full of contradictions: they cannot be implemented or even enforced as viable peace settlements. Consequently, the chances of violence resuming remain high, and preserving peace in the aftermath of the imposed agreements demands further international presence, thereby carrying the risk of third party entrapment.

An example of such an unworkable peace settlement was the 1992 Vance peace plan for Croatia: it could never be implemented in the direction of Croatia's reintegration,

as Zagreb and some international actors wished, even though some elements of the plan, to which Belgrade had agreed, pointed in the direction of Croatia's unification. Belgrade wanted the plan together with the UN deployment, which froze the *status quo* to Serb advantage. For Zagreb, which had to accept the UN deployment and the Vance plan in exchange for recognition, the ambiguous peace plan was about Croatia's reunification; however, to the contrary, Serbia affirmed that the plan was about maintaining Croatia's division. Following several years of fruitless negotiations, the conflict was, in the end, settled violently as Zagreb gathered support for preserving its territorial integrity and forcefully reintegrating the Serb-held areas (Chapter Four).

The Bosnian conflict was settled by an ambiguous peace settlement brought about by a limited use of force, which America supported in order to facilitate the territorial distribution and make the offer of less than a half of Bosnia's territory palatable to the previously defiant Bosnian Serbs. The Dayton agreement validated the position of all three Bosnian disputants, by offering the formula of the three nations (important to the Croats) and the two entities (important to the Serbs) within a framework of a nominally sovereign, single Bosnia, with recognized outside borders (important to Sarajevo). For the Serbs, Dayton has been about Bosnia's territorial division into two entities, while for the Croats, Dayton has been about the power sharing among Bosnia's three nations, with Bosnia's two-tier structure violating the principle of national equality in Bosnia. Meanwhile, Sarajevo continues to believe that Dayton's territorial and national principles, important to the Serbs and the Croats respectively, should be discarded in favor of Bosnia's central institutions organized along civic principles. Coercive peacemaking, therefore, succeeded in mitigating the violent Bosnian conflict through a limited use of force, as well as at the expense of the Serb "peace refugees" who fled from

Sarajevo and other areas that had come under the control of the Federation. However, the struggle over three different visions of Bosnia continues, and so does the international involvement (Chapters Six and Seven).

This ambiguous, unstable post-Dayton situation has led the international community to deepen its involvement. Because Bosnia's Serbs, Croats, and Muslims could not agree on the most basic issues pertaining to the functioning of the common institutions, the international community decided to impose decisions and take responsibility for running the Bosnian state. The rationale for expanding the role of this substitute for self-government has been the goal of creating a "self-sustaining" Bosnia. Yet, more than six years after the introduction of the "Bonn powers"—unlimited executive and legislative authority for the chief international officer in Bosnia—the international community is still in Bosnia, digging itself deeper (Chapter Seven).

Thus, the Bosnia conflict management never ends. Because underlying issues have not been resolved, the dispute continues in the so-called "post-conflict peace-building" phase. The post-settlement period has become just another phase of conflict management at a low-intensity level, without a clear objective and with ever increasing costs to both the disputants and the third parties. Coercive peacemakers have turned themselves into coercive nation-builders, but remain, nevertheless, entrapped as conflict managers: a sustainable settlement remains far away, and a new cycle of fresh violence always remains a possibility. In fact, coercive nation-builders have returned "post-conflict peace-building" to square one—to conflict prevention.

Moreover, it looks as if the harder the third parties try to produce a single, "self-sustaining," "multiethnic" Bosnia through coercive nation-building, the more entrapped they become by getting deeper involved in the running of Bosnia and taking power and

responsibility away from its citizens. The emerging end result is an international protectorate with impressive legislation conforming to what are believed to be European and international norms--a protectorate that nevertheless remains a fake sovereign state necessitating continuous international engagement (Chapter Seven).

Despite the increased, and even repressive, interventionism, justified by the need to create “self-sustaining structures,” the coercive peacemakers did not manage to create a viable peace in Bosnia or extract themselves from the area. Instead, they became involved in Kosovo, where they first precipitated violence and then, as they intervened against Belgrade, mitigated the conflict—again, at the expense of their entrapment.

Today Kosovo is an international protectorate that is neither self-governing nor a part of Yugoslavia, despite the original intention of imposing a peace settlement that would guarantee “an autonomous Kosovo within democratic Yugoslavia.” Moreover, despite their previous acceptance of the Rambouillet agreement, the Kosovo Albanians continue to oppose Belgrade’s sovereignty over Kosovo. The Albanians did not accept Rambouillet under the premise that Kosovo would return to Belgrade: they had hoped that their acceptance of Rambouillet would trigger an international intervention against the Serbs and thus detach Kosovo from Belgrade as a lasting consequence. Meanwhile, Serbia continues to insist on the full implementation of the UNSC Resolution 1244, which affirms that Kosovo is a part of Yugoslavia, while hoping for Kosovo’s partitioning between its Serbs and Albanians (Chapter Eight).

Thus, coercive peacemakers are now in the position of running a “self-governing” Kosovo, which is supposed to be a part of Yugoslavia. Meanwhile, they are continuing to “administer” a divided Bosnia as if the latter were a single state, a “sovereign” member of the UN, and a candidate to join NATO and the EU in the future—at which time, their

mission of creating a “self-sustaining” Bosnia through coercive nation-building will supposedly end. Returning Kosovo under Belgrade’s authority will be hard; yet, permitting its secession will be even more difficult, in view of the Resolution 1244. Moreover, an independent or divided Kosovo threatens their goal of a single, unified Bosnia, into which they had invested much time, effort, and prestige (Chapter Eight).

Hence, the international entrapment in the Balkans is most likely to continue without any predictable end point, pending West’s fatigue with coercive nation-building or else an incident that could bring into question Western commitment to the Balkans and lead to its rapid disengagement—an event that could be followed by chaos and violence in the Balkans, in the view of the disputants’ still unresolved, persistent differences.<sup>2</sup>

### **Peacemakers as Disputants That Can Undermine, Rather Than Help, Peace**

It appears from the above that escalating violence in the early stages of the dispute, as well as third party entrapment in the latter stages, is actually facilitated by coercive peacemaking. Thus, conflict prevention and resolution seem elusive not only in spite of the outside interference—that is, not just because the outside parties cannot do much in the face of the disputants’ strongly contested differences, insecure identities, and

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<sup>2</sup> What event could possibly lead to a rapid international disengagement? It is difficult to predict future, but one possibility is that there may be a terrorist attack on NATO forces in Bosnia or Kosovo. Some disputants in the Balkans may decide to copy the Sunni strategy in Iraq, particularly if America decides on a cut-and-run approach to Iraq because of the Sunni insurgency. For example, though not reported by American media, every now and then, the Bosnian media mention the Western attempts to ban or expel one or another Bosnian Muslim organization because of its ties to al-Qaida. In a hypothetical situation in which the Bosnia situation should deteriorate because of some anti-Western insurgency, it is likely that Western powers would scale down their commitments to the area. For the recent reports on the possible threats of terrorism in Bosnia, see “Three Hundred Holy Warriors in BiH,” *Nezavisne novine* (Independent News), 21 January 2004, in “Main News Summary: Wednesday, 21 January 2004” [the SFOR official site that summarizes or gives excerpts from Bosnia’s daily press], available from <http://www.nato.int/sfor/media/2004/ms040121.htm>, accessed 23 January 2004; “BiH Young Men Recruited in the ‘White’ al-Qaida,” *Nezavisne Novine* (Independent News), 20 January 2004, in “Main News Summary: Tuesday, 20 January 2004” [the SFOR official site that summarizes or gives excerpts from Bosnia’s daily press], available from <http://www.nato.int/sfor/media/2004/ms040120.htm>, accessed 23 January 2004.

lack of reconciliation. Instead, it looks as if these conflicts escalate and the search for sustainable solutions becomes more difficult because of the international involvement. In other words, far from its stated benevolence and attempts at imposing peaceful conflict resolution, the outside involvement can precipitate violence and render the search for final settlements more difficult because, instead of enforcing reconciliation, it provides an opportunity for the disputants to pursue their competing high-stake objectives.

The explanation for this paradox should be seen in the nature of the disputes and, hence, in how disputants experience the outside involvement. These identity disputes concern vital issues involving individual members of respective societies; hence, leaders, who “negotiate” under the outside pressure, show little flexibility and cannot reconcile their competing notions of borders and justice in internationally endorsed “compromises” (Chapter Two). Consequently, they use the outside pressure for a negotiated settlement as an opportunity to regroup or launch offensives in case the internationally sponsored peace proposals fail their respective expectations. Or else the disputants exploit some elements of, to them unfavorable, peace settlements in order to continue the struggle for their high-stake objectives with international blessings.

Consider the misperceptions held by the outside parties regarding the Belgrade intentions during the Croatia negotiations of 1991: The strategy of international negotiators was based on the calculus that a compromise was imposable through a combination of positive and negative measures, while peace was the supreme value, to be pursued in the interest of both the outside parties and the disputants. In this international understanding, Serbia would inherit Yugoslavia’s property (including the YFA weapons), and would, in return, respect the existing borders of Croatia and Bosnia.

However, creating peace based on such a compromise was not acceptable to Belgrade. Serbia demanded negotiations on new borders and was prepared to wage a war in order to ensure the realization of its own maximal goals—to be the sole successor of Yugoslavia, while also absorbing vast parts of Croatia and Bosnia, in addition to maintaining control over Albanian-populated Kosovo, Muslim-populated Sanjak, and mixed Vojvodina, traditionally allied with Croatia and Hungary.

Thus, as it appeared that Europe would not be willing to help negotiations permitting the change of borders among the Yugoslav republics, Belgrade used Europe's search for a peaceful, negotiated solution as a cover for its offensive operations in support of its high-stake objective: gain all YFA weapons stored in Croatia, and then deploy to Bosnia in preparation for war. In short, far from accomplishing peace, the international actions enabled the Serbs to regroup militarily and pursue their objective, leading to the Serb strategic surprise attack and major conflict escalation in Bosnia in 1992 (Chapters Four and Five).

Moreover, it is not only the Serbs who have profited from the Western involvement. The international involvement has enabled Zagreb to regroup as well: following its forced submission to the UN deployment on the basis of the unfavorable Vance plan in late 1991, Zagreb eventually drew outside support for incorporating its lost territories by force in 1995, at the expense of the Serb "peace refugees" (Chapter Four).

The weaker disputants, in particular, have been enabled to fight for their victories, normally beyond their reach or obtainable only at very high costs, but now facilitated by the outside intervention. This point has been particularly true of the Bosnian Muslims and the Kosovo Albanians: they would have had little chance to successfully fight for their high-stake goals if it had not been for the outside involvement.

The Rambouillet negotiations presented the Albanians with an opportunity to trigger an intervention that would detach all of Kosovo from Belgrade without having to endure the costs of a protracted war and a likely peace at the expense of Kosovo's division. Thereby the third parties clearly became disputing parties, since they felt compelled to intervene against one disputant (Serbs) because their peacemaking efforts had worsened the dispute and triggered a major conflict escalation (Chapter Eight).

Moreover, the international involvement provided Sarajevo with its own opportunity to regroup and then use some elements of the Dayton agreement (while disregarding others) to fight for a single, united Bosnia while calling upon the international community to fulfill its moral and legal obligation to Bosnia: to create a single, "multiethnic" state (Chapter Seven).

In short, by their involvement, coercive peacemakers are bound to turn themselves sooner or later into disputants. Since the disputants cannot embrace peace and reach a compromise in view of their deep-seated differences, and since third parties cannot impose reconciliation and thus peaceful, self-sustainable outcomes, coercive peacemaking will more likely than not lead to third party involvement on behalf of one side against the other.

Traditionally, outside parties have pursued the objective of regional peace and security by urging peace settlements that enshrine some division of the disputed lands and the separation of the hostile communities; civilian displacement has been accepted as an unintended yet unavoidable consequence of identity conflicts and the peace settlements that end communal violence in existential disputes (e.g., Cyprus, Palestine). Accordingly, when Washington did have some interests at stake, it pursued peace at the

expense of Bosnia's partitioning: it accepted the legitimacy of the Bosnian Serb Republic (Chapter Six).

However, once Bosnia had been stabilized, the international concerns gradually shifted from regional peace and stability to the credibility of the international actors and institutions involved in the peacemaking process. Consequently, the international community came to insist on "norms"—such as "multiethnic" Bosnia—even if such moves would bring about a major crisis, such as the Bosnian Croat rebellion of 2001 (Chapter Seven). Consequently, it has appeared that the main concern in the Balkans has not been the maintenance of peace and security, but instead the preservation of credibility of the Western policies related to the peacemaking and the prestige of the regional institutions that had become involved.

It is the credibility issue that throws light on why the "international community" would be willing to become involved in the former Yugoslavia at the time of a low-level violence, while maintaining its distance from the deadly and costly Israeli-Palestinian identity conflict, a conflict whose lack of resolution creates threats not only to regional, but also to international, peace and security. Moreover, the continuing credibility concerns also help explain why the international community remains engaged, or entrapped, by its commitments in the former Yugoslavia, committed to pursuing options with little promise of self-sustainability but that, nevertheless, legitimize the West's past and present investment of time and resources in the region (Chapter Seven).

In conclusion, coercive peacemakers do not remain a third party hovering above disputants, offering neutral, acceptable solutions with the sole interest of helping peace. Instead, the peacemakers are often sucked into disputes and become one of the disputants. Coercive peacemakers can contribute to the escalatory dynamics of identity

disputes, may need to intervene on behalf of one party against another in order to impose the end of violence, and may assist the prolongation of the difficult disputes. They do the latter by enabling disputants to fight for their own victories or by bringing in their own goals to already complicated disputes. One of their goals is maintaining the credibility of West's faulty policies by propping up unviable states, such as a single, "multiethnic" Bosnia. The Bosnia case, in particular, displays how some limited Western interests in a "multiethnic" state not only encourage Sarajevo to pursue its victory but also complicate, rather than facilitate, a search for a long-term sustainable solution. In other words, by bringing in their own objectives to already complicated disputes over identity, coercive peacemakers can contribute to protracted conflicts.

### **Autocratic International Regimes Free of Control and Accountability**

With more than a little irony, even though Western democracies have justified their coercive involvement in the Balkans as motivated by their desire to encourage or impose upon disputants an adherence to legal, political, or moral norms in the name of peace and stability, the Balkan experience has not seemed to reflect this. Paradoxically, the democratization process was being done by violating principles fundamental to Western democracies, such as the accountability of administrators to their constituencies, the right of the people to elect their own representatives, and a system of checks and balances to control the top officials and their exercise of power.

Bosnia's international administration has not been accountable to Bosnian constituencies. Some of the troublesome international practices in Bosnia have included electoral and social engineering, the removal of elected officials from power, and arbitrary changes to, or even violations of, the Dayton agreements, carried out against the will of Bosnia's constituencies. The non-Bosnian High Representative has the "final

authority to interpret.” he is the ultimate lawmaker, the supreme judge, and the top executive officer. As it has been implemented in Bosnia, the international involvement negates the Western values cited to justify the continuing international engagement: bringing to Bosnia the values of democracy and the rule of law (Chapter Seven).

The Bosnia international regime reminds more of the Balkans’ autocratic, colonial past than of a Western democracy. Such exceptionalism has been justified by the need to build a “multiethnic,” “self-sustaining” Bosnia. Yet, six years after the Bonn powers, Bosnia is neither multiethnic nor self-sustaining. The international community has failed to turn a Bosnia of three nations into a “multiethnic” state with a single nation, where nationhood would be defined by a membership in a political community rather than in a distinct, long-standing national and cultural identity.

Moreover, high-handed international interventionism, far from its stated benevolence, has been seen to have detrimental consequences for the most vulnerable groups. The intervention has, in fact, enabled the Bosnian Muslims, always upset over the division of Bosnia, to manipulate the international community into increasing their own power within the Federation, at the expense of Bosnia’s most vulnerable minority: the Bosnian Croats. Despite being presented as being supportive of human rights and democracy, the intervention has not served the cause of either. The international crackdown on the Bosnian Croats and the forceful change, without the Croat consent, of the Dayton and Washington constitutions is a scenario reminiscent, especially to those Europeans who have lived under communist regimes, of the practices used by undemocratic, authoritarian states to repress their dissenters and minorities, rather than being suggestive of the principles and methods used by Western governments to

accommodate aggrieved minorities in a manner that respects minorities' constitutionally guaranteed rights (Chapter Seven).

Confronting the problem of Western imperialism and entrapment in Bosnia means also facing the problem of the outside actors being unable to truly impose the common statehood against the disputants' will because the legitimacy of order and statehood comes from the local, bottom-up process rather than from top-down, outside-driven initiatives. No amount of Western military clout, economic aid, or technical expertise can remedy the problem of lack of state's legitimacy in the eyes of its alienated populace—an issue that is especially difficult in Bosnia because almost half of its population has an uneasy relationship to Bosnian identity and statehood (Chapter Seven).

In short, the process of Western peacemaking efforts has moved from the stated desire to bring peace, democracy, and the rule of law to the Balkans, to having created a situation in which there is still unstable peace, little democracy, and an international regime operating outside existing domestic or international laws. The process started with the idea of creating self-sustainable peace, but has ended with third party entrapment and the creation of an international protectorate that cultivates the disputants' dependency and continues to erode democracy and the rule of law. The high-handed international regime in Bosnia also undermines international legitimacy to intervene in internal disputes elsewhere by giving rise to an imperial regime that is not bound by any rules or norms normally expected in democratic societies.

### **Liberal Imperialism as Desirable?**

Despite international rhetoric to the contrary, many of the conditions imposed on the weak states in the Balkan region—such as respect for the existing borders and the

peaceful accommodation of differences; the unconditional submission to the International Criminal Tribunal for the Former Yugoslavia (ICTY), which follows dubious legal procedures; the insistence that Bosnians should be ruled by an international regime free of control and accountability—do not reflect the existing international and regional norms or political practices followed within Western democracies.

For example, some of the newly rewritten “rules” of the international criminal law created by the ICTY include a broadly understood command responsibility: this makes it impossible for a Croat officer accused of “racial persecution” and “deportation” to defend himself before the Tribunal for his role in having conducted the military operation that prompted the defeated Serb army and civilians into a flight. If this dubious legal principle were to be applied consistently, one would expect that the Tribunal would also indict Western officers and officials who had been responsible for the NATO military intervention that eventually propelled the Kosovo Serbs into flight. Yet, though NATO soldiers had failed to act when the Kosovo Albanians took revenge against the Kosovo Serbs, and the Western powers did not ensure the security of the Kosovo Serbs despite their previous promises, the ICTY principle of “command responsibility” for the outcomes of military actions has produced no indictments for Western officers or officials for the Kosovo Serbs’ flight (Chapter Eight).

Thus, the study believes that the Tribunal’s indictments are prompted by principles of disputed legality and that its actions have not been applied equitably. Instead, it appears that there exist two sets of principles, one for the Balkan parties, and the other for the Western powers. Though this has probably not been the ICTY intention, the application of double standards has as its consequence the validation of coercive peacemaking undertaken without control and accountability—the idea that the NATO

war over Kosovo was still a benevolent and desirable “humanitarian intervention,” while the Zagreb military offensive to reunify Croatia was a reprehensible military action intended at the Serb “deportation” because its consequence was the flight of the Serb “peace refugees”--the situation similar to Kosovo’s in the aftermath of NATO victory.<sup>3</sup>

Also, this inconsistency cannot be overlooked: the most ardent advocate of the ICTY and international criminal law as it has been applied to the Balkans has been the United States; yet, ironically, Washington continues to assert that the authority of the International Criminal Court (ICC) should not be applied to U.S. citizens. The impression is that the ICTY is not affirming legal principles, but that its proceedings have been used as a vehicle to affirm the validity of the West’s policies, thus reinforcing the Western powers’ credibility without subjecting their actions to scrutiny and criticism.

What is most disturbing, however, is that some international officials are unapologetic about the existence of double standards and seem to have found new reasons for their rule in the Balkans: terrorist threats faced by West’s democracies.

Robert Cooper was Tony Blair’s foreign policy advisor who had helped shape the British intervention policy in Kosovo, Afghanistan, and Iraq. Today he is Director General for External and Politico-Military Affairs of the EU Council, and is, therefore, a close aide of Javier Solana, the main EU official responsible for EU common foreign and security policy. Cooper believes that Europe is a “postmodern state,” based on negotiations, the rule of law, “transparency,” and “interdependence.” Europe’s world of “civilisation” has been threatened, according to Cooper, by the “jungle” of the

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<sup>3</sup> The above criticism should not be understood in the sense that none of the Croats should be charged with specific violations of the laws of war and humanitarian laws (e.g., for the killing of dozens of elderly Serb civilians unlawfully). This study’s criticism is only directed at the Tribunal’s willingness to indict the high-level Croat officers in the manner that indicts the Croat operation itself for the consequence it had, without finding any similar fault with the NATO intervention that had a comparable effect upon the defeated Serbs. For more details and references, including those pertaining to the indictments, see the end of Chapter Eight.

“premodern” world. For Cooper, the “premodern” chaos is symbolized by the failed states like Bosnia and Afghanistan—engulfed in nationalism and violence, and overrun by “criminals” and “terrorists.” He believes that the “organised states” must respond to this “chaos” through imperialism, such as has been done in Afghanistan (‘defensive imperialism’) or Bosnia (‘voluntary imperialism’).<sup>4</sup>

Cooper has dropped any pretense that operating in a world of “chaos” should mean anything else but engaging in the double standards, one standard applied to oneself (empire), and a different one applied to the other (i.e., those outside the empire):

The challenge to the postmodern world is to get used to the idea of double standards. Among ourselves, we operate on the basis of laws and open cooperative security. But when dealing with more old-fashioned kinds of states outside the postmodern continent of Europe, we need to revert to the rougher methods of an earlier era—force, pre-emptive attack, deception, whatever is necessary to deal with those who still live in the nineteenth century world of every

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<sup>4</sup> Robert Cooper, “The Post-Modern State,” in *Re-Ordering the World* [occasional subtitle: *The Long-Term Implications of September 11<sup>th</sup>*], ed. by Mark Leonard (London: Foreign Policy Centre, 2002), 11-20, available from <http://fpc.org.uk/fsblob/36.pdf>, accessed 4 February 2004; also available from [http://www.esiweb.org/pdf/esi\\_europeanraj\\_debate\\_id\\_2.pdf](http://www.esiweb.org/pdf/esi_europeanraj_debate_id_2.pdf), accessed 4 February 2004. See also Robert Cooper, “Civilise or Die: We Can No Longer Afford to Ignore Weak or Aggressive States. Regime Change is Necessary,” *Guardian* (London), 23 October 2003, available from Lexis-Nexis Universe, accessed 6 February 2004; for a critical response to this article, see Nick Dearden, “Intervention Will Not Stop Terrorism,” Letter to Editor, *Guardian* (London), 29 October 2003, available from Lexis-Nexis Universe, accessed 6 February 2004. Cooper wrote the cited article in his personal capacity; nevertheless, a number of his writings still should be cited for they reveal the thinking of one of Europe’s most active officials in foreign policy and defense issues. As ESI noted, Cooper is essential to Europe’s liberal imperialism debate: European Stability Initiative (ESI), “The Future of Liberal Imperialism: The Debate: Robert Cooper,” available from <http://www.esiweb.org/europeanraj/cooper.php>, accessed 2 February 2004. For other pieces either written by Cooper himself or written about Cooper (e.g., book reviews), see the following: Rachel Sylvester, “I Believe Europe Will Have Its Own September 11; Rachel Sylvester Talks to Robert Cooper, Tony Blair’s Foreign Policy Guru,” *Daily Telegraph* (London), 25 October 2003, available from Lexis-Nexis Universe, accessed 6 February 2004; Brendan Simms, “When Might is Right,” book review of *The Breaking of Nations: Order and Chaos in the Twenty-First Century*, by Robert Cooper, *Sunday Times* (London), 19 October 2003, available from Lexis-Nexis Universe, accessed 6 February 2004; George Walden, “A Diplomat in the Real World George Walden Praises a Trenchant Analysis of the Shifting World Order by a Former Special Adviser to the Prime Minister,” book review of *The Breaking of Nations: Order and Chaos in the Twenty-First Century*, by Robert Cooper, *Sunday Telegraph* (London), 2 November 2003, available from Lexis-Nexis Universe, accessed 6 February 2004; Johann Hari, “A Third Way for the New Imperialists; Robert Cooper’s Warnings Have Shaped Our Prime Minister’s Policy,” [book review of *The Breaking of Nations: Order and Chaos in the Twenty-First Century*, by Robert Cooper], *Independent on Sunday* (London), 23 November 2003, available from Lexis-Nexis Universe, accessed 6 February 2004.

state for itself. Among ourselves, we keep the law but when we are operating in the jungle, we must also use the laws of the jungle.<sup>5</sup>

Yet, Cooper's real preference lies with a more gentle type of "voluntary imperialism," the one that is being practiced today in the Balkans:

What is needed...is a new kind of imperialism, one acceptable to a world of human rights and cosmopolitan values. We can already discern its outline: an imperialism which, like all imperialism, aims to bring order and organization but which rests today on the voluntary principles...Misgovernment, ethnic violence and crime in the Balkans poses a threat to Europe. The response has been to create something like a voluntary UN protectorate in Bosnia and Kosovo. It is no surprise that in both cases the High Representative is European. Europe provides most of the aid that keeps Bosnia and Kosovo running and most of the soldiers...It is not just soldiers that come from the international community; it is police, judges, prison officers, central bankers and others.<sup>6</sup>

Cooper's "voluntary imperialism" carried out by "neighbors" dovetails with some other voices in favor of imperialism for the sake of order, human rights, and democracy, such as with "imperialism lite," advocated by Michael Ignatieff, Director of the Carr Center for Human Rights at Harvard University.<sup>7</sup>

It is a fallacy to compare EU political culture as reflected in its economic negotiations to the absence of such political culture in the Balkans, whose major problems have revolved around sovereignty. To be sure, Europe did accomplish big strides in economic integration, and its political culture does rely on cooperation and negotiation. However, one should not expect that Zagreb and Belgrade, when faced with the problem of the Serbs in an independent Croatia, for example, could resolve the issue

<sup>5</sup> Cooper, "Post-Modern State," 16.

<sup>6</sup> Ibid., 17-18.

<sup>7</sup> Cooper, "Post-Modern State," 18; European Stability Initiative (ESI), "The Future of Liberal Imperialism: The Debate: Michael Ignatieff," available from <http://www.esiweb.org/europeanraj/ignatieff.php>, accessed 2 February 2004. Michael Ignatieff is the author of *Empire Lite: Nation-building in Bosnia, Kosovo and Afghanistan*. See also Francis Fukuyama, "Nation-Building 101," *Atlantic Monthly*, January-February 2004, available from [http://www.esiweb.org/pdf/esi\\_europeanraj\\_reactions\\_id\\_27.pdf](http://www.esiweb.org/pdf/esi_europeanraj_reactions_id_27.pdf), accessed 4 February 2004. For more on liberal imperialism—the term itself has been used by ESI—see ESI's website, which has a number of articles and citations pertaining to past or present imperialism: European Stability Initiative (ESI), "The Future of Liberal Imperialism: A European Raj?" available from <http://www.esiweb.org/europeanraj/>, accessed 2 February 2004.

by using the same procedures that European ministers rely on when they negotiate the lifting of the barriers to the free flow of butter, beer, and other goods within Europe. Besides, Europe is not that much “postmodern” as claimed by Cooper, particularly with respect to sensitive sovereignty issues in the political arena. Moreover, it was the national impulses within Europe that caused discussions about an integrated Europe to draw out for decades after the establishment of the Common Market.

In addition, the reason why the Balkans is “premodern” resides with the fact that the national differences had been repressed or exploited for centuries; the first time the lid was lifted and an opportunity has been created for the resolution of these differences was in 1989, with the downfall of communism. In the view of strongly held divergent opinions, it was not possible to resolve these contentious issues in a manner that Cooper would consider “postmodern.” After all, Cooper does not propose peaceful negotiations when Europe is faced with international problems characterized by an absence of framework to reconcile deep-seated differences: instead, he suggests reverting to “premodern” methods. Violence and crime is not an inherent part of certain people or some parts of the world but the consequence of the irreconcilability of the disputants’ demands and the presence of existential concerns that typify the disputes in the former Yugoslavia.<sup>8</sup>

Cooper tends to view the Balkans as a “premodern” world of nationalist chaos, characterized by violence and crime, therefore necessitating the “imperialism by neighbours.”<sup>9</sup> However, the question is whether “postmodern imperialism” and the

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<sup>8</sup> Cooper’s view of the Balkans evokes primordialist argument; primordialist authors have been reviewed in Chapter One. Though this study suggests that partitioning can be a solution, this study’s argument is very different from the primordialist idea that the “premodern” world is inherently violent, or that negotiations on ethnic partitioning can prevent violent conflicts. For more, see Chapter One.

<sup>9</sup> Cooper, “Post-modern State,” 18.

application of double standards, both of which Cooper advocates, can resolve the threat of instability emanating from “premodern” world. One of the fundamental ideas of human rights and democracy is that such rights are not limited to one group of people, while denied to another, and that political power should be subject to control because human nature is not immune to hypocrisy, selfishness, greed, and arrogance.

For that reason, it is difficult to accept that the Balkans is the area of the world where European values and practices are “unworkable”—as suggested by Cooper—and that European officials in the Balkans, therefore, should not have the same concerns as when they operate within Europe. To be sure, extreme conditions do allow for some derogation from the usually acceptable rules, but such exceptional circumstances are supposed to end at some point end. Furthermore, it is even possible to argue that if the European powers had divided belligerent communities and had established new states within a larger cooperative framework several years ago, after a period of transition there would have been more order, and therefore stability, within new states as well as less need for “imperialism of neighbours.” Once sovereignty issues get resolved one way or another, Europe might find that its real values—economic cooperation and existence of a community of law based on clear-cut principles—are as applicable to the Balkans as they are suitable for the former Eastern European countries that are now joining the EU. Besides, Europe’s “post-modern” stability reposes on the violent nation-building, repressed or expelled minorities, and border changes; however, it is within the nature of liberal interventionism to forget not-so-liberal roots of its stability.<sup>10</sup>

Moreover, the rationale for “postmodern imperialism” is questionable: a heavy-handed European and international presence is used to remedy the Balkan instability by

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<sup>10</sup> See a lengthy discussion in Chapter Seven, in particular references to Benjamin Schwarz.

using the methods that most likely will contribute to the continued instability by fostering lack of self-governance. Resorting to the “laws of jungle” when “postmodern” Europe, joined by “modern” America, deals with the “premodern” world should also suggest that such methods will continue to perpetuate chaos on the periphery of the “civilization.”

Finally, whether empires are “cooperative” or not, and whether their imperialism is “defensive,” “voluntary,” or “lite,” the facts of the case remain the same and have been known throughout history.

First, all empires develop an ideology of self-benevolence and justification why they must rule the world, while the real reasons stay with the imperial politics of power and influence.<sup>11</sup>

To test that hypothesis one need not look beyond the current situation in Iraq. Washington intervened without a solid proof that Iraq posed a threat to America (a case of ‘defensive imperialism’). Yet, once it became clear that Iraq did not have weapons of

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<sup>11</sup> The author of this study would like to make here a personal observation that she believes relevant. When the author of this study attended the College of Europe, Bruges, in 1992-1993, the key idea emphasized in every class—be it a class in EU law, politics, history, or economy—was the idea that supranational Europe was the product of European governments’ willingness to forego some competences in favor of the common institutions, institutions that were supposed to apply the agreed rules consistently throughout the EU. The aspiring Eastern European countries were supposed to accept these rules, or *acquis communautaire*. Ten years later, the Balkan countries are not only supposed to accept *acquis communautaire*, but also European “values” and “standards.” However, during her studies at Bruges and later her work on the EU issues in Brussels (until mid 1994), the author of this study never heard the Bruges professors or EU officials talk about either “standards” or “values.” The only exception was a professor of European culture and civilization who would sometimes talk about “European values,” these values being defined in terms of Europe’s Judeo-Christian tradition. These days, however, European officials often talk about “standards” and “values” when they visit the Balkan states; “values” has become a new buzz word that nevertheless has been poorly defined and that does not repose on any principles or transparency that is normally typical of European procedures. In the eyes of the author of this study, this switch of focus from an early emphasis on the state submission and EU institutions having a limited authority in the precisely defined areas—the result of which had been *acquis communautaire*—to the EU talk of “standards” and “values,” has symbolized the transformation of the EC in last decade or so. The EC has transformed itself from a Cold War institution that had welcomed Greece, Spain, and Portugal in order stabilize the states emerging from authoritarian rule, into a post-Cold War conglomerate that did not enthusiastically embrace Eastern Europe and that has displayed, in its treatment of the Balkans, imperial ambitions and double standards. Europe’s “values” have nothing to do with its real values—legitimacy based on the state consent, transparency, rule of law, and uniform standards. Rather, these “values” seem to reflect, as often stated, power politics, concerns about EU credibility as a superpower able to “tame” its backyard, and interests of particular EU member states.

mass destruction, the Bush Administration proclaimed the mission of bringing freedom and democracy to Iraq (a case of 'imperialism lite').

Second, the main problem with imperialism, whether "defensive" or "lite," is that, far from its stated objective of remedying the problem of "premodern" instability, in the end can produce the opposite results: a vicious cycle of local instability and imperial entrapment.

Imperialism aggravates, rather than alleviates, instability; the precariousness created by the establishment of an imperial order demands continued international presence and provides justification for more, rather than less, imperialism--as demonstrated by the eight-year long Bosnian involvement, where the 2002 constitutional reform engineered by the OHR created a need for yet another constitutional reform (Chapter Seven). As a result of strengthened imperialism, the local people take less and less responsibility to govern themselves and resolve their differences; the end result is that, once empire overstretches itself or tires of nation-building on its periphery, its withdrawal is followed by a collapse in the periphery.

If one takes a look at the present-day world, one can discern the turbulent areas that the former empires failed to stabilize: Cyprus and Palestine, formerly parts of the British Empire; Bosnia-Herzegovina, first ruled by the Ottomans, then the Habsburgs, and finally Belgrade and the Yugoslav communists; Rwanda, where the French established a pattern of domination exercised by the Tutsi minority over the Hutu majority; many areas of the former Soviet Union or formerly falling within Moscow's influence, from Afghanistan to Georgia and Chechnya, that are still plagued by strife and violence. Chaos in the periphery follows the eventual decline and withdrawal of imperial

powers unless measures have been taken to create self-sustaining structures in the interest of the local people formerly ruled by empires.

Hence, empires rarely solve other peoples' problems; the real danger is that imperial policies can contribute, for example, to Bosnia's continued instability and greater international entrapment, because the interests of the people are disregarded for the sake of credibility of Western policies.

Furthermore, the idea that Bosnia is a legitimate, "voluntary" protectorate is a misrepresentation that can have serious international consequences. The suggestion that the high-handed international rule is Bosnia's choice because parties' initially accepted Dayton is a far-fetched idea. Kosovo and Bosnia have not been offered a real choice regarding whether they wish to be governed in a manner that contradicts the agreements previously agreed upon by the ex-Yugoslav parties at Dayton.

Moreover, the Bosnia international regime undermines the international authority to administer future protectorates because the disputants might not want to entrust international community with even minimal powers for fear of the abuse of power by international officials. Yet, entrusting the UN and regional organizations with such tasks might be necessary in order to facilitate the transition to peace, as evident in the cases of Cambodia and Mozambique; both states have moved from war to sustainable peace with international help.<sup>12</sup>

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<sup>12</sup> The first case in which an international official could enjoy high powers enabling him to impose decisions upon the disputants was the case of Cambodia. However, the UN top official in Cambodia used his high powers very judiciously—unlike the case of the OHR in Bosnia. Though the United Nations Transitional Authority in Cambodia (UNTAC) did not manage to fulfill all the elements of its mandate, it helped nevertheless to move country to peace. The reasons why Cambodia was a success, unlike Bosnia, were as follows: (1) Cambodian disputants were exhausted after twenty-year long conflict that reached the scale of bloodshed unlike any other conflict since the end of World War II; (2) the Cambodian conflict was over ideology and a form of government, rather than being an existential dispute over identity and sovereignty; managing the former by urging reconciliation and life within a common state is much easier. Nevertheless, the point raised above relates to the serious question: if authority is abused in one case

### **A Growing Chaos Facilitated by Coercive Peacemaking**

Until recently, the American political scene has been dominated by the debate over the Iraqi resistance to the American occupation regime. Against those with gloomy visions, American journalist Richard Cohen argued that critics of the Bush Administration's policies should bear in mind the "Bosnian precedent," arguing that Iraq should remind people of the Bosnia success rather than of the Vietnam failure:

If Vietnam taught the United States to stay out of Iraq, Bosnia taught just the opposite. As in Iraq, here, too, the United Nations was proving ineffective. Here, too, Europe was eschewing force in favor of constant and ineffective negotiations. Finally, Bill Clinton acted and pounded Bosnian Serb positions. Air power proved effective, and by the end of 1995 the Dayton Accords were signed. Significantly, the United States and NATO had what was to be lacking in postwar Iraq--a workable plan to secure the peace.

For me, Iraq suggested Bosnia all over again. Hussein, too, massacred his enemies at will...He, too, had violated countless U.N. resolutions, and he, too, took the measure of Europe and NATO and found them ultimately spineless. (Germany and France wanted sanctions lifted.) The world would yammer and negotiate until, finally, it lost interest.

The Bosnian precedent is worth bearing in mind. It does not trump Vietnam--nothing does--but it significantly modifies it. It was only by overcoming the lessons of Vietnam (and reexamining the lessons of the Holocaust) that the United States, leading NATO as it always must, put an end to the Serbian rampage in the Balkans. This--the application of force to end a human rights nightmare--was the bottom line for me. The Balkans had proved it could be done. The Balkans had proved that without U.S. leadership, nothing would be done.<sup>13</sup>

The above illustrates the pitfalls stemming from unrestrained interventionism and inadequate analysis of the peacemaking in the Balkans. Bosnia has been portrayed as a success because there has been no widespread, violent opposition to Western presence.

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(Bosnia), would not this abuse erode the system on which we should rely for the sake of other cases as well? For the Cambodia transition to peace, see Steven R. Ratner, "Chapter Six: Cambodia: The United Nations in Cambodia: A Model for Resolution of Internal Conflicts?" in *Enforcing Restraint: Collective Intervention in Internal Conflicts*, ed. Lori Fisler Damrosch (New York: Council on Foreign Relations, 1993), 241-273. For the Mozambique transition to peace, see Richard Synge, *Mozambique: UN Peacekeeping in Action, 1992-1994* (Washington, D.C.: United States Institute of Peace, 1997).

<sup>13</sup> Richard Cohen, "From Bosnia to Baghdad," *Washington Post*, 4 November 2003.

Primarily this has been the case because the disputants see their futures as within Europe, while peace has given them an opportunity to continue fighting for their high-stake objectives. Furthermore, Kosovo Albanians are unlikely to challenge the Western rule for fear that the UN withdrawal would expose Kosovo to a new Belgrade invasion. Moreover, liberal interventionism has downplayed the problem of international entrapment and the lack of a sustainable peace in the Balkans.

Consequently, the apparent Bosnia success nurtured by an absence thus far of any clearly visible challenge to Western rule in Bosnia and Kosovo, has led many to the conclusion that coercive peacemaking works and that greater interventionism is desirable. The result may be that interventionists might take on more burdens than they can bear: eventually, this wrongly conceived policy might produce a spectacular failure.

Cohen is right that America succeeded in ending the Bosnian war, but he is wrong in assuming that the Bosnia conflict has been resolved. Contrary to what has been claimed above, Bosnia does not have a workable settlement, and the Bosnia “success” should have constituted a warning rather than an encouragement to get involved in Iraq. Furthermore, America did not become involved in Iraq just because of Bosnia, as assumed by Cohen. Instead, the direction of the progressive involvement and entrapment went as follows: from Baghdad to Bosnia and Kosovo, and then back again to Baghdad.

The end of the Cold War lifted the political restraints on the use of force, while neo-liberal rhetoric facilitated intervention into internal disputes. While the Cold War preference had been for the passive use of force (i.e., nuclear deterrence) or limited wars (i.e., coercion), the massive use of force became possible with the end of bipolarity.

The first Gulf War displayed the use of overwhelming force, but the objectives still remained limited, more typical of the narrowly conceived warfare during the Cold

War, than of the broadly understood peacemaking in the post-Cold War period. In 1991 the objective of the decisive force was to liberate Kuwait, rather than to change the leadership and political structures of Iraq. Such limited objectives were consistent with Cold War practice, in which the fear of retaliation had generally imposed moderation with respect to the objectives of the limited wars.

However, even though the first Gulf War was driven by limited objectives, some observers already expressed concerns over the new times in which it would become easier to deploy force, warning against neo-Wilsonian military crusades in support of a New World Order.<sup>14</sup>

Then Bosnia came along, which raised not only humanitarian concerns but also involved limited interests related to the future of NATO and America's leadership. Nevertheless, the peacemaking of 1995 did not abandon the Cold War precedent of seeking limited objectives imposed by limited means. Contrary to what is commonly believed in America, Washington presented Belgrade and the Bosnian Serbs with limited demands: to roll back the borders of, rather than entirely give up on, Republika Srpska.

Nonetheless, it was in the aftermath of the Dayton agreement, which proved to be an unworkable settlement, that the international community began to move towards the expansion of objectives and thereby its entrapment: the interest in ending the war by imposing a basic order shifted to imposing various "norms" and "values" to validate coercive peacemaking and maintain the credibility of Western policies.

Furthermore, the next step in the process of broadening the objectives of intervention came with the Kosovo intervention, which marked the increasing move

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<sup>14</sup> Robert W. Tucker and David C. Hendrickson, *The Imperial Temptation: The New World Order and America's Purpose* (New York: Council on Foreign Relations, 1992); see, e.g., pp. 162, 197, 207, 211. See also discussion on the changing view of the role of force in Chapter One.

towards unlimited objectives and interventionism freed of any rules: America issued an ultimatum to Belgrade, and launched a military intervention without an approval of the UN Security Council. NATO interfered into the Yugoslav internal dispute without the existence of a demonstrated humanitarian emergency, in order to prevent the conflict.

Finally came the interventions in Afghanistan and Iraq, the latter launched with the aim to control the proliferation of weapons of mass destruction; subsequently, the mission was changed to the one of democratization. Unlike the first Gulf War, the recent Iraq war has been led by broad objectives, aimed at installing a new regime acceptable to Washington. However, the intervention has triggered a civil strife in which American worry has become the security of the American troops, rather than the Iraqi people predicament.

In short, since the end of the Cold War, we have witnessed the progressive expansion of the objectives for which the wars are being fought, concurrent with the increasingly permissive international framework for intervening into civil wars.<sup>15</sup> Ostensibly, this situation may suggest the unique occasion to reshape the world for better, but in reality it may promote disorder and present heightened risks for third party entrapment. There exists more opportunity for the outside actors to become engaged, but the issues that the outside parties seek to resolve usually require struggles among the domestic constituencies with time-consuming processes: these issues cannot be resolved from the outside by the use of force, whether wielded in a limited or decisive manner.

While some tout the success of Bosnia despite the mountainous terrain, as opposed to the failure of Vietnam, or find themselves surprised by the challenges of Iraq despite its flat terrain, the ultimate problem is not whether force could pacify, but whether

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<sup>15</sup> Compare to the discussion in Chapter One.

it could create an opportunity for a self-sustaining peace to take hold.<sup>16</sup> The bottom line is that it is very difficult to impose an outside decision in “people’s wars,” as already pointed out by Michael Howard.<sup>17</sup> In that respect, both post-Dayton Bosnia and present-day Iraq are more reminiscent of Vietnam, representing the outside intervention into people’s wars with outsiders’ maximal objectives, rather than Bosnia “trumping out” or “modifying” Vietnam as suggested by Cohen.<sup>18</sup>

Dominique de Villepin, Foreign Minister of France, had argued that the way out of the American predicament in Iraq and the “spiral of violence” lied in replacing “a regime of occupation with a regime of sovereignty.”<sup>19</sup> Indeed, by now Iraqi sovereignty has been restored, at least officially, and the United States is trying to prod the UN and its Allies to get more involved in Iraq.

However, even if Europe joins America in the UN operation in Iraq, or even if Iraq finally does become the responsibility of the Iraqis, the question still remains whether the international intervention in Iraq will prove to be, as it was in the former Yugoslavia, a prelude to a civil war among different national factions as they fight for the control of power and territory. That issue remains here even if all the “occupying” or foreign troops should leave Iraq. The main problem is not how to restore Iraqi sovereignty, but how Iraq’s various factions can agree on sharing that sovereignty.

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<sup>16</sup> For such fallacious expectations regarding the terrain in Bosnia, Vietnam, and Iraq, see Cohen, “From Bosnia to Baghdad.”

<sup>17</sup> Michael Howard, “When Are Wars Decisive?” *Survival* 41, no. 1 (Spring 1999): 129. See also the discussion of Howard in Chapter Eight.

<sup>18</sup> Cohen, “From Bosnia to Baghdad.” Unlike Howard, Cohen does not understand the difference between winning a war (i.e., a military victory), on one hand, and winning peace (accomplishing a solution), on the other.

<sup>19</sup> The French Foreign Minister quoted in Keith B. Richburg, “France: Iraq Attacks Argue for Power Shift: Minister Calls for Quick End of Occupation,” *Washington Post*, 14 November 2003.

Some of the thinking underlying the criticism of America's "unilateralism" and "militarism" seems to be driven by the idea that actions carried within multilateral framework are legitimate, desirable, and sustainable: that is, Bosnia's occupation regime is legitimate, while Iraq's is illegitimate. There is a growing sense that responsibility for the current mess rests with Washington's neo-conservatives, and that the Iraq intervention was a mistake because the intervention was not carried out within a multilateral framework, or with support of Europe and the UN. While this criticism of America raises some relevant concerns, it should be pointed out, nevertheless, that multilateral interventionism should not be equated with viability, desirability, or legitimacy, nor should the Bush Administration carry the sole brunt of criticism for the American predicament in Iraq.

The present impasse in Iraq has been facilitated by the misperceptions of the effects of coercive peacemaking in the last decade. Though not explicitly supported by Europe or the UN, the Iraq intervention has been legitimized by a liberal interventionism that has disregarded realities and has supported the erosion of relevant norms in the case of the Balkans. With Bosnia and Kosovo, America and Europe stepped onto the slippery slope because they had brushed aside international norms respecting national sovereignty in favor of a greater interventionism with broadly defined goals, carried out for the sake of Western credibility. Once these norms had been pushed aside, the path was cleared for unrestrained, unilateral interventionism with elusive goals worldwide, leading to the present American and international entrapments in Afghanistan and Iraq.

The international system is held together by *comity*, where states are more likely to observe than violate international norms, because the alternative to the imperfect rule

of norms is the world of chaos.<sup>20</sup> The world does not need a superpower or regional policeman to impose order, but it does need respect for the few basic rules and, preferably, some international regimes, that help regulate international society. Yet, if some norms are being eroded, while the influence of some international regimes (e.g., UN) is being downgraded, then there will soon be little for states to fall back upon whenever big disagreements might persist. This new multipolar world with eroded conventions and without an agreement on new rules of behavior, is likely to be more unpredictable, and thus unstable, than the world we have known during either the Cold War or in the last decade of the twentieth century.

This situation also sheds light on the current state and direction of the world following the end of the Cold War. During the Cold War, in a world of sovereign states without any authority sitting above governments, bipolarity and the threat of nuclear annihilation facilitated a greater respect for international institutions, agreements, or practices accepted by governments as binding international rules, including the principle of non-intervention in the internal affairs of sovereign states. The risk of escalation to the nuclear level introduced a degree of limitation upon superpowers' impulses to intervene.

Yet, the end of East-West tensions lifted the political and military restraints that had been imposed by bipolarity, affirmed the power of Western democracies and their regional institutions, and challenged the idea that the international order should repose on the state consent. In practice, this new situation has led to the asserted right of the strong to interfere in the internal affairs of the weak states and the affirmation of binding international rules made by the strong and to be applied to the weak falling within the

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<sup>20</sup> See legal discussion in Chapter One.

spheres of influence of the regional organizations that today hold themselves outside the UN authority and international law.

The post-Cold War world is, increasingly, taking on the semblance of the 19<sup>th</sup> century world, with imperialist politics being justified by anything ranging from regional peace and security to calls of humanitarianism, rule of law, and democratization. We are entering the world of liberal imperialism that promises to bring stability and democracy to the volatile areas of the world that, for whatever reason, seem to be of interest to regional and world superpowers.

Yet, a multi-tier world with different sets of standards—one for Bosnia and Kosovo, another for the Middle East; one for NATO officers and Western officials, another for Croatian ones--is not likely to promote order and stability over time. The important questions that few dare to ask now are the following: What happens if China decides it should engage in “voluntary imperialism” in order to stabilize its neighborhood? How will the troubled region of the Middle East benefit if the Palestinians decide that they, too, are entitled to the right of return or demand the unification of the old Palestine, the norms that have been advanced for Bosnia? Right now those who make the laws for the weak rely on an immunity stemming from their political and military power and do not seriously think that the same laws would ever apply to themselves or would undermine their interests. Yet, the future might hold a different answer: the result would not be a more orderly world, but a more unpredictable and disorderly one.

### **Coercive Peacemaking as Possibly Acceptable Under Certain Conditions**

As demonstrated by this study, coercive peacemaking can worsen disputes and render the weak disputants more vulnerable. Its forceful actions have produced new

victors and new losers rather than a “multiethnic” Croatia, Bosnia, or Kosovo. At its very best, coercive peacemaking can mitigate disputes through ambiguous settlements that capture the disputants’ contradictory claims--settlements unlikely to be self-sustaining and thus still requiring third parties’ continuous engagements. In practice, this situation has led to the third party entrapment; has weakened rather than strengthened the rule of law, democracy, and self-government within the societies subject to intervention; and has undermined international law and order by triggering greater interventionism on the basis of double standards, giving rise to liberal imperialism. Evidently, coercive peacemaking does not appear benign, desirable, or viable, and it should not be undertaken.

Or else, should it be contemplated under a particular set of conditions?

Ultimately, there are some benefits of coercive peacemaking. There is peace in Bosnia now, a big difference to what this country was undergoing 10 years ago. Croatia has stood on its own feet and wants to join the Euro-Atlantic institutions. The violent clashes between the Serbs and the Albanians have ended. Moreover, if one of the most frequently stated assertions of this study is true—namely, the claim that the difficult cases of identity disputes cannot be resolved peacefully because they are complicated by the disputants’ existential fears and competing agendas—then would not this situation demand the outside involvement to repress violence?

Drawing lessons from the disparate cases of coercive peacemaking in the former Yugoslavia, this section will deal with the question of under what conditions coercive peacemaking should be undertaken, despite its costs and risks. What should be the goals of coercive peacemaking? When should it be attempted? How should it be undertaken? This section will also suggest how intervention can be rendered more efficient: since Europe and America have tried a number of different approaches during an almost

thirteen-year long intervention in the former Yugoslavia, we have been offered a good picture of what works and what does not.

Point One. *Coercive peacemaking should not be undertaken in order to prevent violence in the case of existential identity disputes. The former Yugoslavia has demonstrated that forceful early intervention can lead to the opposite: conflict escalation.*

For example, America spearheaded the international recognition of Bosnia without a peace plan that would permit the Serb secession, all in the drive to impose a single, undivided Bosnia as a *fait accompli*: instead, the early recognition of Bosnia without a plan on its division triggered the Serbian war to divide Bosnia (Chapter Five). Yet, when Europe tried to urge a Bosnia's partitioning agreement, it failed to secure the Serb support, while it triggered the war between the Croats and the Muslims over the division of Central Bosnia (Chapter Five). Finally, after America had presented Belgrade with an ultimatum, demanding that Serbia surrender Kosovo to the care of NATO, the result was a major Serb offensive and a humanitarian catastrophe (Chapter Eight).

In short, no matter what the policy goal being pursued—support for the unity of a country or its division, defense of the old borders or the demands for the border changes--coercive peacemaking undertaken at the early stages of a dispute with the goal of conflict prevention can fail, leading instead to conflict escalation. The reasons lie in the presence of the disputants' existential fears and competing agendas, the situation which leads the disputants to pretend to negotiate a compromise under international pressure, while in fact planning to regroup in order to impose their own solutions, should international negotiations fail to meet their demands.

Point Two. *Coercive peacemaking should be undertaken when it appears absolutely necessary to restore peace by facilitating or enforcing separation of belligerent communities involved in violent struggles over identity and sovereignty.*

Coercive peacemaking in the former Yugoslavia has demonstrated that a forceful intervention can eventually succeed in repressing violence. What intervention in the former Yugoslavia has shown is that division, be it along new or old borders, can bring in some level of stability; however, that outcome could not be reached without disputing parties first suffering some level of cost created by the conflict—wars that enabled partitioning agreements and that prompted into flight “peace refugees.”

For example, one reason why the Bosnian war ended in 1995 lies in the eventual acceptance, by both the disputants and the outside parties, of Bosnia’s internal partitioning. That acceptance was made possible by a limited use of force that redistributed the territories and thereby made the partitioning agreement more agreeable (Chapter Six). Furthermore, the Serbian-Albanian separation succeeded in bringing stability to Kosovo (Chapter Eight). Finally, the division of Croatia succeeded in introducing a brief pause in fighting in 1992; however, Zagreb, eventually, attracted international support for Croatia’s forceful reintegration (Chapter Four).

Every example of peacemaking mentioned in the above paragraph succeeded in mitigating conflicts but also produced “peace refugees”—in this case, the Serbs unwilling or unable to live under the authority of Zagreb, Sarajevo, or the international administration in Kosovo. Almost all the actions to forcefully retake territory as approved by the “international community”—including the 1996 reunification of Sarajevo—have been followed by the flight of the Serb civilians who chose to follow the departure of their own nationality’s security forces and administration from the areas to be turned over

to non-Serb authorities (Chapter Six). In short, partitioning can bring peace and stability, but such a solution has been possible only at the price of creating new waves of refugees.

The above experiences would seem to suggest that, if intervention in identity disputes seems imperative, the best way for a third party to intervene would be to step in to promote partitioning, be it along the existing borders—a possibility for more homogenous states (e.g., Croatia, Serbia proper with Sanjak, Macedonia with Albanians), or along newly redrawn borders—a possibility for mixed states that do not have clear national majorities (e.g., Bosnia) or for compact territories with large minorities or pluralities (e.g., Kosovo). The most troublesome aspect is, however, that there are no guidelines and one set of principles applicable to all cases, and that it is very difficult to do justice under such circumstances, particularly since the disputants can hold very divergent perspectives on borders.

In other words, coercive peacemaking, when applied to conflicts created by identity disputes, should not be undertaken with an intention to prop up “multiethnic” states: experience has shown that this form of conflict management frequently helps produce “peace refugees” and brings stability only by increasing ethnic polarization. Those who intervene in identity disputes should be clear about the likely inevitability of such consequences, particularly since this study has shown that third party’s efforts to enforce unity and build a “multiethnic” Bosnia have resulted in a prolonged, unrewarding enterprise that can cause new tensions, instability, and third party entrapment.

The prescription advocating partition may seem stark, for it invites regional powers to make decisions for disputants and help redraw new borders, most likely through at least some bloodshed. Historians will recognize this form of peacemaking as essentially no different than the approach undertaken by the Concert of Europe. In that

case, the imperial powers of 19<sup>th</sup> century Europe intervened to ease the separation of Greece and Turkey, and these events were later followed by the massive expulsions, or the forceful exchanges, of populations. The memory of the difficult Greek-Turkish relationship is still alive today, in presently divided Cyprus.

Peacemakers should be prepared to endure the domestic and international criticism that almost all such interventions generate, and these in particular. Human rights advocates and peace groups will most likely criticize peacemaking efforts that generate “peace refugees” and promote ethnic polarization. However, one should remember that it is not possible to intervene forcefully in order to uphold “multiethnic values.” Precisely because the difficult cases of identity disputes involve existential fears and very divergent perspectives, it is not possible to intervene in a neutral manner by imposing a compromise acceptable to all or by building a “multiethnic” civic society. Using forceful measures should mean that coercive peacemakers must decide on behalf of which party they want to intervene because a forceful intervention, particularly in the absence of societal reconciliation, creates new losers and new victors.<sup>21</sup>

*Point Three. If intervention aims at facilitating partitioning, coercive peacemakers should be prepared to use force in order to impose partitioning agreements: partitioning cannot be carried out peacefully in difficult identity disputes like Bosnia.*

At first sight, the above point seems to be contradicted by a peaceful break-up of Czechoslovakia, as well as by a relatively painless separation between Serbia and Slovenia after an easy three-week war. However, it should be remembered that the points mentioned here, as most of this study, refer to the difficult cases of identity disputes,

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<sup>21</sup> Benjamin Schwarz, “The Diversity Myth: America’s Leading Export,” *Atlantic Monthly*, May 1995, 57-67; see particularly p. 67. See also Kamal Shehadi, review of *Nationalism and Nationalities in the New Europe*, ed. Charles A. Kupchan, *Survival* 38, no. 2 (Summer 1996): 175-176.

where disputants have existential fears and strong, mutually incompatible opinions about borders, history, and justice. Neither Czechoslovakia nor Slovenia fit into the type of identity disputes discussed here. Moreover, it is also true that, precisely because the Slovenian-Serbian dispute was relatively easy, Europe's early involvement was beneficial for Slovenia: it eased separation between Belgrade and Ljubljana (Chapter Three).

However, Europe's early involvement could not do the same in Bosnia, for example, where people with insecure identities lived in mixed communities and had big disagreements on where new borders should be. The VOPP was proposed before there had been Muslim-Croat clashes in Central Bosnia; once proposed, the plan triggered the fighting for the control of mixed areas of Central Bosnia. The fighting escalated because Europe was unwilling to implement, without America's help, the partitioning agreement it had proposed of its own initiative and had urged upon the disputants (Chapter Five). Coercive peacemakers should not sponsor negotiations on partitioning without accepting responsibility for imposing such agreements through military means; otherwise, their peacemaking might worsen the conflicts without providing a remedy.

Moreover, the Dayton peacemaking has confirmed that difficult partitioning agreements demand at least some military measures. The 1995 Dayton formula—51 percent of Bosnia for the Federation; 49 percent for the Bosnian Serb Republic—reposed upon an earlier partitioning plan, proposed by the Contact Group in 1994. However, it took some limited military measures—by NATO pilots in the air; by the Bosnian Muslim and Croatian troops on the ground—in order to roll back the borders of Republika Srpska and thereby make the 51-49 territorial distribution acceptable to the Serbs (Chapter Six).

The case of the former Yugoslavia has demonstrated that partitioning agreements cannot be negotiated peacefully; hence, peacemakers should approach such negotiations

responsibly. They should not contemplate negotiating partitioning agreements with the aim of peaceful conflict resolution and without being prepared to use force and remain involved to oversee their implementation. In other words, third parties acting in their role as peacemakers should not repeat the mistake of Europe, which first negotiated the Vance-Owen Peace Plan, then refused to impose the plan on the Serbs, choosing instead to stand by when the plan provoked the outbreak of fighting between the Croats and the Muslims. The peacemakers should be prepared to take risks and costs: provide their own troops to facilitate, guarantee, or impose partitioning agreements. For that reason, bringing peace to Bosnia required American involvement because Washington, unlike Europe, was willing to take military measures in order to ensure that an international proposal on Bosnia's inner partitioning would become an actual peace settlement accepted by all parties.

The disputants' underlying perspectives, which spring both from concerns over identity and a desire for power, have not allowed for the reconciliation of differences required to permit peaceful separation, be it along the existing borders, or some new, more ethnically reflective redrawn boundaries. In the case of the former Yugoslavia, the end result was that new borders needed eventually to be determined through war and bloodshed, whether they were completely new borders without historical precedent, representing cease-fire lines, such as the inter-entity border between the Bosnian Serb Republic and the Bosnian Federation, or whether they were borders with a historical precedent that had led to their being declared as legitimate international borders by the Badinter Commission, such as the borders of Croatia, or the present-day outside borders of Bosnia-Herzegovina.

Point Four. *Peacemakers should not engage in coercive peacemaking without feeling a commensurate sense of responsibility for the disputants' well-being, including responsibility to protect weaker disputants in case of conflict escalation, particular if escalation is brought about by their peacemaking efforts.*

International involvement in 1991 Croatia, 1992 Bosnia, and 1999 Kosovo have raised ethical concerns. For example, American offer of unconditional recognition encouraged Sarajevo to renege the Lisbon partitioning settlement; this event in turn triggered the Serb war against Bosnia. Yet, Washington did not follow up with any measures to stop the Serb attacks, even though it had encouraged Sarajevo to go for independence against the Serb wishes (Chapter Five).

A similar situation took place in Kosovo; America did act this time, though very reluctantly and inefficiently, being more concerned over the safety of its pilots than the plight of the Kosovo Albanians pushed out of Kosovo at the gunpoint (Chapter Eight).

On this note, it should also be noted that a number of Western military officers, including NATO Commander Wesley Clark, felt disturbed by the fact that they had been brought into a war with Serbia without West's leaders being willing to prosecute the military campaign seriously in order to disrupt the Serb attacks against the Albanians and thereby impose the end of violence sooner.<sup>22</sup>

If the outside parties seem unwilling to use force to protect weaker disputants exposed to attacks by stronger disputants—attacks that have been triggered by peacemaking efforts—then the outside parties should not engage in coercive

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<sup>22</sup> Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, Perseus Books, 2001). See also criticism voiced by Sir Michael Rose, a top British officer and a former UN commander in Bosnia: "UK General Attacks Kosovo Campaign," *BBC News*, 13 July 1999, available from [http://news2.thls.bbc.co.uk/hi/english/uk/newsid\\_393000/393239.stm](http://news2.thls.bbc.co.uk/hi/english/uk/newsid_393000/393239.stm), accessed 5 October 1999.

peacemaking and urge weaker disputants to accept international proposals with a vague promise of peace and protection.

*Point Five. An ethical involvement would also demand that peacemakers shall not nurture disputants' false hopes, particularly unrealistic ambitions among the weaker parties: such actions are neither ethical nor conducive to peace.*

Both ethics and wisdom would seem to demand that the outside parties do not, deliberately or inadvertently, encourage weaker disputants to go for a “victory” against all odds, particularly if the outside parties seem reluctant to intervene on the behalf of weaker disputants. For example, the American offer of unconditional recognition and constant criticism of the partitioning proposals urged by Europe made Sarajevo believe that it enjoyed the superpower support in its drive for independence for all of Bosnia. Accordingly, Sarajevo grew deeply disappointed, and American negotiators frustrated, when America had to force upon Sarajevo the acceptance, at Dayton, of Bosnia’s realities in the interest of regional stability—the need to bring peace to Bosnia by acknowledging its internal partitioning (Chapter Six).

Accordingly, if the Bosnian Serbs continue to refuse their integration into a Bosnian federation, the Western powers will have great difficulty in pressuring Sarajevo to eventually accept Bosnia’s partitioning in the interest of a viable peace settlement and international disengagement from Bosnia. The difficulty will stem not only from Sarajevo’s traditional opposition to Bosnia’s partitioning but also from the recent international policies that have sought to rebuild a “multiethnic” Bosnia and have thus reinforced Sarajevo’s pursuit of a unified Bosnia with a single nation. Yet, Sarajevo’s expectations clash with reality that, unlike Croatia, Bosnia does not have a clear national

majority that could permanently impose, even with the outside support, Sarajevo's preferences upon Bosnia's belligerent minorities.

In short, encouraging weaker parties to go for victory--particularly against the reality of the outside parties' weak commitments--is neither ethical towards weaker parties nor beneficial to peace. Despite Sarajevo's calculations and Western wishful thinking about "multiethnic" Bosnia, a sustainable peace will have to repose on reconciliation and take into account other disputants' wishes and Bosnia's realities.

Point Six. *Coercive nation-building in the direction of forging a single political community out of disputed, insecure identities is neither realistic nor desirable. Forceful nation-building cannot rebuild "multiethnic" states; instead, it can lead to an entrapped imperial regime that undermines self-government and thereby worsens the problem.*

Coercive peacemaking can succeed in imposing a basic order; it accomplishes this through compelling or maintaining some form of partitioning. Hence, coercive peacemaking should not be undertaken with the goal of restoring "multiethnic" states; disputants' deep disagreements over the most basic issues make a common life next to impossible, while insecure, firmly rooted identities resist integration into a single nation.

For example, the international community has been trying to build a "multiethnic," "self-sustaining" Bosnia for eight years now; yet, six years after the sweeping Bonn powers were introduced, Bosnia is neither multiethnic nor self-sustaining. After six years of electoral engineering, removal of elected officials from power, and imposed legislation pertaining to Bosnian identity, economy, and political life, Bosnia still cannot stand on its own feet. Instead, Bosnia's citizens have less and less role in governing Bosnia, while the outside powers are deepening their engagement. Hence, coercive peacemaking can be self-defeating. Moreover, it has contributed to the rise of

liberal imperialism that undermines democracy and the rule of law. Thus, Bosnia's coercive nation-building is neither viable nor desirable (Chapter Seven).

One of the reasons why coercive peacemaking can be counterproductive lies in its misguided actions springing from its misunderstanding of identity disputes. Nationalism feeds on insecure identities; hence, international measures that target identity politics—such as the removal of the popular politicians or the erosion of national power-sharing arrangements—can bring the opposite result. Such measures can lead to the reassertion of nationalism—the situation that then demands more interventionism for the sake of upholding single, “multiethnic” entities.

One way to “tame” nationalism is through reshaping identities so these can feel more secure. Unfortunately, this reassurance process may need some separation and even border changes, rather than high-handed international officials who are determined to create a single, “multiethnic” nation out of insecure, disputed identities.

*Point Seven. Should an occasion call for coercive nation-building, such efforts should take place within a framework of an integrative type of agreement owned by the disputants, while the outside parties should state the limits of their engagement in advance and stick to these limits, as well as accept a controlling mechanism supervising their administration of a protectorate.*

Not all identity disputes are like the Bosnia dispute, characterized by deep-seated grievances, political divisions, traumatic memories, and the cycles of violence accompanied by atrocities. Perhaps in other identity disputes where disputants tire of fighting for victory, or maybe even in Bosnia in future, there evolves a possibility to rebuild a single country, and therefore there emerges a need for the outside assistance aimed at nation-building. However, before the international community decides to engage

in nation-building, here are a few conditions that must be met in order for the nation-building efforts to be fruitful and desirable.

First, nation-building cannot be driven from the outside but must repose on an integrative type of a peace settlement owned by the disputants.<sup>23</sup> The disputants must reach a formula that reconciles their differences, an element that allows the outside parties to engage in a meaningful nation-building. In other words, the outside parties must secure the disputants' strategic consent on the roadmap to a self-sustaining peace, though a tactical consent on some minor issues may sometimes be missing and may require some milder forms of coercion.<sup>24</sup>

In practical terms, this means that, for example, the Bosnian disputants should have freely reached an agreement that would have balanced collective rights of nations with Sarajevo's sovereignty over all of Bosnia, while the international community may have needed to interfere on one or another occasion to keep the disputants on the track. In other words, the international community should have ensured that the disputants follow the path that the parties themselves have chosen when reaching an agreement rather than seeking to impose the Bosnian identity and drive the constitutional reform.

If disputants seem unwilling to embrace an integrative type of agreement, then the international community should not contemplate nation-building. The agreements like Dayton, it should be noted, do not integrate the disputants' needs and positions; rather

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<sup>23</sup> For the importance of "integrative" type of agreements—agreements that integrate disputants' interests--—see Albie M. Davis, "An Interview with Mary Parker Follett," in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin (Cambridge, Mass.: Program on Negotiation at Harvard Law School, 1995), 13-26; see in particular p. 15. See also Chapter One, which elaborates more on "integration"—as opposed to domination or compromise.

<sup>24</sup> The above idea has been influenced by Dobbie's doctrine of peacemaking: Charles Dobbie argued that peace-keepers should not rely on coercion as a strategy, though they can occasionally engage in forceful tactical actions. The proponents of the Bosnia intervention criticized Dobbie. Charles Dobbie, "A Concept for Post-Cold War Peacekeeping," *Survival* 36, no. 3 (Autumn 1994): 121-148; Christopher Dandeker, review of *A Concept for Post Cold War Peacekeeping*, by Charles Dobbie, *International Peacekeeping* (Frank Cass) 2, no. 1 (Spring 1995): 132-134.

they represent incoherent peace settlements that reflect the disputants' respective pursuits of victory in which they hope to engage with international help. As post-Dayton Bosnia has demonstrated, this situation cannot be remedied by a greater international will and a deeper outside engagement: the harder coercive nation-builders try, the more entrapped they become, and the more elusive the goal of a self-sustaining Bosnia remains.<sup>25</sup>

The peacemakers should not engage in an open-ended nation-building but follow the road map within a reasonable time-table, while being ready to re-evaluate the progress. If there is a need for a temporary international protectorate, the outside parties should accept the UN framework and a controlling mechanism to ensure that the international officials actually administer rather than rule a protectorate; that their actions have a sound basis in the settlement agreed upon by the disputants rather than entail arbitrary actions of international officials. To this end, the UN Security Council should authorize the mission even if regional organizations take the leading role in administration; furthermore, auxiliary UN bodies could come up with a set of rules on how international protectorates should be administered and what constitutes the limits of permissible international behavior. The regional organizations and states involved in the implementation should accept this supervision not only in the interest of local people and a consistent, orderly international practice based on laws and predictability, but for the sake of the organizations and states involved in the implementation. The Bosnia case has demonstrated that an open-ended coercive nation-building not only denies the rights of

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<sup>25</sup> Besides having an integrative type of an agreement—an agreement that would reconcile the Serbs' and the Croats' collective rights with Sarajevo's demands for a unified, sovereign Bosnia—it is also possible to have a compromise such as the following: an internal partitioning into 3 entities existing within a weak, confederal Bosnia, leaving a possibility of Bosnia's partitioning with over time. The latter type of a compromise is also a possibility that calls for a meaningful international engagement in order to oversee the partitioning process. However, the Dayton agreement is neither an integrative agreement nor a compromise of the latter type: it neither created a functioning Bosnia by reconciling the interests of all parties in a coherent peace settlement, nor did it leave in place a viable partitioning agreement.

the people to govern themselves or accept responsibility for a peace process, but that it also imposes upon the implementing states the costs of protracted engagements. Also, protectorates that are not rooted in disputants' agreements erode the credibility of such mechanisms of international intervention and might lead to the future unwillingness to take on such missions, even though, international protectorates might be necessary and desirable under a certain set of conditions and within an appropriate legal framework.

Point Eight. *Coercive peacemaking should be a rare exception, rather than a rule. This exceptional form of conflict management should be undertaken, preferably with the UN Security Council authorization, only if there exists an urgent need to restore international peace and security or a demonstrated humanitarian emergency.*

Besides entailing costs and risks for disputants and third parties, coercive peacemaking is problematic because it reflects the practices that had, in part, driven 19th century imperialist politics. Consequently, coercive peacemaking should be limited to a few exceptional cases that require the imposition of the disputants' separation because such outcomes may be the only effective, sustainable solutions to the violent existential conflicts. Moreover, launching an intervention without a clear case of endangered international or regional peace and security, or without an existence of a compelling humanitarian crisis may be illegal, unwarranted, and counterproductive, particularly if undertaken without the UN authorization.

Here one should say a word about the sentiments expressed by Javier Solana in 1999, then NATO Secretary-General, as he defended NATO's Kosovo intervention against the criticism that it had provoked a humanitarian crisis by saying that Serbia

would have cleansed “a village a day.”<sup>26</sup> Solana was right on that point: if NATO had not intervened, the conflict would have continued at low intensity and would have been settled, eventually, through a partitioning agreement after a protracted conflict and mutual exhaustion. Yet, the question is why the Serbian strategy of taking “a village a day” should concern NATO, particularly when this strategy does not appear to threaten regional peace and security; in contrast, NATO’s peacemaking efforts provoked a major humanitarian disaster, followed by an ambiguous peace and the international entrapment.

The exception to engage in coercive peacemaking should be invoked only when there is a clearly demonstrated need: Bosnia of 1995, with over half its population displaced, probably qualifies; however, it is difficult to argue that Kosovo of early 1999, with only a few hundred thousand displaced people, demonstrated the circumstances that would justify coercive peacemaking.

If Kosovo before the NATO intervention was a humanitarian emergency necessitating an intervention, then one should ask why there had not been an intervention in dozens of other conflicts, including Sierra Leone, whose appalling atrocities exceeded anything on the scale of Bosnia, let alone Kosovo.<sup>27</sup> Insisting on the argument that Kosovo necessitated humanitarian intervention at the time of a low-intensity conflict

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<sup>26</sup> Serbian diplomats used to boast, before the NATO involvement, as follows: “A village a day keeps NATO away.” In other words, before NATO intervened, Serbia had engaged in low-intensity operations, hoping that a low level of violence would not provoke an outside intervention. See Javier Solana’s words in Barton Gellman, “The Path to Crisis: How the United States and Its Allies Went to War,” *Washington Post*, 18 April 1999, available from <http://www.washingtonpost.com/wp-srv/Wplate/199904/18/0311-041899-idx.html>, accessed 18 April 1999; John F. Harris, “Despite ‘Lessons,’ Clinton Still Seen Lacking Strategy,” *Washington Post*, 27 March 1999, available from Lexis-Nexis Universe, accessed 31 January 2004.

<sup>27</sup> Mark Doyle, “Sierra Leone: Worse Than Kosovo?” *BBC News*, 3 July 1999, available from <http://news.bbc.co.uk/1/hi/world/africa/383985.stm>, accessed 4 February 2004; “Africa’s Refugees Lose Out on Aid,” *BBC News*, 27 July 1999, available from <http://news.bbc.co.uk/1/hi/world/africa/405062.stm>, accessed 4 February 2004; “‘Sierra Leone Abuses Worse Than Kosovo,’” *BBC News*, 25 June 1999, available from <http://news.bbc.co.uk/1/hi/world/africa/377541.stm>, accessed 4 February 2004; “Kosovo and Sierra Leone,” editorial, *Washington Post*, 15 June 1999, available from <http://search.washingtonpost.com/wp-srv/Wplate/1999-06/15/0091-061599-idx.html>, accessed 23 June 1999; Normitsu Onishi, “A Brutal War’s Machetes Maim Sierra Leone,” *New York Times*, 26 January 1999, available from <http://www.nytimes.com/library/world/Africa/012699sierra-leone.html>, accessed 26 January 1999.

sends a message that it is more important to save European than African lives. Yet, explaining or justifying the Kosovo intervention by the existence of NATO, a regional organization with credibility concerns, can send a message that, for example, Nigeria should unilaterally intervene in Africa's conflicts whenever it suits Nigerian interests.

Exceptionalism allowed for only clear cases of endangered international or regional peace and security, as well as demonstrated cases of undisputable humanitarian emergency, seems particularly important since the UN mandate--though desirable and necessary to make an intervention legal and broadly accepted--may be difficult to obtain due to the political divisions within the UN Security Council. Intervening without the UN mandate and without the compelling humanitarian need can set the threshold for a unilateral intervention so low that coercive peacemaking becomes an unwarranted exercise of power politics and a dangerous precedent for unrestrained interventionism that is corrosive to the stability of the international system. It could set the threshold for triggering an intervention so low that aspiring regional powers, in order to serve their own interests, could take on coercive peacemaking whenever there are violent conflicts and some refugees—the circumstance that is, unfortunately, present in many different parts of the world at any time.

All the previous points in fact are related, one way or another, to the last point.

Conflict prevention through military measures should generally not be tried, not only because forceful actions can lead to the opposite (i.e., conflict escalation), but also because in the absence of a demonstrated humanitarian emergency or a compelling security concern, preventive actions can appear as unwarranted, illegitimate, and illegal.

Furthermore, if peace and stability are the goals of intervention, then peacemaking should not go beyond imposing a basic order and facilitating a sustainable

settlement that meets the disputants' needs—this can be accomplished by separating belligerent communities involved in existential identity disputes. For example, the conditions needed to preserve regional peace and security do not require forcing the creation of a unified command for the Serb, Muslim, and Croat armed forces so that Bosnia could be “stabilized” by being integrated into NATO’s Partnership for Peace; nor do the demands of peace and stability require either a unified, “multiethnic” Bosnia or the removal of Bosnia’s elected “nationalist” officials: in fact, creating a situation with a self-sustaining stability may demand precisely the opposite actions and objectives.

Actions such as forcing a unified military command on divided Bosnia are most likely not driven by concerns about Bosnia’s peace and regional stability—despite the rhetoric to the contrary--but instead by concerns for maintaining the credibility of the relevant regional institutions involved in the Bosnian peacemaking. For example, it has yet to be effectively argued that the goal of creating an enduring peace and the rule of law within the Balkan societies requires the use of outside parties to the dispute to run the high-level trials by courts unrelated to the national institutions within the states affected.

An intervention undertaken for the sake of peace and security or a humanitarian emergency should not concern itself with imposing upon the Balkans European “standards” or with preparing a theoretically “sovereign” Bosnia for membership in the European institutions. To have a chance of effectiveness, these are actions that require local support and fashioning by the political parties within a state. Rather than using the process of coercive peacemaking as a credibility enhancer for regional institutions, such as NATO or the OSCE, the process should be restricted to establishing, for compelling security or humanitarian reasons, only the basic order that force can, at least temporarily,

impose. When considering goals that go beyond this limited one of stability, political solutions having the support of local constituencies must, instead, be given priority.

Rebuilding civic, multiethnic societies has not proven to be a viable option: given the absence of an overarching framework agreed upon by all disputants and accompanied by reassured identities, international intervention has only sped up division and ethnic polarization or helped one side to repress the other. Multiethnic nation-building can theoretically work only if national differences have become reconcilable because the pattern of argument has evolved—an occurrence that typically happens only after prolonged struggles and exhaustion that have placed victory out of reach for the contesting groups. Nonetheless, this situation of reconciliation that does not reflect the circumstances of the present-day Bosnia or Kosovo.

Finally, one should look at the successes and failures of the intervention in the former Yugoslavia. Croatia is the success because it has a clear national majority that could, with some outside help, impose a solution on its rebellious minority, followed by attempts to build a “multiethnic” Croatia. On the other hand, Bosnia, which has never been home to a clear national majority, is today a partitioned state—divided territorially into two entities, and politically into three communities. The international community has, theoretically, been engaged in attempts to fashion a civic, multiethnic Bosnian society for eight years, even as it has only succeeded in erecting an autocratic structure beyond controls and without accountability to Bosnia’s electorate; the international community has assisted Sarajevo’s efforts to repress Bosnia’s smallest and most vulnerable nation (Bosnian Croats). Still in Kosovo, the “humanitarian intervention” initiated to save the Albanians led to the flight of the Kosovo Serbs, the likes of which

have been denounced in the case of Croatia as a deliberate attempt by the government at the “Serb expulsion.”

The above points may be hard to accept for supporters of liberal interventionism who prefer to return refugees to their homes, have worked to turn a divided Bosnia into a “multiethnic” state and a member of the Euro-Atlantic institutions, and who continue to strive, in theory, to create “a self-governing Kosovo within democratic Yugoslavia.” Liberal interventionism is led by the illusion that the will of international community, acting as an outside participant in a conflict, can enforce reconciliation among disputants and, therefore build “multiethnic” civic states: this belief is consistent with the national myths, widely accepted within present-day Western democracies, that their own nation-building was the product of the peaceful accommodation of differences.<sup>28</sup> From this revision of their own historical experiences has come the widely-held Western belief that they, therefore, have a moral mission towards “backward,” non-Western societies and help fashion the values of multiculturalism, democracy, the rule of law, and proper governance on the point of a bayonet. However, this view is a conceit that reposes on a mythical reinterpretation of national histories: a reinterpretation prompted by a desire to give a humane face to the current exercise of power politics that does not promote any of the objectives; an interventionism that has already been dubbed as “military humanism” or “liberal imperialism.”<sup>29</sup>

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<sup>28</sup> Schwarz, “The Diversity Myth: America’s Leading Export,” 57-67.

<sup>29</sup> Noam Chomsky, *The New Military Humanism: Lessons From Kosovo* (Monroe, Maine: Common Courage Press, 1999); European Stability Initiative (ESI), “The Future of Liberal Imperialism: A European Raj?” available from <http://www.esiweb.org/europeanraj/>, accessed 2 February 2004; Knaus and Cox, “Travails of the European Raj.”

**Conclusion: Is Coercive Peacemaking Benign, Viable, or Desirable?**

In the aftermath of the Cold War, there emerged a form of conflict management that views peacemaking along the spectrum of conflict in disregard for the parties' will, affirms a normative or moral order over the needs of the disputants, and believes that legitimacy rests with the will of the international community rather than the disputants' ownership of the peace process. This new form of conflict management, here called coercive peacemaking, can be briefly characterized as attempts at enforcing reconciliation for the purpose of imposing a peaceful resolution of differences while affirming a normative order and moral values. It has been portrayed as viable and desirable, good for the disputants and the outside parties, as well as being supportive of a more humane and orderly world.

However, according to this study, coercive peacemaking has displayed only limited benefits: there are considerable limits, costs, and risks that have been demonstrated as accompanying this form of conflict management. Most serious limitations appear when coercive peacemaking is applied in the early stages of a dispute, as some of the most notable cases of failed intervention have been the futile attempts at conflict prevention in Bosnia (1992) and Kosovo (1999). At the same time, coercive peacemaking displays modest results when peacemakers decide to get involved in the middle and latter stages of a dispute. Conflicts can be mitigated, but peace is being facilitated by the exhaustion brought about by fighting and ethnic polarization, as well as by ambiguous settlements that capture disputants' conflicting perspectives, thus enabling the continuation of the conflict at another level (e.g., present-day Bosnia or Kosovo).

Coercive peacemaking aims at imposing reasonable compromises; however, in the absence of reconciliation among the disputants, the international involvement

precipitates violence, while de-escalation can be secured only at the price of a war, “peace refugees,” and ambiguous peace settlements. These settlements can lead to international entrapment and the erection of neo-colonial regimes whose form and actions defy democratic traditions and the rights of the local people to self-government. Thus, while coercive peacemaking seeks to shape a better world and buttress a normative and moral order, it may nonetheless contribute to the opposite—it can help create an unstable, unpredictable world of unrestrained interventionism that imposes costs on the local peoples and facilitates third party entrapment.

Therefore, this study questions coercive peacemaking as being viable, benign, or desirable. It argues that, if undertaken at all, coercive peacemaking should support partitioning rather than seek to impose reconciliation and thereby prop up unviable states. This risky interventionism should be limited only to those cases involving compelling reasons pertaining to international peace and security or a major, enduring humanitarian catastrophe: these cases alone can justify the peacemaking efforts that can undermine the international system while carrying substantial risks and costs, both for disputants and outside parties.

# BIBLIOGRAPHY

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## Organization of Bibliography Explained

### I. PRIMARY SOURCES

#### I.A. PUBLIC DOCUMENTS AND OFFICIAL STATEMENTS

##### I.A.1. Collections of Documents Concerning Yugoslavia and Its Successors

##### I.A. 2. International Organizations

This part of bibliography is arranged alphabetically by names of the issuing international organizations or countries (EC/EU, NATO, OHR, OSCE, UN, UN/ICTY, etc.), though the individual entries (e.g., EC documents) are arranged chronologically rather than alphabetically in order to make search easier. This arrangement has been carried out for all entries except those issued by the UN bodies, since the UN documents have easily identifiable reference numbers. All documents and official statements by international bodies are listed in this section unless citations refer to cease-fire agreements, peace settlements, or other multilateral agreements; the latter citations are listed separately, under "I.A.5. Peacemaking Documents." The Badinter opinions are also included in I.A.5. I.A.2. also includes citations of multilateral treaties, such as the UN Charter.

##### I.A.3. Foreign Governments

Listed here are official statements by foreign governments, such as speeches by U.S. President, hearings before U.S. Senate's committees, etc.

##### I.A. 4. Former Yugoslavia and Its Successor States

Listed here are documents and statements issued by bodies or officials of the former Yugoslavia or its successor states. The former Yugoslavia is identified as "Socialist Federative Republic of Yugoslavia" (SFRY), while "Serbia and Montenegro" is normally used to refer to one of its successor states, or "Federal Republic of Yugoslavia" (FRY). The entries listed under individual headings are arranged chronologically.

##### I.A.4.a. Socialist Federative Republic of Yugoslavia (SFRY), 1943-1991

Listed below are documents issued by Titoist Yugoslavia and its various bodies, starting with the 1943 AVNOJ decision to create federal Yugoslavia. The listings include important documents issued by nominally independent bodies (the Memorandum of the Serbian Academy), as well as proclamations of independence by some Yugoslav republics (except for Croatia, which is included under a separate heading).

##### I.A.4.b. Croatia

Listed below are official documents and statements by Croatia's bodies and officials. Although Zagreb never recognized legitimacy of the Republic of Serbian Krajina (RSK), which ceased to exist in 1995, some

of the proclamations by the RSK officials and bodies are included as well, at the very end. The entries are organized chronologically.

**I.A.4.c. Serbia and Montenegro (Federal Republic of Yugoslavia, or FRY)**

Listed below are documents issued by Serbia and Montenegro, as well as statements by its officials. The listing starts with statements issued by the SFRY Presidency after this Yugoslav body had come under Serbia's control, following the departure of Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia in the fall of 1991. Also included are some statements by the Serbian Orthodox Church as well as Serbian press releases published by Western media. Statements by Croatian and Bosnian Serbs can be found separately, under "Croatia" and "Bosnia," respectively.

**I.A.4.d. Bosnia**

Included are statements or documents by various Bosnian parties.

**I.A. 5. Peacemaking Documents: Ceasefires, Peace Proposals, Arbitration Opinions, and Peace Agreements**

The individual entries are arranged chronologically. The citations concern only ceasefires, peace proposals (Carrington, Vance-Owen, Dayton, Rambouillet, etc.), and various bilateral and multilateral military agreements related to peacemaking efforts (e.g., the NATO-Yugoslavia and the NATO-Russia agreements). Because the Badinter Commission's opinions are related to peace proposals and peacemaking, they are included here as well (I.A.5.a.), even though the Commission was instituted by the EC. "I.A.5. Peacemaking Documents" are arranged as follows:

**I.A.5.a. Yugoslav Crisis (July 1991-January 1992)**

**I.A.5.b. Croatia (1991-1995)**

**I.A.5.c. Bosnia (1992-1995)**

**I.A.5.d. Kosovo (1999)**

**I.B. PROFESSIONAL ORGANIZATIONS AND ORIGINAL RESEARCH**

Included here are reports and proposals by various organizations working in the field of human rights or conflict resolution, such as Human Rights Watch (HRW), British Helsinki Human Rights Group (BHHRG), Croatian Helsinki Committee for Human Rights, Croatian Medical Corps, Helsinki Committee for Human Rights in Bosnia and Herzegovina, International Crisis Group (ICG), European Stability Initiative (ESI), Independent International Commission for Kosovo, and Veritas (a Croatian Serb agency). Also included are original research reports concerning the World War II casualties by Croatian or Serbian scholars (i.e., Zerjavic and Kocovic).

**I.C. PERSONAL ACCOUNTS**

**I.C. 1. Books: Diaries and Memoirs of High-Level Officials and Negotiators**

**I.C. 2. Shorter Personal Accounts: Articles, Interviews, Conversations Held by Author of this Study, and Other Personal Accounts**

The first section (I.C.1.) includes some of the most referenced books in this study: diaries and memoirs of high-level officials and diplomats involved in the

Yugoslav crisis, such as Warren Zimmermann, Richard Holbrooke, Zdravko Tomac, Michael Libal, Borisav Jovic, Wesley Clark, and David Owen. The second section (I.C.2) includes shorter accounts involving some high-level officials and negotiators (e.g., articles by Holbrooke or Clark, interviews of Holbrooke or Westendorp). The second section also includes a few books, articles, or interviews that can be considered personal accounts, but that do not fall into the first section: examples are a diary of a Serbian journalist visiting Kosovo or the conversations that this author held with some Croatian Serb leaders. The entries are arranged alphabetically, and each identifies the role a particular individual played in the Yugoslav crisis.

## **II. SECONDARY SOURCES**

### **II.1. BOOKS**

This section lists most of the books cited in this study, books that are secondary sources. (Books that are primary sources are cited under a different heading. The books that are memoirs and similar accounts written by officials closely involved in the Yugoslav crisis and peacemaking are cited under “Personal Accounts” (I.C.1). In addition, some official documents available in the book form are also cited under a different heading, under “I.A. Public Documents and Official Statements” if issued by international organizations or governments, or under “I.B. Professional Organizations and Original Research,” if produced by non-governmental bodies or private individuals.)

### **II.2. ARTICLES FROM BOOKS AND SCHOLARLY JOURNALS**

This section includes articles from books and journals. It also cites book reviews and some published interviews. It excludes news articles, popular magazines, and personal accounts. (Articles from newspapers and news magazines can be found separately, under “III. Newspapers, News Agencies, Broadcasts, and Magazines.” Articles that represent published interviews or personal accounts by officials involved in the Yugoslav crisis have been listed previously, under “Personal Accounts: I.C. 2. Shorter Personal Accounts: Articles, Interviews, Conversations Held by Author of this Study, and Other Personal Accounts.”)

## **III. NEWSPAPERS, NEWS AGENCIES, BROADCASTS, AND MAGAZINES**

Most citations include first-hand media reports from the scene and can be considered primary sources. Also included are a few citations from news or popular magazines (*Economist*, *Newsweek*, *Atlantic Monthly*, etc.). (However, articles from scholarly journals have been listed in a separate section intended for secondary sources (II.2.). Also listed separately are official statements, press conferences, texts of some peace agreements, Senate’s hearings, personal accounts, or interviews, even if reported in the media form; for such primary source citations, see either “I.A. Public Documents and Official Statements” or “I.C. Personal Accounts.”)

## I. PRIMARY SOURCES

### I.A. PUBLIC DOCUMENTS AND OFFICIAL STATEMENTS

#### I.A.1. Collections of Documents Concerning Yugoslavia and Its Successors

*Former Yugoslavia Through Documents: From its Dissolution to the Peace Settlement.* Edited by Snežana Trifunovska. The Hague, Boston, London: Martinus Nijhoff Publishers, 1999; distributed in U.S. by Kluwer Law International.

*The Historical Boundaries Between Bosnia, Croatia, Serbia, 1985-1945.* Edited by Anita L.P. Burdett. [England]: Archive Editions, 1995. A collection of historical documents, including diplomatic correspondence, related to borders among republics of former Yugoslavia.

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## I.C. PERSONAL ACCOUNTS

### I.C.1. Books: Diaries and Memoirs of High-Level Officials and Negotiators

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- Clark, Wesley K. *Waging Modern War: Bosnia, Kosovo, and the Future of Combat*. New York: Public Affairs, Perseus Books, 2001. Clark was the NATO Commander during the Kosovo war.
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- Jović, Borisav. *Последњи Дани СФРЈ* (Last Days of SFRY), 2<sup>nd</sup> ed. Kragujevac, Serbia: Prizma, 1996. Extracts of the diary by a top Serbian decision-maker and a close ally of Serbian President Slobodan Milosevic. Concerns disintegration of the Socialist Federative Republic of Yugoslavia (SFRY) in the 1989-1992 period, including the war in Croatia in 1991 and the outbreak of the war in Bosnia in 1992. Published in Serbian and Cyrillic. Currently used by the ICTY officials in Hague in the process against Serbian President Milosevic. Printed in 1000 copies only; the copy consulted by the author of this study is the property of the Serbian Cultural Society Prosvjeta, Zagreb, Croatia. Library of Congress, Washington, D.C., has a copy of the first edition (1995).
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### **I.C.2. Shorter Personal Accounts: Articles, Interviews, Conversations Held by Author of this Study, and Other Personal Accounts**

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italien des affaires etrangeres. ” Interview by Jacques Amalric and Marie-Claude Decamps. *Le Monde* (Paris), 7 December 1991. Available from Lexis-Nexis Universe. Accessed 15 December 1999. Gianni de Michelis was Italian Foreign Minister during the early stages of the Yugoslav wars.

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- Mrkalj, Milan. Conversation with author, 16 September 2002, Library of the Serbian Cultural Society "Prosvjeta," Zagreb. Mrkalj is the Serb Member of the Croatian Council for National Minorities.
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