The International aspects of the Yugoslav crisis is a particularly difficult subject for analysis. The primary reason is methodological. The crisis was so much a consequence of and an adjustment to an international transition and international transition was itself being worked out so much in response to the Yugoslav conflict, that the causal relation between internal and external factors become increasingly difficult to disentangle as the conflicts evolved. Because the domestic crisis evolved into separate nationalist struggles to create independent states out of one country, including competing claims for sovereignty over the same territory, moreover the traditional demarcation lines between domestic and international spheres the sovereign frontiers and prerogative of the state did not hold.

A second source of difficulty is political and psychological. The case presented a monumental failure for international and regional organisations of collective security and their member states which had thought that their principles and mechanisms were ready for the post-Cold War era. The American leadership failed to materialise until late in the day and the Europeans were unable to exploit the opportunity this vacuum presented. The failure to manage the
crisis and prevent the ensuing violence to protect fundamental international principal in its aftermath did not stimulate serious introspection among the European leaders. The pattern was rather to avoid analysis and seek excuses. Both individual countries as well as the international organisations tried to characterise the Balkan crisis as a case sui-generis which, according to them, was an unfortunate casualty of timing occurring too early in the overloaded sequence of events occurring at the end of the Cold War.

The greatest obstacle to serious analysis is, however, the third reason, whereby these psychological defenses constructed a new reality of out of what happened. The path of the conflict from the dissolution of the country to the creation of the national states and then ethnic homogenisation (so called cleansing) of each territory, came quickly to be viewed as inevitable, the natural outcome of a logic of partition and nationalism inherent in the Balkans. Alternative choices and competing proposals and trends were lost in the fog of some distant past. Apart from regret that violence was not prevented few questioned the proposition that this was a domestic quarrel, centuries in the waking and that Yugoslav people chose their fate.

In fact, the crisis and the path of the conflict cannot be adequately explained without reference to international
factors such as interdependence between the nature of Yugoslav socialist regime and its international environment, the fundamental economic, political and strategic changes evolving in that environment during the 1980's and to principles methods of international intervention to manage the crisis.¹ In fact, by any standard the Yugoslav crisis could not be characterised as *sui generis*. In reality it was only a more dramatic example of the widespread phenomenon of political disintegration, the collapse of the governmental institutions and social norms.

ROLE OF U.N. IN FORMER YUGOSLAVIA

The experience of the United Nations in former Yugoslavia upto the end of 1994 was a depressing one especially as it followed the success of the Gulf war and the prospect of a new world order in 1991. Regional organisations like the European Union and NATO were also infected by the miasma of failure. When U.N. sponsored action in the Gulf in response to the invasion of Kuwait by Iraq is compared with the intervention in Yugoslavia three kinds of special difficulties in the latter are highlighted. The first concerns the problem of identifying clearly the territorial dimensions of the problem. The peculiar mix of

populations and the uncertainty created by rival claims to territory made it difficult to identify and accept territorial and administrative demarcations; this was the legacy not only of traditional ethnic and territorial problems in the Balkans but also of the Yugoslav federation constructed by Tito which involved a whole series of compromises aimed at making sure that no single constituent republic dominated the state.

It was difficult for any agency contemplating intervention to see a clear point of entry: no frontier could be established behind which the intervening force could safely be assembled, and from where it could move against a clearly located antagonist on the other side. The options of the international community were further complicated by the ethnic diversity within new entities, even after they had been formally recognised as states. While their borders had previously been generally accepted as internal administrative frontiers without much political significance, when they were transformed into international frontiers they represented a threat to the ethnic minorities living within


them, who henceforth questioned their legality and historical authenticity. Furthermore, any military action which was contemplated ran the risk of incurring unacceptably high levels of collateral damage because of the nature of the conflict which was spread out to small pockets, involving mainly small arms combat among neighbouring ethnic communities.

A second problem, which emerged very quickly, was that deciding upon the purpose and style of such an intervention and a problem later developed in the context of the ever changing mandate of UNPROFOR. In the history of U.N. two forms of intervention had emerged, namely enforcement under Chapter VII of the Charter, involving the use of force to pursue an agreed end, such as the exclusion of an invader as in the Gulf war - and peacekeeping being the interposition of U.N. forces between the warring parties with the purpose of encouraging them to negotiate a settlement. The latter had no clear basis in the Charter, but was usually thought to derive from Chapter VI which concerned the pacific settlement of disputes. Both procedures could be accompanied by peacemaking, the active involvement of the UN in the search for a peaceful settlement, through mediation and the

From the earliest phases of the Yugoslav crisis the intervening agency faced a problem in this context. Should the purpose be humanitarian, intended to alleviate the suffering of the civilians affected by the dispute? Or should it be the assertion of the principle of the sanctity of frontiers? Furthermore, should it be a combination of the two? Each of these purposes implied a particular style of intervention, but pursuing the humanitarian goal interfered with the assertion of the principle of the sanctity of frontiers. The former implied negotiations, mediation and peacekeeping, while the latter required enforcement and implied that there should be compromise or impartiality.

A third set of difficulties may be found in the diplomatic background of the conflict. Throughout the crisis successive U.S. governments were ambivalent about how to respond, and tended to vacillate between support of enforcement and an anxiety not to be drawn into yet another war. In the early phase the Pentagon was the more cautious and the state department more activist. But the prevalent consensus was that this was something for Europeans to sort out by themselves, the U.S. had already made its contribu-

tion to the maintenance of international peace and security in the Gulf war.⁷ At the outset of the problems in the Balkans in 1991 this was also the view of the Europeans, especially the French and the Germans, who were inclined to see the crisis as an opportunity to demonstrate and test the emerging machinery for foreign policy cooperation in the E.C./E.U., be it the existing European Political Co-operation (E.P.C.) or the envisaged Common Foreign and Security Policy (C.F.S.P.) and the CSCE, and to create a stronger joint conflict resolution and military capacity.

The Russians were, of course, greatly concerned about the crisis and fearful about its implications for the Russian Federation and for the frontiers of a number of the recently independent states in the Commonwealth of Independent States, if the principle of the sanctity of frontiers was compromised in Yugoslavia. But circumstances within Russia and the bankruptcy of the Russian economy meant that the Russians were unable to adopt an activist line. This became more apparent in the Spring of 1993 especially as the referendum about President Yeltsin's future approached.⁸ Indeed, the Russians became more hostile to military action


⁸ The Times, 23 April 1993.
against the Serbs as the crisis developed.

In consequence the permanent members of the United Nations (the U.S., Russia, France, China and the U.K.), which had taken a firm lead in the Gulf crisis, were from the beginning not inclined to support firm U.N. action in the Balkans: their view was that the Europeans should take the lead. This position, which proved to be a serious abdication of responsibility, was reinforced in the early stages by the opinion of the U.N. Secretary General, that this was an occasion when Chapter VIII of the Charter, on cooperation between the regional and global organisations, could be tested. In a number of his reports when the Secretary General had proposed the extended role for regional organisations in Europe he specifically mentioned the E.U. and the CSCE (later OSCE).

THE PURPOSE OF U.N. INTERVENTION: THE EVOLVING MANDATE

One of the greatest difficulties encountered by the United Nations in its involvement in former Yugoslavia was that the mandate agreed by the Security Council altered as the crisis developed. It was, therefore, impossible to evaluate the success of the U.N. by enquiring about the statement of mission and then measuring the achievement in this light. The mission statement, in the form of the mandate contained in Security Council resolutions was
constantly changing and being modified during the various stages of the crisis. This point is expanded through this chapter.

The initial mandate of the U.N. in former Yugoslavia included resolution 713, which established arms embargo on 25 September 1991; it was intended to assist in the preservation of the frontiers of state of Yugoslavia, unless changes could be agreed by peaceful means and with the consent of all the parties. At this stage this was to be done in cooperation with the member states of European Community. This action was taken under Chapter VII of the Charter, and it was explicitly stated that the situation in Yugoslavia represented a threat to international peace and security. It also noted that the action followed from the request of the government of Yugoslavia acting through its representative in New York.

These conditions were attached to a number of resolutions including the one establishing the United Nations Protection Force (UNPROFOR) in Croatia, approved on February 1992 (Resolution 743). The force was created in response


to the recommendation of the Secretary General, who in his report of 15 February 1992 judged that, in the context of the ceasefire then in effect, such a force could succeed then in consolidating the ceasefire and facilitating the negotiation of an overall settlement (para 28,23592). 11

As mentioned, there was in this resolution specific reference to the request of the government of Yugoslavia, an indication of the view that the operation was to facilitate the adjustment of the frontiers of an existing state with agreement of the state. The force was to be established in areas to be determined by the U.N. agents, with a number of administrative responsibilities and a duty to stop action that could disturb public order. It was to ensure that local police force reflected the national composition of the population in the protected areas. The mandate looked, in other words, like that of a traditional peacekeeping force: to be interpositional and impartial, and to provide the framework for negotiations. It, nevertheless, raised hopes which went beyond traditional peacekeeping in the sense that according to paragraph 5, the force was to create conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. In due course

this was to great disappointment to the Croatians, who interpreted the UNPROFOR mandate as being proactively anti-Serbian but saw UNPROFOR carrying out a more traditional peacekeeping role despite the reference to Chapter VII.12

By May 1992 the form of words in ensuing mandate had changed. For example, Resolution 752 referred to the former Socialist Republic of Yugoslavia, and demanded the withdrawal of Yugoslav National Army from republics other than Serbia and Montenegro and the cessation of operations by Croatian forces in Bosnia-Herzegovina. The U.N. now dropped the pretence that it was dealing with problems of adjusting the existing frontiers of an established Yugoslav state. In the month following, in Resolution 757, the Mandate of UNPROFOR was altered to include much more active security role with regard to the protection of Sarajevo Airport after the withdrawal of the Bosnian Serb forces. It was to be reopened and fortified with a U.N. special regime (S/24075, para 5) with the assistance of an extra 1,100 U.N. troops. The mandate now included the supervision and control of all local civilian personal and the dispatch of humanitarian assistance.13


In resolution 770,\textsuperscript{14} of 13 August 1992, the mandate of UNPROFOR was further expanded. The force was now asked to deliver humanitarian assistance and was empowered to use "all measures necessary" to do this. This operation in Bosnia-Herzegovina was to become known as the UNPROFOR II. In the words of the Secretary General, the UNPROFOR II, was to support the UNHCR's efforts to deliver humanitarian relief throughout Bosnia Herzegovina and, in particular, to provide protection at UNHCR's request, where and when the UNHCR considered such protection necessary.\textsuperscript{15} It would remain the UNHCR's responsibility, as at present, to determine the priorities and schedules for the delivery of such relief, to organise the relief convoys to negotiate safe passage along the intended routes, with the UNPROFOR's assistance as required and to coordinate requests from Non-Governmental Organisations and other agencies wishing to join the UNPROFOR protected convoys. The UNHCR, after consulting the UNPROFOR, would decide which convoys needed protection, and protection would be provided only at the UNHCR's request. Other humanitarian agencies seeking the UNPROFOR protection for their deliveries of relief supplies


would have to address their request to the UNHCR. This was a division of labour between the UNHCR and the UNPROFOR, at least through the end of 1994.


On 16 October 1992, a leading article in The Times contained the following proposals: that there should be air strikes against the Serbian Warlords and Serbian planes involved in the war in Bosnia-Herzegovina; that there should be active defence of convoys if an attempt were made to prevent them from reaching their destinations in pursuit of their mandate; that the peacekeeping activities in the area should be positively coordinated under the French Commander of UNPROFOR II through NATO; and that there should be clear support for the then more moderate P.M. of the remnant of federal Yugoslavia, Milan Panic, against the leader of Serbia, Slobodan Milosevic, who was seen as being responsible for the attempt to create a Greater Serbia at the expanse of Croatia, but especially of Bosnia-Herzegovina.


17. The mandate of the UNPROFOR was further expanded through Security Resolution 795, 11 December 1992, which authorised the initial deployment of 700 troops on a more traditional peacekeeping operation in FRYOM, separating Serbia proper from the new republic.

These proposals are indications of trends in the crisis which may be summarised as an escalation from minimum peacekeeping to a more activist peacekeeping tending towards enforcement, culminating in strike against Serbian heavy weapons;\(^{19}\) the more positive identification of an enemy in the form of Serbian activists under Milosevic and in Bosnia Herzegovina, Radovan Karadzic; a striking increase in the scale of the presence of intervening forces in Bosnia - by mid November 1992 they amounted to 6,500 men - as earlier in Croatia and the closer involvement of NATO. This was a process of creeping escalation, with a component of more activist peacekeeping accompanied by an increasing realisation that the regional agency were incapable of retaining control.

The enhancement of the role of the U.N. at the expense of E.C./E.U. may be traced through four phases:

1. In the first phase, until late November 1991, the U.N. was involved only in that it condemned the violence, and reinforced positions adopted by the E.C. as with the approval by the Security Council of an embargo on supplies of arms to all parties in the rapidly disintegrating Federal Repub-

\(^{19}\) ibid.
lic of Yugoslavia. The E.C. was more proactive until November 1991, and was the lead organisation in the sense that its role combined peacemaking with peacekeeping. This took the form of attempting to mediate a peaceful solution to the breakup of Yugoslavia, the negotiation of ceasefires - which were constantly broken by all parties - and the provision of E.C. monitors. From the early phase of the conflict the regional organisations sought to attribute primary responsibility for the crisis, first in Croatia, then in Bosnia-Herzegovina, to the Serbs. It directed various pressures against the Serbs and came to be seen quite quickly by the latter as an enemy, possibly an instrument of Germany, traditionally hostile to Serbia. This was quite starkly reflected in the role attributed to Germany in the E.C.'s recognition of the secessionist republics of Slovenia and Croatia.


21. This was reflected in the preamble to the Resolution 713, which commended 'the efforts undertaken by the E.C. and its member states... to restore peace and dialogue in Yugoslavia.'

22. The E.C. had been delegated by the CSCE to take over primary responsibility following the failure of consensus seeking CSCE mechanism to make any progress with regard to fighting in Slovenia and Croatia.

Nevertheless, in this second phase, the U.N. role was mainly concerned with peacekeeping; it reinforced an effort that was still being directed and conducted primarily by the regional organisations. But the warring sides saw the global organisation as being more impartial in holding the ring. They were also more conciliatory towards the U.N. position, as espoused by Cyrus Vance, to ensure that they were not alienated by the U.S. which was assumed to be backing Cyrus Vance. At the same time, the peacekeeping function of the E.C. remained intact; even though the E.C. had failed in its initial peace-brokering mission, it still retained the authority delegated to it by the CSCE.

In a third phase the U.N. found itself being pushed into a more proactive role, and was invited to take the lead by Lord Carrington and others especially after a meeting in London on 17 July 1992.\textsuperscript{24} The Secretary General indicated that he accepted the need for a greater U.N. role in the report of 6 June 1992 though in this phase, as will be shown later, there was quarrel between the regional and global organisations.\textsuperscript{25} The greater UN involvement coincided with the more general acceptance of the view that the truncated

\textsuperscript{24} This meeting lead to the London agreement of 23rd July, described as ‘a plan to hand over the baton to the U.N. with dignity: Independent, 3 July 1992.

Yugoslavia (Serbia and Montenegro) was the violating state, and the first big step taken was the approval of mandatory sanctions against Serbia-Montenegro at the end of May 1992,26 followed on 13 August by the granting of a mandate to activist states to use "all measures necessary" against the Serbs if they tried to prevent the provision of humanitarian assistance.27

In late August 1992, a fourth phase, was visible. On his appointment to succeed Peter Carrington as head of the E.C.'s Commission on Yugoslavia on 27 August 1992, David Owen said that any distinction between the role of the two organisations was now defunct. The U.N.'s role as peacekeeper was to be merged with the E.C.'s role as peacemaker. The two organisations were to set up a joint operation in Geneva to conduct negotiations and research possible forms of settlement on the terms agreed at the London Conference in late August 1992.28

After the conference the two organisations worked together in this tandem agreement, and links with the United Nations were strengthened by the direct participation of the

permanent members of the Security Council and the Security General's representative Vance as well as by the role of the British and French Government representatives in New York. The latter became responsible for orchestrating diplomacy among members of the Security Council and the Secretary-General's representative Vance, and by the role of the British and French governments in New York. The latter became responsible for orchestrating diplomacy among members of the Security Council, particularly the P5, to obtain support for resolutions indicated by the London Conference, and any subsequent proposals.

FROM PEACEKEEPING TO NEAR ENFORCEMENT

Several states, including the United Kingdom declared that their commitment of troops to the crisis would be limited, and that their actions would be confined to the protection of the convoys carrying scarce supplies to those trapped in the conflict areas; they were to protect the U.N.'s humanitarian work in Bosnia. But for a while the possibility of moving beyond the support of convoys to more coercive military action was not positively excluded. At a cabinet meeting on 18 August 1992 to authorise the use of British troops in Bosnia following the 13th August Resolution, and the use of British War planes to create an exclusion zone for Iraqi aircraft in southern Iraq, four stages
of commitment in Bosnia were identified. The weakest was preferred as the other three could lead to an escalation of involvement. Nevertheless, it was thought that the British could yet change their mind, and other states, such as the U.S. and France, occasionally advocated a more muscular approach. But only military assistance for humanitarian missions was explicitly allowed and only minor military actions were further proposed in the U.N., such as the agreement to set up no fly zones in Bosnia. A decision was also taken to enforce a naval blockade against Serbia-Montenegro, and to monitor the sanctions. 29

As the line dividing active peacekeeping and peace enforcement was approached, there were often hints that it might be overstepped especially by the United States. A major problem was that there was no agreement on the political objective of enforcement: the optimum that had followed the recognition of Croatia was quickly overtaken by evidence of Croatian intentions to share the carve up of Bosnian territory with Serbia. Although the primary guilt of Serbia was widely acknowledged the sense that there should be a plague on all their houses was widespread.

The form of words used in the resolution of 13 August 1992, which permitted the use of greater force to protect

humanitarian convoys, was reminiscent of Resolution 678 of November 1990, which had sanctioned the use of force against Saddam Hussein, but for those who framed it, it had almost the opposite implications. The 1992 resolution included the phrase "all measure necessary" to protect the convoys whereas the 1990 resolution mentioned all necessary means. But unlike resolution 678, the threat was not backed by any convincing evidence that it was real.

Until the London Conference of 26-28 August 1992, it was possible to maintain the position that the use of force to impose settlement in Yugoslavia had not been excluded. But one consequence of that conference was to reinforce the Serbs doubt that force would be used. The agreement specified the use of sanctions upto and including the complete isolation of Yugoslav rump state, if that state failed to comply with the agreed terms. But statements by the British and others and the failure to refer to enforcement, implied that there would be no military coercion. This message was reinforced by the precision with which the non-coercive sanctions were spelled out they amounted to total isolation for Serbia-Montenegro, but as the subject implied not more

30. It was reported on the world at one B.B.C. Radio 4, 27th August 1992 that the people of Belgrade had feared that attacks on their city would follow shortly after the approval of the resolution.
than that.  

By late 1992 it had become apparent that the scale of threat posed by the intervening U.N. forces had been significantly increased since the creation of UNPROFOR in February. The big step was Resolution 761 of 29 June 1992, had pointed the way when it held that Security Council 'does not exclude other measures to secure aid'. On 11 September the Security Council confirmed that the new U.N. force in Bosnia-Herzegovina of upto 8500 men, the UNPROFOR could remove those obstructing the convoys by force if necessary. This had been foreseen in the Secretary-General's report of 10 September.

By the end of the year several other indications of the escalation of preparedness to use force was evident. For instance, in early October, the U.N. forces were authorised to use force to resist an attempt to return home by Croats who had been driven out of UNPROFOR I territory. A senior U.N. official in-charge, Cedric Thornberry, blamed the Croatian government for encouraging this, but stressed


33. *New York Times*, 11 September 1992. The Secretary-General interpreted the rules of engagement as follows: self defense is deemed as to include situations in which armed persons attempt by force to prevent U.N. troops from carrying mandate. S/24540.
that even more trouble would arise if the refugees were allowed back. By mid-November 1992 the British force of 2400 men had arrived in Bosnia equipped with heavy armoured personnel carriers, Warriors and light vehicles. This level of armament was a clear - if to some a symbolic-indication of a determination to be more proactive in protecting troops and removing opposition to the convoys, despite the statement by the British defence minister, Malcolm Rifkind, on 23 November that British forces would keep a low profile. 34

In Britain, in late 1992, the former type of response seemed possible. There had been creeping escalation towards a strong version of peacekeeping: if a serious incident took place it was hard in mid-December to predict the outcome. But public opinion and the style of government response in France and Britain suggested they could be provoked into enforcement. Initially this could have involved air strikes against Serbian positions as recommended in the Times mentioned above.

**Plans for Peace: Retreat from Principle**

By January 1993, a plan for peace had been produced by the Vance-Owen team which for the first time could be seen as representing a clearer statement of political goal. The plan involved keeping the existing frontiers of Bosnia-

Herzegovina and a central government which would have a high degree of autonomy. The difficulty was that it allowed the Serbs to retain some of the territory they had captured militarily, and indeed allowed some of the ethnic cleansing carried out by the other groups to be kept in place also. Despite being the biggest territorial victors, the Serbs were the main opponents of ratification because they would have to relinquish part of the conquered land, especially the vital land corridor linking Ljubijana to Serbia proper through parts of northern Bosnia. The plan preserved a basic tenet of international relations - the sanctity of international frontiers - but it accepted some measure of ethnic cleansing. The new Clinton administration in the United States, therefore, hesitated to endorse it and the general failure to agree on implementation of the plan squandered one of the few real chances of peace.

The approach of the dividing line between active peacekeeping and enforcement had frightened many in the governments of the leading western states involved. But even this 'para escalation' made the control of the global organisation more necessary to the hesitant states. Using violence required that the U.N. be in charge and restraining its use also had to be pursued through global organisation. The earlier somewhat unreal oscillations of the EC/EU countries between coercive and non-coercive measures had gradually

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given way to a similar oscillation in the U.N., where it was thought that key decisions ought to be taken. The transfer of the Vance-Owen talks from Geneva to New York in Spring 1993 facilitated closer teamwork between representatives of the United States, the P5 and the E.C. and E.U. states. It also emphasised the importance of the U.N. as the lead organisation.

While the two U.N. mediators continued in their fruitless efforts to persuade all the three Bosnian groups to agree to the Vance-Owen Peace Plan, the U.N. passed a string of resolutions in early 1993, which did not positively move to enforcement, but edged in its direction and kept the pressure of the Bosnian Serbs. Security Council Resolution 807 extended the mandate of the UNPROFOR until the end of March 1993 initially, and then until the end of June 1993. More importantly the same resolution affirmed that the UNPROFOR was acting under Chapter VII of the U.N. Charter i.e. it was there to maintain security and that the Secretary General should take all necessary measures for the protection of force and the provision of heavier weaponry for defensive purposes.

Pressure was also maintained by the two further resolutions: Resolution 808 which set up an ad hoc war tribunal and requested information about war crimes, and resolution 816, which finally enforced the no fly zone over Bosnia.\(^{37}\) It asked NATO war planes to interpret Bosnian Serb planes in the zones. It had taken over six months to agree to acquire these teeth. President Clinton also declared himself prepared in Spring 1993, to authorise strike by the U.S. aircraft against Serb positions, for instance around Sarajevo, and more than that what the United States argued was sanctioned by Resolution 770. It was resisted with some anxiety by those with troops on the ground.

**PROBLEMS IN MAINTAINING U.N.'S IMPARTIALITY**

Once the UNPROFOR was involved the U.N. was bound to confront the difficulty of such a proactive role invariably running the risk of attracting retaliation against the existing U.N. forces. This happened both in Croatia and Bosnia, thus making it increasingly difficult for the world body to maintain a reputation of impartiality. The U.N. Secretary General was at pains to stress this point in his report of May 26, 1992 to the Security\(^{38}\) which implied a

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preference for mediation rather than enforcement, though in later reports on 30 May and 6 June, whilst still stressing the risks, it reluctantly accepted the need for a more active role for the UNPROFOR, on condition that the parties to the dispute in (Sarajevo) accepted and abided by the terms of a ceasefire, and more personnel and resources were allocated.

But the Secretary General became very irritated (in late July 1992) by what he saw as the E.C. unilaterally committing the U.N. to actions which would increase the chances that the UNPROFOR would be seen as a partisan body. He also noted that Croatia was extremely unhappy about what seemed to be an international validation of the enclaves captured by Serbian forces in Croatia as a result of the positioning of the UNPROFOR forces around those specific enclaves. A rather cynical joke after the initial deployment of the UNPROFOR in Croatia was that this force should be called the 'UNPROSERB' or the 'SERBPROFOR' to illustrate its true role as seen through Croatian eyes. In late November 1992, the Croatian government threatened not to agree to the renewal of the UNPROFOR mandate in February 1993, a tactic which the Croats have persistently pursued ever since. The Secretary General also expressed great

concern at the U.N.'s close involvement with the Balkan Crisis at the expense of its involvement in crises elsewhere in the world, particularly Somalia.

One reason for Croatian complaints was that the U.N., through Cyrus Vance, had responsibility for the civilian administration of the UNPROFOR region in Croatia to be placed in Serb hands.41 The plan called for a reversion of power into the hands of an authority representative of the local populations. Under this specific plan populations would have been returned to this however and lands, allowing for representative local governments. But as the displaced populations were not returned because of Serbian intransigence, the Serbs retained control of these areas. There was also clear evidence of serious infringements of human rights by Serbian groups in the area under the authority of the so-called Serbian Republic of Krajina. As the crisis evolved the U.N., like the E.C. before it, began to attract accusations of partisanship.

At the London Conference in late August 1992, the Bosnian Serbs were allowed a victory, in that discussion about the frontiers of Bosnia with Serbia, and other terms of possible settlement, were to begin in a week's time (4th

September 1992) in Geneva, and there was no guarantee that seized lands would be returned. There was indeed a promise to 'respect the integrity of present frontiers, unless changed by mutual agreement'. The U.S. Secretary of State, Lawrence Eagleburger, said that the United States would not accept anything other than a return to the status quo ante. But, in the context of the conference, there had been a sell out: the agreement allowed the Serbs to continue to put pressure on Bosnia in the name of finding general agreement and to fudge and postpone a settlement. A ceasefire was yet to be agreed, and although a scheme for placing heavy weapons under UN supervision at 11 centres was accepted by the Serbian leadership in Bosnia, there was no guarantee that all the weapons could be located and disposed of in this way.42

By late 1992, the Bosnian Serbs had begun to show a two fold reaction in their judgement of the U.N. The dominant strain, encouraged by Slobodan Milosevic in Belgrade, was that they could now play the long game. More confident they would not now be subject to coercive military sanctions, and reassured by the evidence that those who could act were hesitating and that any pressure towards enforcement in the U.S. was being constrained. The United Nations became

vulnerable to change that it was continuously chasing after the frontiers of mediation too often it seemed to be implying mediation on the basis of the most recent gains by Serbs, a problem which arose in part from its humanitarian role. Agreeing to negotiations about frontiers was a conversion to the transgressors, which had been excluded in the Gulf crisis.

On the other hand, the Serbs continued to express doubts about U.N. intentions and impartiality. There were accusations that the single U.N. convoy into Gorazde had conveyed arms to the Muslim defenders; this had led to a retreat by the Serbs. The Serbs also complained that some broader, clandestine deal has been struck at the London conference at their expense and 'this had a shocking effect on Serbian morale.'43 This also led to a transformation of the spirit of the U.N. forces.

The leading states had declined to enforce principles or peace, but despite this the Serbs were beginning to see U.N. forces as opponents. Attacks on them seemed to be increasing and on 4 September an Italian Military transport aircraft carrying blankets into Sarajevo crashed after having been hit by an anti-aircraft missile. Even though there was strong evidence to suggest that the aircraft had

43. The Times, 3 September 1992.
been downed by either Croatian or Muslim forces, the Bosnian Serbs were to bear the brunt of accusations. Their feeling of persecution by the international community as embodied by the U.N. mission in Bosnia was heightened.

But both the concern with the humanitarian dimension of the crisis and the acceptance of the Secretary General’s enhanced role were the result of an ambivalence in the intentions of the lead states in the U.N. as well as in the E.C./E.U. On the one hand they wanted to defend fundamental principles without reserve or hesitation while, on the other, they were inexorably driven to seek compromise to save lives and costs for themselves.

For a number of reasons the precise mix of mechanisms and policy in former Yugoslavia proved to be unstable. Involvement to promote humanitarian assistance spilled over into a more active role, which in turn made it more difficult to protect the world organisation’s reputation for impartiality, despite the determined efforts of commanders such as General Sir Michael Rose. It also made mediation harder.44

44. Adelphi Papers, n.42, p.79.
Alarms and Excursions: The Main Actors in the First Half of 1993

In late 1992, the U.S. seemed to be prepared to mount a massive response to the Serbs. But they were not supported in this by the Europeans, and the proposal evaporated as the U.S. presidential election campaign got under way. In fact, it was argued in some circles that Bush administration’s hints at massive intervention were nothing but a ploy in the presidential election campaign, and an area in which Bush was emphasising his experience.45

The Clinton administration had explicitly placed domestic political and economic options at the top of the agenda and was loathe to announce a major foreign policy decision with regard to the conflict in Bosnia as the Government’s first important action. Pressure was on Clinton to revive the American economy, 'to put America back to work' and to move away from primary concern with external affairs. Yet the U.S. could not simply discard its international role, and there existed some hope within Clinton policy making ranks that victory for Milan Panic against Milosevic in the Serbian Presidential election in late 1992 could be the turning point in former Yugoslavia. Moral support was provided for Panic not least in implying that sanctions

against Serbia could be loosened if he won. With the defeat of Panic the Clinton administration was paralysed with indecision. The Vance-Owen peace plan dividing Bosnia into Canlons was unacceptable, as it sanctioned ethnic cleansing, the new leadership in Belgrade had a poor track record and in any case foreign affairs was of secondary importance.

By this time the U.S. had become involved in the Somalian imbroglio at the behest of the U.N. Clinton’s attention on U.S. peacekeeping and humanitarian relief missions abroad was dominated by this particular dispute and for a while the crisis in Bosnia took the back seat. Yet at the heart of American Policy still by the dilemma of not wanting to U.S. commitments in terms of ground troops to Bosnia until a political settlement was reached on the ground; but the flawed premises of the Vance Owen plan could not be accepted.46

Therefore, the United States again pushed for lighter sanctions, but added an air drop of vital supplies to beleaguered populations. An American envoy was sent to the peace talks in the person of Reginald Bartholomew; and, as mentioned earlier, the Vance-Owen talks were moved to New York, where the participants would be closer to the U.N. and the

U.S. administration. Bartholomew’s first action was to travel to Moscow, an indication of American concerns over what they saw as an emerging obstacle to strengthening sanctions against Serbia and enforcing the no fly zone over Bosnia. This was the increasing alignment of the Serbians with the Serbs in Bosnia.

Indeed, as the crisis evolved, the Russians became more prepared to resist the increasing pressures against the Serbs. The Yeltsin government and the Russian people were profoundly divided in their loyalties. There was sympathy for the Sebs, but at the same time a great anxiety about allowing a sovereign state to be destroyed without general consent.47 There was also hankering after a more independent role among some of Yeltsin’s opponents, involving hostility to the West, and certainly opposition to any expansion of NATO to the east as was shown at the December 1994 CSCE meeting, when Yeltsin himself objected to adding Eastern European States to NATO. Any demonstration of NATO firepower close to European frontiers, as with attacks on Serbian heavy weapons, caused unease. In the Security Council, one factor which discouraged further expansion of the mandate in mid 1993 was the fear that the Russian might prove obdurate. There was a tendency to argue that the

47. Keesing’s Record of World events, p.39874.
general terms of older mandates, like the necessary measures of Resolution 770, could be the legal basis of specific new actions.

Despite deep reservations about the value of the Vance-Owen Plan, by April 1993 the U.S. was left with no other alternative but to show a willingness to accept it as the best possible bargain that could be struck, if it were to be accepted by all parties. The no-fly zone was pushed through the Security Council on 31 March and Warren Christopher pressed for the lifting of the arms embargo on Bosnia to allow the Muslims to defend themselves and thus provide, in his words, 'a level playing field'. There was even a hint that the U.S. would consider using force to ensure compliance especially through air strikes against Serbian heavy weaponry. Yet the basic premise remained that until a political settlement was found, which the United States then could assist in policing through the employment of a massive NATO-based peacekeeping force, there was no immediate plans for direct US military enforcement measures.

And in Europe, there were, of course, a number of reasons for others support if the going got tough. Right at the centre of the problem was the refusal of Germany to


provide troops for enforcement purposes in former Yugoslavia, because of the restrictions on activities outside NATO area. The EC/EU therefore lacked several of the conditions of successful collective action.\footnote{The German Constitutional Court, in Summer 1994, ruled that such action was in fact compatible with German Constitution.}

It is in this background that David Owen also now argued for limited airstrikes - a nod towards enforcement. Through the two years of the crisis the Bosnian Serbs had been increasingly, and with mounting region identified as the main transgressors. The U.N. Security Council had accepted the proposal that information about war crimes should be collected as a policy targeted explicitly at the Bosnian Serbs.\footnote{Security Council Resolution 771 (1992).} The earlier uncertainties about who was guilty had been clarified, at least in the minds of western governments, despite some muddying of the waters as a result of a renewal of fighting between Croats and Muslims in central Bosnia in late April 1993.

**Intimations of Settlement: From Summer 1993 till Summer 1994**

From Summer 1993 into the winter, the warring parties were all embroiled in small scale fighting to capture or recapture tracts of territory. Despite the repeated exten-
sion of the UNPROFOR mandate in Croatia, there were constant rumblings that the Croatian armed forces were preparing for a major military operation to recapture those areas of Croatia in which Serbian minority lived under the peacekeeping aegis of the U.N. force. The tripartite fighting in Bosnia and tension between Serbia and Croatia over the fate of the Serbian Enclaves in Croatia, and the Croatian President Franjo Tudjman's repeated threats to eliminate the UNPROFOR mandate, attracted critical attention. There was even a threat from the international community to impose economic sanctions on Croatia to stop it assisting Croat forces in Bosnia. As with the Bosnian Serbs, the Croats in Bosnia were now more or less content with the ground they had captured and now they were primarily interested in defending this territory in the face of increased Muslim militant activity.

In Summer 1993 a further plan for the division of Bosnia was proposed by the Owen-Stoltenberg team (Vance having been replaced by the Stoltenberg as the Secretary General's envoy to the peace talks). This plan signified a further retreat from the principles on which the international community had originally insisted, a further indication of an increasing anxiety to be put out at the minimum acceptable cost. 52

52. Vance-Owen Peace Plan (VOPP).
Peacemaking had initially aimed at keeping a unitary Bosnian Republic, thus maintaining the rule that frontiers were not to be changed by force. When this failed, the Cantonisation plan was proposed by Vance and Owen, aimed at keeping Bosnia unitary but in a complex puzzle of ethnic divisions, governed by a relatively weak central government. The original intention had been to avoid the division of Bosnia into ethnic provinces, as this would have been seen as a capitulation to armed force and a vindication of the policy of ethnic cleansing. In the new plan this was exactly what was proposed by the EC/EU-UN team. Bosnia was to be divided into three ethnic units, with a loose, and powerless confederal government in Sarajevo.

A further concession was that after a probationary period of two years, the ethnically based republics would have the right to secede from the confederation with the consent of other signatories. This would mean that Republika Srpska (the Serb republic of Bosnia) and Herzeg Bosna (the Croatian counterpart) could join their respective parent states of Serbia and Croatia, something which the international community had previously rejected. By winter 1993, therefore, the conclusion could not be avoided that the main states had acted on the principle of regressive mediation, always offering to bargain on the basis of the
most recent gains of the aggressor. They had avoided the alternative enforcement on the basis of principle.

Again there was much discussion between the warring parties and negotiators about the territorial demarcation of each entity - a problem that plagued all previous tentative agreements - even when the three groups had in principle agreed to the constitutional side of the arrangement. If the three parties agreed to the plan, the international community was willing to enforce the peace through the deployment of NATO forces under the U.N. The Muslim leadership of Alia Izetbegovic rejected the plan, however, because of inadequate territorial concessions by the Serbs. Humanitarian missions continued, but the U.N. contingents were kept under continuing pressure as the peacemaking efforts of the U.N. and the E.U. failed.

In the winter of 1993-94, the fighting on the ground was primarily dominated by hostilities between the Croats and Bosnian Muslims in Central Bosnia, which illustrated the new found vigour and military organisation of a growing and increasingly better armed Muslim force. Similarly, in February 1994, international military involvement in the Bosnian crisis took a new twist with the enforcement of the no-fly zone with the use of NATO military aircraft to attack and destroy four Serbian warplanes. This illustrated the increasingly antagonistic stance of the outside world to the
Serbian position, but it also put into question the role of the U.N. operation in the region. This was a clear cut instance of creeping escalation from peacekeeping to peace enforcement by the U.N. and it naturally reinforced Serb doubts about the acceptability of the global organisation as an impartial peacemaker and peacekeeper. 53 Whilst encouraging the Muslims to hope for forceful military intervention of their side. Negatively, it also contributed to the declining reputation of the U.N. for impartiality.

At the same time, the United States brokered - some would say directed - conciliation between Croatia, the Bosnian Croats and the Bosnian Muslim government, which led to a confederal arrangement between these parties. 54 This reflected in part the rising pressure on the Clinton Administration from domestic public opinion and Congress to pursue a strategy which would favour the victims of Serb aggression. The Bosnian Serbs were now faced with a united front in negotiation which was given added strength by the recommendations made by the Congress to Clinton to lift the arms embargo against the Bosnian government. By this time,


54. ibid., p.93.
however the Serbs had taken most of the territory they wanted in Bosnia, and had no interest in pursuing further large scale offensive deployments. The conclusion had to be that the Anti-Serb coalition was encouraged to fight on precisely when the Serbs themselves would have been prepared to negotiate peace, though on their terms.

**Finessing the Principles from Summer 1994**

Nevertheless, in July 1994, yet another peace plan was announced by the so called Contact Group comprising Britain, France, Germany, Russia and the U.S. Its base now returned to Geneva from New York (the U.N. Headquarters). Agreed by the group in July 1994, this plan would have divided Bosnia into mini ethnic states while keeping the facade of a unitary Bosnian state; it was backed by an explicit threat by the contact group that if the Bosnian Serbs did not accept the latest variant of the plan by 20th July 1994 the arms embargo against the Bosnian Muslims would be lifted and further sanctions would be imposed on Serbia itself.

The peace plan demanded that the Bosnian Serbs relinquish some 20% of the territory in Bosnia under their control, and called for the division of Bosnia between the new Croat-Muslim Federation and Bosnian Serbs on the basis of a

51% to 49% territorial split. The Serbs at this time controlled some 70% of Bosnia. In principle, the plan would apparently keep in place a unitary Bosnian state along loose confederal lines with the two units exercising a great degree of freedom in managing both their domestic and international affairs. The Contact Group’s proposal accepted that although territorial acquisition through the use of force was unacceptable, some compromise with this principle had to be made. 56

Pressure against the Serbs were now accumulating. They were facing an international organisation which seemed to be threatening to move from peacekeeping to enforcement with the overt use of the military might of NATO under U.N. supervision; a united presence from the Croats and Muslims both in the military and diplomatic spheres, which also added extra emphasis to the internationally held view that the Serbs were the villains of the piece; an increase in military activity by the Muslims with the tacit consent of the international community and increase in the supply of arms entering Bosnia through the Croatian coastline. 57


Milosevic, now president of the truncated Yugoslavia consisting of Serbia-Montenegro began to put pressure on the Bosnian Serbs to settle on the terms of the most recent plan, by closing the frontier between Serbia-Montenegro and Bosnian Serbia and by putting a strangle-hold on the latter's supplies. In return Milosevic, who was increasingly afraid of the fact that the Bosnian Serb leader had larger ambitions to replace him as a leader of a Greater Serbia, bargained for the loosening of the international sanctions on Serbia-Montenegro which were producing increasing political and economic strains.

For their part the Western Europeans were now quite willing to partition Bosnia, if it meant an end to the fighting.58 But the U.S. remained adamant that no partition that was the result of the use of armed force would be condoned. Nevertheless in the deal the United States went as far as to concede that the constituent units of a confederal Bosnia might secede at a future date. In return the United States extracted from the Europeans the concession that the arms embargo would be lifted if the Bosnian Serbs rejected the plan. The U.S. acceptance of the possibility of partitioning of Bosnia was the biggest shift in American policy since Bush first had to deal with this issue in early

The first Serb response was neither to accept nor to reject the plan: they demonstrated yet again their skills in diplomatic procrastination. In July 1994 the Bosnian Serb leader, Radovan Karadzic rejected the proposal of a 51-49 percent territorial split, demanded guarantee for the Serb-an corridors joining Serbia proper with Krajina; demanded access to the Adriatic Sea and, most importantly, said that any acceptance of the plan with the right of secession for the two constituent ethnic states? Karadzic also stressed that this was not an outright rejection of the plan but rather part and parcel of an ongoing negotiating process in which the Serbs were asking for certain points of clarification and certain guarantees.

By December 1994, it seemed that all the parties to the dispute and the international mediators had accepted that Bosnia would be divided sooner or later, in one form or another, formally or informally. But as with all the plans for the resolution of the conflict since 1992, the maps proved to be the insurmountable obstacle. The continuation of fighting seemed to be the order of the day.

Intervention in Former Yugoslavia probably had the effect of prolonging the crisis at a lower level of engagement, and discouraged a more rapid conclusion at a higher level. But this was the best that could have been achieved. It avoided the problem of finding massive external forces to impose a settlement which would then have needed policing in the long term at great cost. But it also comprised a vigorous pursuit of humanitarian goals, and measures of isolating areas of peace, without compromising the harsh truth of such conflicts - that the parties to them have to resolve them, even if this means was. The U.N. was right to intervene, right to fall short of enforcement but go beyond traditional peacekeeping, but wrong in that it failed to match realisable ambitions with affordable means.

The U.N. could be said to have managed the crisis for reasons which add up to the point that intervention was both ineffective in stopping the war and required by both the main parties to the dispute. The Serbs preferred a legitimised settlement. Hence the tendency with them was to continue to push, when given any opportunity and to make tactical concessions - accepting ceasefires, handing over weapons etc., when it looked as if there could be a more powerful response. The U.N.'s departure would have encouraged the Islamic countries to arm the Muslims on a much larger scale, probably with the support of the United States. But the
threat by the U.S. Congress in late 1994 not to allow arms flow to the Muslims, in defiance of the U.N. arms embargo, was paradoxically helpful from the point of view of the U.N. It at the same time encouraged the Serbs to placate the U.N. in the face of greater dangers. In the same way - and this also tended to prolong the war - the Serbs were constantly encouraged to do what they could to gain territory up to the point at which this was clearly at the risk of U.N. departure. On the other hand, the Muslims also wanted the U.N. to stay because it could be an ally against Serb attack and a skirt from under which the Serbs could be attacked, as in the case of the provocative excursions from the Bihac safe area in November-December 1994.

It became apparent, during 1994, that any settlement on former Yugoslavia would be at the expense of the state of Bosnia-Herzegovina. This prospect had ambiguous implications for the U.N. From one angle it would be seen as a disastrous betrayal of the key people on which the U.N. was founded, i.e., respect for the frontiers of nation states once recognised. But from another, if this people had to be suspended as looked likely in December 1994, it will become clear that it is only the global organisation which has the authority to grant this dispensation and to promulgate its basis.
Role of E.U. in Yugoslav Crisis

"This is the hour of Europe", 60 so said Luxembourg’s foreign minister, Jacques Poos, to the press in the early phase of European Community’s attempt to bring the Yugoslav conflict under control. 61 The remark though lapidary, became paradigmatic expression of Western Europe’s hollow ambitions in the post-Cold War international environment.

In the Balkans, in 1991, the European Community (E.C. later European Union (E.U.) took up a collosal task for which it was badly equipped and that in fact uncovered the flimsiness of the collective mechanisms through which that organisation expected to deal with the new, fast unrolling panorama of international problems and pressures. Especially in the early phase of the conflict the community took up a broad commitment that went far beyond anything it had previously done in the global arena. In the end the Yugoslav conflict dealt a serious blow to the image and credibility of the organisation to its perceived weight as a major unitary actor, and to its aspiration to anchor the


61. The events discussed in this chapter span the period of the conversion of E.C. to the E.U. under the treaty of Maastricht.
emerging political order on the European continent.

Yet the inadequacy and failures in the Balkans should not be attributed solely to the E.U. Individual major powers and other multilateral institutions steered clear of the problem. They proved themselves unable to bring it under control (as was the case with the Conference on Security and Cooperation in Europe [CSCE] in the early phase) or were able to deal only with very limited aspects of it (as did the UN and NATO) after the armed conflict broke out). In fact it is hard to separate the inadequacies and failures of the E.U. from the context of the broader inadequacies and limitation of present day multilaterism.

THE E.U.'S INTERVENTION IN THE CONFLICT: A CHRONOLOGICAL ANALYSIS

Since June 1991 four multilateral institutions had dealt in a major way with the conflict in the former Yugoslavia, the CSCE, the E.U., the U.N., the NATO. This part of the chapter focusses on the E.C.-E.U. experience. But it analyses the experience in the context of the overall response of the international community and thus also of the actions - parallel, successive and overlapping - of other international institutions.
Phase 1: The Attempt to maintain a United Yugoslavia

The few initiatives that came from the collective bodies of the Western European countries in the phase preceding the outbreak of the armed conflict were aimed at maintaining an unified Yugoslav state. The E.U. Commission President Jacques Delors and Luxembourg’s P.M. Jacques Santer, as President of the Council of ministers reiterated the collective position on their visit to Belgrade on May 28-29 and offered aid and closer relations as rewards. The same position, enhanced by a number of specific incentives, had been presented in Belgrade two months earlier by the community’s "Troika" (composed of the representatives of the country holding the presidency, his predecessor and his successor). Before that the E.U. Commission had made the renewal of the economic cooperation agreement contingent on the country remaining united. The possibility of Yugoslavia acceding to the association treaties was another incentive repeatedly offered.62

However, while most western governments focussed their strategies of maintaining a united Yugoslavia, signs of support for the secessionist positions were also coming from both sides of the Atlantic. Actions taken by the U.S.

Congress which characterised the possible move towards independence of Slovenia and Croatia as "unilateral secession, illegal and illegitimate, generally reflected a growing preoccupation with the violation of political and human rights in different parts of Yugoslavia. The European parliament went so far as to indicate the possible recognition of internal borders. A resolution passed on March 13 declared that "the constituent Republics and autonomous provinces must have the right freely to determine their future in a peaceful and democratic manner and on the basis of recognised institutional and internal borders." The parliament also temporarily blocked a plan for a $1 billion E.U. aid programme, demanding that Belgrade respect human rights and implement economic reforms. The Commission itself drafted guidelines making aid conditional on respect for political and human rights.

Phase 2: The E.U. Effort to Control the Crisis

When fighting broke out in Slovenia after June 25, the community partners acted collectively but within an ill-

63. European Parliament resolution on Yugoslavia, March 13, 1991. Among other initiatives of the U.S. Congress were the Nickles amendment attached to the Appropriation act of late 1990, dealing with human rights, and the Rohrbacher Amendment to the direct aid to Democracies bill in 1991 dealing with aid to Slovenia and Croatia.

defined institutional framework. Other Eastern European countries generally followed the community's lead. Throughout the second half of 1991 the E.U. was looked upon as the most suitable organisation for dealing with the Yugoslav crisis and played an almost exclusive role. For much of that time the community's strategy remained that of maintaining some form of unified Yugoslav framework, or at least, as explained below, trying to solve all the different aspects of the Yugoslav crisis contextually.

The E.U. troika mediated an agreement in early July providing for a three month freeze on implementation of the independence declaration while parties tried to negotiate a political solution to the crisis. The agreement was formalized in the "common declaration for a peaceful solution to the Yugoslav crisis" signed on the Island of Brioni on 7 July. It also envisaged the deployment of the E.U. observers in Slovenia and, if possible, in Croatia to monitor ceasefire. In the Croatian case, there were obstacles to the actual deployment. On 5 July, the community suspended all financial aid and banned arms exports to Yugoslavia in the expectation that it could force the parties to accept binding community mediation. Praising the mediation efforts, Washington quickly followed Brussels in imposing a ban on

arms sales.

The organisation of a peace conference vetoed at the CSCE by Belgrade, was taken up by the community after the war moved to Croatia. The 27 August and 3 September meetings of the E.U. ministers of foreign affairs, in the framework of European political cooperation drafted the mandate of the proposed conference. It included among its general principles, "no unilateral change of borders by force, protection for the rights of all people in Yugoslavia and the need for full account to be taken of all legitimate concerns and aspirations". In the attempt to overcome explicit Serbian resistance, the foreign affairs minister 66 threatened to improve broad economic sanctions against those who refused to accept the E.U. proposals.

The peace conference opened at the Hague on 7 September with Lord Carrington, a former British foreign minister and former Secretary-General of NATO, as President. While at Brioni the solution of the crisis had been left to negotiate among the parties, at the Hague the E.U. mediators advanced a specific constitutional solution replacing the federal state with a confederation of sovereign states. As an inducement this time, the E.U. offered association states to

the individual republics.

In an attempt to bring the deteriorating military solution under control the E.U. gained agreement of the parties to accept a small team of observers and began to deploy them in mid-July. Eventually there were fifty observers in Slovene and Croat territory. But as ceasefires continued to be signed and broken, a number of community partners repeatedly put forward the idea of a "European interposition force" to separate the warring parties. As defined by the Secretary-General of the Western European Union (WEU), William Van Eebelen the mandate of the force would be to isolate the sources of conflict, and "to ensure an orderly process of change".67

Originally proposed by the governments of Luxembourg and Netherlands, the "interposition force" was strongly supported by France, which wanted it organised under the control of Western European Union (WEU). But it got caught up in controversial issue of the Union's "common foreign and security policies."

After the Hague conference failed to move the conflict to the negotiating table the Security Council Resolution 713

of 25 September tried to affect events by imposing "a gener­
al and complete embargo on all deliveries of weapons and military equipment to Yugoslavia". However, the resolution did not prescribe any enforcement measure that it would take until late November for the Security Council to accept the European proposal to deploy peacekeeping forces.

Thereafter, successive sessions of the Hague conference produced important, if only temporary results. The Serbian President Slobodan Milosevic accepted the principle of independence of the republic that wanted it. The conference also formally stated for the first time at the October 4 meeting that "recognition would be granted in the framework of a general settlement." Finally, a sort of autonomy status was envisioned for areas in which the national or ethnic group constituted a majority.68

Lord Carrington, the Chairman of the peace conference, acting as the E.U.'s negotiator, made a detailed proposal on 25 October 1991, with the general agreement of five of the six republics. It included, among others, the following points:

- In the framework of a general settlement, recognition of the independence, within existing borders, unless other­wise agreed, of those republics wishing it;

68. ibid., pp.581 and 583.
- A free association of the republics with an international personality as envisaged in these arrangements; and

- Comprehensive arrangements, including supervisory mechanisms for the protection of human rights and special status of certain groups and areas.69

In an attempt to meet Serbian concerns, the final draft convention presented by Lord Carrington on 4 November included a more detailed list of the institutional elements, including demilitarization, that would characterize the "special status" of the areas in which a national minority constituted a local majority.70  In 8 November 1991, after Serbia rejected Carrington's peace proposal the E.U. Council imposed economic sanctions on Yugoslavia suspending the cooperation agreement and trade conventions, and asked the Security Council to order an oil embargo. Washington immediately joined in this action. The sanctions were later lifted and economic aid reestablished for Croatia, Slovenia and Bosnia-Herzegovina and Macedonia all of which had adhered to the community's plan.

But as a massive offensive was launched against Dubrovnik, the main tourist city of the former Yugoslavia, and the

70. Waller, n.69, p.583.
Croatian Serbs moved to establish their own state in the Krajina region, the impression developed that the events on the ground and the peace negotiations were to a great extent proceeding independently. Then, in late November, the eastern Croatian city of Vukovar fell after weeks of artillery fire. The widespread impression was that the western European were completely important.

More and more people were connecting the Yugoslav crisis with the collapse of communism and the breakup of the Soviet Union. In that changed European security environment, it was argued, there was no compelling need to keep the Yugoslav state united. The recognition position gained strength in the midst of persistent confusion about western European objectives of ineffective intervention of stalemate among the contending parties and of continuing mixed signals from different western capitals. Lord Carrington’s plan had stalled in the face of Belgrade’s opposition. By the end of November no less than 12 successive ceasefires had been signed often in the presence of E.U. mediators, but not a single one had taken effect or had lasted only for few hours.71

Both the negotiations of ceasefires and the insistence on rules such as the inadmissibility of the use of force or of territorial acquisition through force implied a de facto recognition of parties other than the Federal Republic of Yugoslavia. The obligation of non-intervention, for example, is an obligation directed at states. For the same reason, the rejection of territorial conquest by force implicitly acknowledged the existence of Croatia.

The first option of the Badinter Commission on 29 November was further evidence of the failure of the effort to ensure some form of one Yugoslavia settlement. It was found that the federal government organs had become unable to function, and thus the SFRY no longer met the criteria of a "state" under constitutional law. It was, therefore, concluded that "SFRY (was) in the process of dissolution".72

Meanwhile within F.U. there was disagreement whether to grant independent country status to the republics or not. Many of them were still not reconciled to the fact that Yugoslavia is bound to break in the wake of irreconcilable differences among the ethnic groups. There were two sets of thinking one led by Germany which was for instant recognition to the ethnic republics and the other was to delay the

recognition and adopt a wait and watch attitude. 73

According to some accounts Germany made some concessions in the last phase of Maastricht treaty negotiations, to hasten the inevitability of recognition for London. Greece, traditionally Serbia's friend, was apparently won over with the assurance that the republic of Macedonia would not be recognized. Italy, Belgium and Denmark also indicated their readiness to recognize Croatia and Slovenia in the days before 16 December meeting of the E.U. minister of foreign affairs.

The extraordinary E.P.C. ministerial meeting in Brussels on 16 December was a tense and difficult one. Prisoners of their own commitment tried to follow a common approach to the Yugoslav crisis, the E.U. ministers faced Germany's inflexible position. It established a set of "Guidelines on the recognition of new states in Eastern Europe and the Soviet Union. They included:

i) Respect for the provision of U.N. Charter and the commitments subscribed to in the final act of Helsinki and in the charter of Paris;

ii) Guarantees for the rights of ethnic and national groups and minorities;

73. ibid., p.586.
(iii) Respect for the inviolability of all frontiers which could only be changed by peaceful means and common agreements; and

(iv) Acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability.

Despite the collective decision of 16 December and without waiting for the Badinter Commission’s opinions, Bonn recognized Croatia and Slovenia on 23 December 1992. Shortly before the critical date of 16 January 1993 the Arbitration Commission gave its ruling: favourable for Slovenia and Macedonia, but against Croatia and Bosnia-Herzegovina.74

In tow of the German unilateral initiative, the E.U. partners moved to recognize Croatia and Slovenia. They also accepted the Greek veto of the recognition of Macedonia because of the controversy over the name of prospective independent state. Only France objected, and put on record that its recognition of Croatia was conditional on Zagreb’s fulfilment of the conditions set by the Badinter Commission. The Vatican had recognised Croatia and Slovenia two days earlier. The Ukraine, itself still unrecognised internationally, had recognised them on 12 December. Other coun-

tries as well, under the impetus of the action of the European Community, moved to recognize Croatia and Slovenia in mid January which included Australia, Austria, Bulgaria, Canada, Estonia, Hungary, Latvia, Lithuania, Iceland, Malta, New Zealand, Norway, Poland, Sen Marino and Switzerland.

Phase III: Scaled down Ambitions from 1992 Onwards

The role of the European Union in the international response to the Yugoslav crisis greatly diminished after 17 January 1992. The decision it had come to one month before, while formally a common decision of the twelve, had in fact uncovered the inadequacy of the Union’s structure and mechanisms for pooling interests and capabilities and for producing collective policies with regard to international stability. In the coming months and years, while individual western countries maintained a high level of initiative, both Brussels and Bonn turned away from their earlier ambitions and were on the whole content with remaining on the sidelines.75

The abandonment of the search for an integrated (or contextual) solution compelled Bosnia and Herzegovina, and Macedonia also to seek independence, and their independence

75. Among other developments, the resignation on 20 December 1991 of the Federal Government’s P.M. Ante-Markovic, Croat and for long the preferred interlocutor of the Western Europe completed the certain takeover of the national goals.
in turn set free new centrifugal ethnic pressures within these two republics. Thus beginning in early 1992, Western Europe and the international community in general faced an even more complex situation, to the creation of which they had contributed their share.

In Bosnia and Herzegovina, in particular, no one of the three ethnic groups had an overwhelming majority. Traditionally, Serbia and Croatia had coveted parts of its territory. Thus, once that republic became detached from the larger reality of federal Yugoslavia, the situation there was potentially explosive. Indeed the Bosnian civil war became the most dramatic and harrowing aspect of the Balkan crisis in the following years. In addition, the issues the international community had to deal with at this stage changed. These issues were not political and legal but humanitarian and military. This brought other international institutions to the fore with the U.N. being the most active, and with a new and growing role of NATO in support of the U.N. humanitarian operations.

Reflecting growing pressures on the part of European and U.S. public opinion that something must be done at least
to control the level of violence in June 1992, NATO agreed to make itself available in support of the CSCE & U.N. operations. For the first time the Security Council invoked its Chapter 7 powers in Resolution 770 of 13 August 1992, calling on member states "nationally or through regional agencies or arrangements to help ensure the delivery of humanitarian assistance."

As time went on, NATO became the main enforcement agency and the main power factor in a number of Security Council decisions. The process began with the enforcement of the embargo along the Adriatic coast in 1992. Then, after a U.N. report of March 1993 found hundreds of violations of the no-fly zone, the NATO started enforcing that decision under authorization of Security Council Resolutions 816 (31 March 1993). A few months later NATO began providing "close air support" on a case by case basis for the UNPROFOR personnel operating in the safe areas, thus giving more substance to the decision establishing those special areas. The authorization for the operation was contained in the Security Council Resolution 836 of 4 June 1993. In taking up those tasks, NATO carried out some high profile operations, such as the downing of Serbian planes after a

bombing raid or delivering and enforcing ultimatums to stop the bombing of Sarajevo and Gorajde, or the destruction of the runway of the Ubdina airport in Croatian Krajina which was being used to support attacks on the Bosnian safe area of Bihac. The visibility of these operations, and the expectations created by the use of force and by NATO's role further helped to push the community to the sidelines.

For its part, the E.C. recognised Bosnia-Herzegovina on 6 April 1992. A referendum, in which 99% of those voting supported independence, had been boycotted by the Bosnian Serbs, almost a third of the population. On 27 March 1992, the Bosnian Serbs proclaimed their own "Serbian republic of Bosnia Herzegovina" with its capital in Pale, near Sarajevo. Only a few days before the date of recognition, moreover, Bosnian Serb leaders had repudiated a "statement of principles for new constitutional arrangements for Bosnia and Herzegovina" negotiated by Portuguese diplomat Jose Cutilheiro representing the E.C. The Bosnian Serbs had originally defined Bosnia and Herzegovina as consisting of "the citizens of the Muslims, Serb and Croat nations and other nations and nationalities." In this phase the E.C. hoping to contain the spread of violence in Bosnia and Herzegovina repeatedly stressed its strong commitment to the territorial

integrity of the republic.

With the violence increasingly directed at the civilian population and reaching unprecedented levels of barbarity, much of the pressure of the international commitments was now targeted specifically on Serbia as protector and supplier of the Bosnian Serbs. On 11 May the E.U. ministers of the foreign affairs decided to recall their ambassadors from Belgrade and a number of other countries followed the E.U. action, beginning with the U.S. on 12 May. Resolution 757 (30 May 1992) condemned the Federal Republic of Yugoslavia for its role in the Bosnian conflict and imposed a comprehensive array of mandatory sanctions on it. Three days earlier, the E.U. had imposed a less comprehensive list of sanctions with among others, air links exempted at Paris's insistence.78

The E.U. now concentrated its scaled down activities primarily on the attempt to stop the fighting in Bosnia through any kind of political settlement. To that end, a peace conference was called in London for late August 1992 under the Co-chairmanship of Carrington's successor, Lord Owen (also a former British foreign secretary) and former

78. Security Council Resolution 757 also rejected for the first time Serbia and Montenegro's claim to be successors of SFRY. The E.C. stated this position as its own on 20 July 1992.
U.S. Secretary of State Cyrus Vance, who served as representative of the U.N. Secretary-General. The Co-chairmanship inaugurated a phase of successful, if limited, partnership between the two institutions, following a period of polemical response of the new U.N. Secretary-General Boutros-Boutros Ghali, to the pressures exerted by the Western Europeans for more decisive U.N. action.

Thus, the plan that Vance and Owen circulated in the fall and submitted to the parties in January 1993 built on the Cutilheiro plan that had been agreed among the leaders of the three factions on the eve of referendum. This agreement explicitly recognised Bosnia as being made of three "national components" and accepted the principal of 'cantonization' of the country, although, after recognition of Bosnia-Herzegovina, this notion was rejected by Alia Izetbegovic. The Vance Owen plan envisioned three cantors for each group, reflecting the prevailing ethnic character of the different areas, with a tenth ethnically mixed canton around Sarajevo. In contrast with later plans, the qualifying feature of the Vance-Owen proposal was that it still provided for a central, multi-ethnic government that was to keep Bosnia from being dismembered and absorbed into a "Greater Serbia" and a "Greater Croatia". But subsequently this proposal was shot down by Bosnian Serb and Muslim leadership of the Bosnia and Herzegovina.
Unlike the Vance-Owen plan which envisioned a leopard skin distribution of the ethnic groups without territorial continuity between the Serb cantons and the Republic of Serbia - to which of course, the Serbs had objected - the direction taken by the Geneva negotiations was towards a mere partition of Bosnia into three ethnic states. The version of the plan presented at the end of August 1993 gave 52.5% of the territory to the Serbs, 17.5% to the Croats and 30% to the Muslims. Lord Owen still chairing the negotiations, now condemned the old Vance-Owen plan as unrealistic, Vance who had stepped down from his assignment, judged the new partition as completely wrong.\footnote{W. Drodziak, "E.C. rejects Bosnian appeals on Arms Ban", \textit{International Herald Tribune}, 22 June 1993.}

On the other hand, all other strategies encountered the unsurmountable resistance of the French and British governments. In Copenhagen in June 1993, when Izetbegovic asked E.U. foreign ministers to lift the arms embargo against his government, British foreign secretary Douglas Hurd lectured him that its certain result would be intensified fighting and the suspension of the relief operation. While the twelve talked in Copenhagen of the need to avoid pressures on the Muslim side, after the meeting, senior officials acknowledged to the press that the E.U.'s strategy was to force the Muslims to accept the fait accompli of the Serbian
and Croatian territorial acquisition. From Copenhagen also came clear indications of the lack of a center of decision and of the hesitancy and timidity of the western action. Chancellor Kohl tried to convince his community colleagues to lift the arms embargo on Bosnia by showing a letter President Clinton had sent him supporting the action. However, while Kohl was relying on the authority of the U.S. Presidency, Clinton was trying to use Kohl to restart an earlier U.S. initiative that had already cost Washington a serious diplomatic defeat.

The E.U.'s diplomatic influence became increasingly marginal in the summer and fall of 1993, as the intensified Serb offensive and growing pressures from Washington gave the use of military force, however occasional, the prominent role. In early August, when U.S. administration threatened to act unilaterally to prevent the "strangulation of Sarajevo and urged the allies to take appropriate measures. NATO approved a plan to attack the Serb positions around the city. In this case as in Sarajevo and Gorazde in February


81. Elaine Sciolino, "Arm Bosnians? Clinton didn't mean it", New York Times, 23 June 1993. In considering the possible relevance of the lifting of arms embargo on Bosnia, it is worth recalling that on 25 September 1991 among those asking the U.S. to impose a complete embargo on all the republics was the Federal Republic of Yugoslavia itself.
and April 1994, the determination shown by the western allies contributed with intense U.N. negotiations to produce the desired effect.

However, because of its very effectiveness, the growing use of military force tended also to become increasingly a strategy of its own, increasing expectations and creating higher standards for assessing effectiveness. It pushed the negotiating process further into the background, and even came into conflict, at times, with the requirements of that process. Thus, in August Lord Owen criticized the threat of military action because it tended to stiffen the Bosnian government's position. A month later, indicating his limited commitment, President Clinton disabused Izetbegovic of any expectation of Western military action and urged him to go back to the negotiating table and strike the best deal he could. In January 1994 the European Parliament asked that Lord Owen be replaced and that "another E.U. mediator be appointed this time provided with an appropriate mandate and a new strategy for pursuing it." The Council, however,

rejected the proposal.\footnote{Quoted in Mario Zucconi, "The E.U. in former Yugoslavia" from Nouvellex Allantiques, Vol.28 (22 January 1994), p.1.}

Later in the first half of 1994, Greece succeeded to the Presidency of the Union. The lack of confidence in the Greek Presidency further contributed to the waning of Europe's collective role in the former Yugoslavia. London and Paris took the initiative to bring together all independently active countries, thus in effect bypassing the Greek Presidency. Washington became increasingly active diplomatically and much of the credit for the April 1994 Muslim-Croat agreement on the confederal plan for Bosnia went to the United States. At the same time, Moscow's domestic pressures pushed it to play a more active role. With the largest contingents on the ground in Bosnia, Paris and London were now the main conditioning elements behind the U.N. operation. In April those four powers plus Germany insisted on a "Contact Group" for Bosnia. With the creation process had been taken over by a sort of directorate, which further reduced the role for the collective mechanisms of the western European foreign policy.

The result, however, confirmed the limited interest of the international community in the issue and, more generally, the lack of an adequate rationale for mobilization of
the most influential countries around issues of international stability in the post-Cold War environment. Meeting jointly in Geneva in mid-May 1994, the contact group and the E.U. Troika (Greece, Germany and Belgium) announced a new initiative that, they claimed, aimed at the preservation of Bosnia-Herzegovina "as a single union within its internationally recognised borders."\textsuperscript{84} The plan differed only marginally from the earlier ones, allotting 51\% of the republic's territory to the Muslim Croat federation, which had asked for 58\%, and 49\% to the Bosnian Serbs who controlled over 70\% of the territory and had demonstrated a capability for conquering even more. Despite various incentives directed at Belgrade, in particular, during the second half of 1994 the "Contact Group" peace process remained stalled. What progressed, however, were the differences emerging among the outside actors and between the U.N. and NATO over their respective roles.

When, after a harsh winter what seemed then like an effective ceasefire, large scale fighting resumed in May and June 1995, the Contact Group's plan and the Croatian-Bosnian Confederation remained the basis on which to build the international initiative.

THE FORMAL STRUCTURE FOR FOREIGN POLICY DECISION-MAKING

A careful assessment of the E.U.'s response to the Yugoslav crisis must begin by examining the mechanisms and instruments available to the institution. Rather than exonerating it once more for its failure to achieve the goals it set for itself, this analysis is used to highlight the gap existing between the capabilities of the institution and the requirements deriving from a critical and complex situation such as the conflict in the former Yugoslavia.

The case has been made that precisely because of the exceptional response required to meet the Yugoslav challenge the E.U. greatly broadened its collective competencies and initiatives,85 questioning the countries of community tried to rise to the occasion and to adapt their capabilities and mechanisms to the circumstances. In a number of instances, such as the convening of the Hague peace conference, they demonstrated a considerable ability to exert influence. However, in the end, walking in the nine field of Balkan politics without adequate institutional equipment proved not only unproductive but also harmful for the western European organisation itself.

GOALS AND CONDITIONS

The test of what would constitute a successful common E.U. policy towards a complex issue like the Yugoslav crisis is the ability to keep the different aspects of the issue under control. Among the diverse ramifications involved are instability in the southern Balkan region, the refugee problem, the pressures of public opinion related to humanitarian issues, implications for NATO and the WEU, the impact on Warsaw pact countries and the former Soviet Union, etc. To maintain necessary control, it is essential to contain the pressures to focus on particular interests or to align with one party or the other in the dispute.

With regard to Yugoslavia, in 1991, the main requirements of an overall solution were related to the cleavages among social groups there. Mobilization of ethnic differences in the context of non-continuous distribution of the ethnic groups was the common feature of the different and successive aspects of the Yugoslav conflict throughout all the republics, although Slovenia and Montenegro presented the fewest problems in this respect. The most important factor further complicating the problem was Serbia which was both the largest and strongest of the republics and it had an especially large national community, three million strong, outside its own territory. Thus, the only hope of
controlling the conflict itself was to maintain some politi-
cal link among the different areas of former Yugoslavia to
establish conditions for a consensual and contextual separa-
tion of the different parts. The least expedient policy was
to extract and separate specific parts of the problem,
leaving the others on their own and neglecting the linkage
effect of the scattered ethnic groups. As the issues and
interests associated with the crisis multiplied, the E.U.
tended increasingly to refer the other republics to general
principles and general rules of international law without
regard to the specific contextual situation.

Finally, most commentators do not seem to appreciate
adequately the decisive value attributed by the contending
parties to western European actions, in particular to recog-
nition and therefore the impact of those actions on the
evolution of the conflict. Because of the controversial
nature of secessionist action under international law,
recognition of Croatia and Slovenia had and was intended to
have what is called a "constitutive" effect. It formalised
the existence of the state for the purposes of international
law.86

In the early phase of strong E.U. activism, however,
the actions of the community the goals it set for itself and

86. Akehurt, Michael, A Modern Introduction to Internation-
the high expectations it had of influential events, reflected the recent transformation of the structure of power on the European continent. Freed from the compelling security concerns of the Cold War, the E.U. believed it could manifest its gravitational power as the most important integrated economic pole on the continent. And if the community had been conspicuously absent as a unitary actor in the recent Persian Gulf crisis, the Yugoslav crisis looked like an opportunity for letting that newly emerged power of western Europe cast its shadow on the continent. For in the absence of zones of strategic interest dictated by the Cold War, Yugoslavia seemed to be there for any willing influential country or international organisation to take on.

Moreover to some European capitals it seemed to offer the possibility of enhancing their power image and exerting political influence. France, in particular, saw the chance to counterbalance the increased weight of Germany by taking a leadership role in an institutional initiative. Coming soon after the end of the division of Europe and Germany the early expression of German support for the independence of Croatia and Slovenia provoked much concerns in Paris about a possible "Teutonic bloc" emerging in central Europe.87

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Finally, the Western European willingness to take responsibility for the crisis suited the reluctance and difficulties other actors had in responding to it. In Washington, where the very glamour of the Gulf operation speeded up the profound transformation of the country's political priorities, a widespread attitude was that the conflict should be seen as a "European problem" for the E.U. and the CSCE to tackle. In a series of speeches from 1989 on, the U.S. leaders clearly defined the terms of a new arrangement with the Western European allies, and in particular had assigned the allies the main responsibility for stability on the European continent. As mentioned above, a CSCE unable to take any operational decision was glad to leave the stage to the community; and throughout 1991, at least, NATO maintained the same position in part reflecting the U.S. reluctance to become involved with the issue.

In short, when the conflict broke out in June 1991, the E.U. took upon itself the task of dealing with it in response to a number of new pressures and in fulfilment of new internal and international expectations. But if the Yugoslav crisis actual ability of the community to bind together the will of its member states into a common foreign policy seems to have been too underdeveloped for the task and if

the new post cold war political environment created room to manoeuvre for a powerful collective actor such as the E.U. so too did it to provide opportunities for individual dominant states such as the new United Germany.