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How the UN handled the conflict
in Bosnia-Herzegovina, from
1992
until 1995

Master thesis
20 points

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International law

September of 2003

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Abbreviations

AFSOUTH	Allied Forces Southern Europe
ARRC	Allied Command Europe Rapid Reaction Corporation
BiH	Bosnia-Herzegovina
CAS	NATO Close Air Support
CSCE	Conference on Security and Cooperation in Europe
DPA	Department of Political Affairs
EC	European Community
EU	European Union
FRY	Federal Republic of Yugoslavia; Serbia and Montenegro
HDZ	Hrvatska Demokratska Zajednica; Croatian National Party
ICFY	International Conference on the Former Yugoslavia
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
IFOR	NATO Implementation Force
JNA	Jugoslovenska Narodna Armija; Yugoslav People's Army
NATO	North Atlantic Treaty Organization
RRF	Rapid Reaction Force
SC	Security Council
SDA	Stranka Demokratske Akcije; Party of Democratic Action
SDS	Srpska Demokratska Stranka; Serbian Democratic Party
SFOR	NATO Stabilisation Force
TACP	UNPROFOR's Tactical Air Control Parties
UN	United Nations
UNHCR	United Nations High Commissioner for refugees
UNMIBH	UN Mission in Bosnia and Herzegovina
UNPROFOR	United Nations Protection Force
VOPP	Vance-Owen's Peace Plan
WEU	West European Union

1 Introduction

Before the wars in Yugoslavia in the 1990s, the federation represented diversity and multiethnicallity. There is an old descriptive fable that describes this: “Yugoslavia has seven neighbours, six republics, five nations, four languages, three religions, two scripts and one goal – to live in brotherhood and unity”. The message of this was that in spite of all this diversity, Yugoslavia as a country is not only possible, but it is destined for great deeds and prosperity. It wanted to say that the diversities have been mastered, that the centrifugal forces were in check and that the word Yugoslavia actually stood for unity. Then the ideology changed in the 1990s to create pure ethnical states and to erase all traces of “the others”.¹ After World War II the whole world promised that destruction like that would never ever happen again and therefore they recreated the League of Nations into the United Nations (UN), but the history did repeat itself. The genocide in former Yugoslavia is not the only case since then, but one of several.

Bosnia-Herzegovina (BiH) was the heart of ethnical diversity in former Yugoslavia; in most of the other parts of the vanished country there was an ethnic majority. The country that is just a little bigger than Denmark has always been described as a very beautiful country, where you have the feeling of being in the world of Tolkien’s “Lords of the ring” with its magnificent landscape. Consisting of three main religions and three main ethnic groups it was and is a multiethnic boiling-pot that foamed with rage and drowned this fairyland with blood and fear in 1992. Bosnian-Serbs and Bosnian-Croats, two of three ethnic groups had at this time the main part of their “people” outside BiH, in the neighbouring Croatia and Serbia-Montenegro. They were therefore essential for each other as political and social units. The third big party in this conflict was the Bosnian-Muslims who are nominally identified by their religion and not their language or ethnicity. The “citizens-cross-over” with Croatia and Serbia-Montenegro linked together their destiny with BiH’s, so when Croatia and Slovenia where recognized as independent states by the international community, BiH did not have much of a choice. It could either stay in what was left of Yugoslavia, which was unthinkable for Bosnian-Croats and Bosnian-Muslims, or to become independent which was unthinkable for Bosnian-Serbs. Either way, the war was about to break out.

One of the UN’s most important commitments is the prevention of armed conflicts. How it managed this has been widely discussed. The Department of Political Affairs, the General Assembly and the Security Council are in charge of this kind of prevention, even though they depend on the support and cooperation of the Member states and other non-governmental organizations to make the efforts successful. Even if the war in BiH ended over eight years ago I do not think that anyone has forgotten

¹ Miocionovic, Naven; *Bortom kriget: sjutton författare om konflikterna på Balkan*, Carlssons Bokförlag, Stockholm 1996, p. 26.

the pictures of the thin men in the war camps and innocent people laying on the streets, dead. This conflict became one of the greatest challenges for the international community since the Cold War. It struggled to ease the pain and destruction that the people of BiH suffered, and to settle some kind of peace agreement with the three leading Presidents of the conflict, which behaved like disagreeing kids on the playground.

The purpose of this essay is to examine how the international community, especially the UN and the Security Council, handle armed conflicts and therefore I thought it would be easiest to make it a case study. I chose the conflict in Bosnia-Herzegovina, because the UN was criticized for its actions during this war. Even if one isolated case cannot represent the UN's entire work, it can still give some indications of mechanisms and methods that it uses. I have looked at the situation in BiH during 1992-1995, especially *prevention*, *peace building* and *peacemaking*. Could the conflict have been prevented? Peace building, in the shape of the resolutions – what gave rise to them, how were they applied and did they actually help the peace work? Peacemaking, in the shape of mediation, conciliation, the use of force and the peace-settlement – was it adequate, successful and the best way of handling the situation?

When I wrote this essay I used several books by different kind of authors; journalists, mediators, political experts and witnesses. I wanted a broad range of writers in hope to get a better understanding of the conflict, but also to get as much different kinds of views as possible. Media is often biased, especially if the subject gives rise to many thoughts, feelings and opinions, which this conflict did. It was not easy to really investigate exactly what happened during these years. At first I thought that I had a pretty clear picture of the conflict and the negotiations, only to discover that I did not know anything. All information is biased, even dictionaries. I used books written by some of the mediators, C. Bildt, D. Owen and R. Holbrooke. For example Holbrooke was critical to the actions taken by the UN and the EC, and tried to show his sometimes impossible situation with the disagreement within the American sector on the conflict and justified his (/US) actions. While Bildt and Owen tried to justify and defend their work by showing how the media were black painting them, that the US sometimes were negligent, that the leaders of the conflicting parties were hard to convince, and all the blood, sweat and tears they had shed. All writers from the former Yugoslavia rather explained peoples' prolonged suffering, civil damages and moral issues. They angled their stories depending on where they were from and what religion they had, but all of them criticized the work of the Western powers and especially the UN. The reason for the mixture of authors was that I wanted to get criticism as well as defence from them, rather than having the same background for all the writers. I have also used the Internet in order to get information about the UN and its institutions. I also tried to find newspaper articles, but after a while I dropped it since they are biased as well and I did not think that I needed more information that already contained the same criticisms and the same "detail-disagreements". I have really tried to sort out what happened in this conflict, but I cannot be

sure of any details – is anyone – is this not just typical for this war. The reason for the difficulties is that, in rough outlines the writers are all telling the same story, but when it comes to for example figures, who did what, how severe the damage it caused was and what impact the international actors and the leaders had, it is impossible to say that “this is how it was”. I think that this reflects the “negotiation table of BiH”, it is the same mud throwing – “I was willing and worked hard to make/agree to peace, but it was the others that were impossible/did not want to”.

There is no doubt that I could have written a whole essay about each and every one of my headlines, but I did not aim to do a detailed study of all discussions, bombing, disagreements etc. I wanted to get an overall study in order to get the whole picture and there would not have been room for more details.

In Chapter 2 I will briefly describe the historical background, so that the reader understands the beginning and the reasons for the wars. I am not looking for a scapegoat, but to understand the coherence of the conflict and its complexity it is necessary to see the history. Then I present a short description of what happened in the wars and the role of the UN as a mediator and peacekeeper. This chapter will end with an explanation of what prevention is. Chapter 3 describes what the UN did during the war in BiH and why. It is about the resolutions, the peacekeeping, the peace enforcement and the mediation. What happened and how the international actors handled it, in order to bring up criticism of the behaviour of the UN in Chapter 4, mostly the opinions of writers and see if they are justified or not. Finally I will conclude what I think went wrong, say my and others’ opinions about the work of the international actors, especially the UN, and then try to line up some directions for improvements in peacekeeping.

2 Background/setting

2.1 History

The First World War began in Sarajevo, triggered by the assassination of the crown prince, Archduke Franz Ferdinand. It was a Bosnian Serb named Gavrilo Princip who fired the shot to oust the newly installed Austrian colonial power and with the nationalist motive of achieving a greater Serbia. A war that claimed over 8 million lives in Europe had begun. Serbia, Britain, France and Russia were now allies. The Croats and Bosniaks were at this time part of the Austro-Hungarian Empire, which was later defeated by the Serbian army.²

As the war ended the U.S. President Woodrow Wilson pleaded for a united southern Slav state, which was realised with the support of Great Britain and France, *the Kingdom of Serbs, Croats and Slovenes* was created. This was the remains of two disintegrated empires: the Habsburg Monarchy (Austria – Hungary, 1878-1918) and the Ottoman Empire (Turkey, 1463-1878).³ More than half of Serbia's military-age male population was now dead, wounded or missing in battle after the war, but the nationalists had realized their dream: Serbia's ruler was crowned King Peter. Because of the tension between Serbs and Croats the new Kingdom did not function. For example the Serbian-dominated Parliament of the new state never accommodated Stjepan Radic's Croat Peasant Party, which was the biggest political party in Croatia, and the situation became more inflamed when a Serb delegate assassinated him in that very Parliament in 1928.⁴

In 1929 during the dictatorship of king Alexander, he united the people and changed the name into Yugoslavia (the country of the South Slavs) and prohibited the use of all national flags, symbols or heraldic insignia only to avoid further conflicts between ethnically based political parties and to ensure his own power.⁵ A member of an Ustashi-Macedonian gunman sponsored by the Fascist Croatian leader, Ante Pavelić and Italy, assassinated king Alexander in Marseille in 1934. Ustasha was the extreme nationalistic group in Croatia and the word was derived from ustati, meaning to stand up.⁶ The Regency Council was then formed, headed by Prince Paul, who in the late 1930s tried to introduce democratic reforms and to reconcile with the Croats. These efforts led to an agreement between the

² Owen David, *Balkan Odyssey*, Gollancz, London 1995, p. 7.

³ Gutman, Roy; *A witness to genocide: the first inside account of the horrors of “ethnic cleansing” in Bosnia*, Macmillian Publishing, NY 1993, p. Xx.

⁴ Owen, *Balkan Odyssey*, p. 7 vs. Gutman, *A witness to genocide*, p. Xx.

⁵ Crnobrnja, Mihailo; *The Yugoslav drama*, I.B Tauris Publishers, London and NY 1994, p. 60; and Bennett, Christopher; *Yugoslavia’s Bloody Collapse: causes, course and consequences*, Hurst & Co, London 1995, p. 38.

⁶ Cohen, Philip J; *Serbia’s secret war: propaganda and the deceit of history*, Texas A&M University Press, Texas 1996, p. 86.

Serbian politician, Cvetkovic and the leader of the Croat Peasant Party, Macek in 1939. This agreement created the Croat banovina, the first territorial unit within Yugoslavia that was based on the ethnical grounds.⁷ The same year the leader of the Yugoslav Communist Party, Josep Broz, alias Tito, was rising to become General Secretary.⁸

Hitler took advantages of the political instability. He installed a puppet regime in Belgrade and sponsored the fascist Ustasha regime in the beginning of the Second World War. His goal was to rapidly disarm Yugoslavia, by bombing it and giving parts of the land to their neighbouring countries, allies to Nazi Germany. The Nazis also endorsed the creation of the Independent State of Croatia (NDH), which included Bosnia-Herzegovina, divided into German and Italian spheres of influence. During the war, Pavelic and his Ustashas committed atrocities and massacres on Serbs, Jews and Gypsies, in collusion with the Nazi. No one knows exactly how many were killed in these genocides, the Serbs says 750,000 and the Germans 350,000.⁹

As the Second World War started the British Prime Minister Winston Churchill hoped for a loyal ally in the Serbian nationalist resistance forces, known as the Chetniks, and lead by Colonel Draza Mihailovic. In 1943 Churchill concluded that they were collaborating with Axis powers and started to support Tito instead, who was actively resisting the Germans. After the war Mihailovic was tried and sentenced to death for collaboration with the Nazi.¹⁰

Tito had a Croat-Slovene origin and his war-name was derived from “ti to”, which means, “you do this” in Serbo-Croatian. He united Serbs, Croats, Slovenes, Muslims and others, defeated the Germans and created a post-war Yugoslavia under communist rule where each nationality would live in full national rights.¹¹ His slogan was “brotherhood and unity”, *unity* between the ethnic groups and not creating an artificial supranationality, and *brotherhood* as in equality and mutual respect of nations.¹² The world was never actually aware of the bloody civil war that took place in Yugoslavia during the Second World War and the reason for this ignorance was that Tito deliberately suppressed the existence of this conflict, both during and after the war. Tito wanted to concentrate the attention on the Partisan victory over Fascism, instead of focusing on the destruction within Yugoslavia. He did not allow a museum and memorial centre for the many thousands of Serbs, Jews and Gypsies in the extermination camp at Jasenovac in Croatia until 1960.¹³ Even the schoolbooks were modified and in them the history did not start until after 1941.¹⁴

⁷ Crnobrnja, *The Yugoslav drama*, p. 61.

⁸ Owen, *Balkan Odyssey*, p. 7.

⁹ Owen, *Balkan Odyssey*, p. 8.

¹⁰ Owen, *Balkan Odyssey*, p. 9.

¹¹ Crnobrnja, *The Yugoslav drama*, p. 68; and Gutman, *A witness to genocide*, p. Xx.

¹² Crnobrnja, *The Yugoslav drama*, p. 69.

¹³ Owen, *Balkan Odyssey*, p. 8.

¹⁴ Drakulić, Slavenka; *Balkan Express – fragment från andra sidan*, Ordfronts Förlag, Stockholm 1994, p. 59.

There was always the underlying conflict between Croatian nationalist Ustashi and Serbian nationalist Chetniks. Tito had to deal with the domination of the Serbs, who ever since 1918 had tried to Serbinanzie and/or to dominate the non-Serbs, while the non-Serbs always resisted such domination. Tito never acknowledged the Serbs' territorial gains from previous wars in 1912 and 1918, when Serb armies conquered Macedonia, parts of Vojvodina and Kosovo. Instead Tito made these regions autonomous, which infuriated the Serbs.¹⁵ It was in November 1943 that Yugoslavia became a federal state consisting of six republics and two autonomous provinces.¹⁶ Stalin made a statement in 1948 that he would not support Tito's Yugoslavia. That surprised Tito who saw himself as a loyal Soviet Communist and he decided to cut off all engagements with Stalin's Soviet Union, and turned Yugoslavia into the freest communist regime at that time in the world. This made Tito more popular than before and increased his power. He introduced a decentralised economic system, which made possible a good economic development.¹⁷ The health and life expectancy of Yugoslavians improved dramatically, schooling became universal and illiteracy was virtually wiped out. Yugoslavs were able to travel abroad freely and in contrast to the rest of Eastern Europe, grew accustomed to a reasonable high standard of living.¹⁸ During the next forty years the West gave Tito a lot of special treatment and they provide economic and military assistance as well as diplomatic backing. From this he managed to build up the strong Yugoslav National Army/Yugoslav Peoples Army (JNA=Jugoslovenska narodna armija).¹⁹ After 1945 the urbanisation radically altered the ethnic map of the country. The population moved to cities in search of jobs and the new generation was more aware of its urban roots than its national origins. Inter-marriage had become more common and most of the people saw themselves primarily as Yugoslavs, rather than Croat, Serb or any other nationality.²⁰

With the new federal constitution of 1974 the Bosnian Muslim national identity was recognized in Yugoslavia. Since the Bosnian Muslims did not think that neither the Croatian's Ustasha regime nor the Serbian control corresponded with their beliefs and identity. At this time one third of BiH's population were Muslims and in 1992 it was almost 45 %.²¹

2.2 The disintegration of the former Yugoslavia

¹⁵ Ramet, Sabrina Petra; *Balkan Babel: the disintegration of Yugoslavia from the death of Tito to the fall of Milošević*, Westview Press, Colorado 1996, p. 1; and Malcom, Noel; *Bosnia: a short story*, Macmillian London Limited, London 1994, p. 204-205.

¹⁶ Crnobrnja, *The Yugoslav drama*, p. 68.

¹⁷ Jervas, Gunnar and Winnerstig, Michael; *Yugoslaviens sammanbrott 1991-92*, FOA-rapport nr. A 10328-3 1991, p. 8.

¹⁸ Bennett, *Yugoslavia's Bloody Collapse*, p. 4.

¹⁹ Quotation from Crnobrnja, *The Yugoslav drama*, p. 77.

²⁰ Bennett, *Yugoslavia's Bloody Collapse*, p. 8.

²¹ Ivanov, Andrey; *The Balkan divided: Nationalism, Minorities and Security*, Frankfurt 1996, p.81-83.

(1980 - 1991)

2.2.1 Introduction

Tito introduced self-management (in the economy), brotherhood and unity (a nationalistic policy) and nonalignment (in foreign policy), but all these policies were abandoned after his death.²² The north was now comparatively wealthy, the south poor and the gap between them enormous. Serbs, Montenegrins and Macedonians were Orthodox and had lived under Ottoman rule, which had brought Islam to the land. Croats and Slovenes were Catholic and lived within the Habsburg Empire.²³ The war in BiH was triggered by nationalism, which developed into ethnic hatred. But as time passed by the war took on the shape of a religious conflict. Imams and Christian clergy followed the troops into battle, blessing them and praying for their success. As the religions became politicised, the troops were set out to destroy as many churches and mosques as possible, which had existed side by side for centuries.²⁴ In this section I will try to point out some other factors, besides religion, that fuelled the conflicts.

2.2.2 Decentralization and polarization

2.2.2.1 Economically and politically

Already three years after Tito's death in 1980 Yugoslavia's economic situation became even worse than before. Petrol, electricity, sugar and flour had to be rationed for the first time since the fifties, even though the country had taken pride in having more and better products than other socialist countries. Now they had to form a commission, headed by the president Sergej Kreigher (Slovene), to begin economic reform, but it did not succeed. Level of living standards began to decline as the government tried to cut imports and the inflation took off. Between 1982 and 1989 the standard of living fell nearly 40 % and in December 1989 inflation peaked at more than 2,000%.²⁵ Another thing that aggravated the situation was the heavy debt burden. This led to that a group of nations created an informal club, "Friends of Yugoslavia" which was headed by the US. Its main object was to ease external financial constraints and to facilitate an economic reform, by refinancing the commercial component of the debt.²⁶ Yugoslavia also got fresh loans from the International Monetary Fund and the World Bank. In the absence of Tito Yugoslavia's federal centre lacked sufficient authority to assert control to reform the economy of the country. The system could not

²² Ramet, *Balkan Babel*, p. 7-9.

²³ Bennett, *Yugoslavia's Bloody Collapse*, p. 5.

²⁴ Ramet, *Balkan Babel*, p. 278.

²⁵ Bennett, *Yugoslavia's Bloody Collapse*, p. 69-70.

²⁶ Crnobrnja, *The Yugoslav drama*, p. 84-86.

reform in itself and it was so bankrupt both materially and spiritually that it would not even permit the media to discuss the dept issue.²⁷

The loans taken in the 1980s were supposed to be used to redistribute the assets in the country, from the more developed republics to the less developed ones. The less developed entities developed bureaucratic structures to achieve better redistribution and to oppose market reforms that would weaken the others' position. These economic and political performances gave rise to increased tensions between the republics and provinces. The dissatisfaction of the developed areas, especially Croatia and Slovenia, increased. While the less developed areas, for example BiH and Kosovo constantly demanded more and more economic support. One of the reasons of this division was that BiH and Kosovo were more involved in the production of energy and raw materials, while Croatia and Slovenia were more involved in the production of final products and got more of the profit.²⁸ At the same time there were no real flow of money between the republics, because each republic had their own central bank and their own economic policy. These factors led to separate economies, which led to a chaotic federal economy.²⁹ Decentralized political life developed in the republics as an alternative to the federal power, especially in Slovenia, Croatia and Serbia, but not in BiH.³⁰

2.2.2.2 The media

Media was very decentralized during Tito's time and after his death it became relatively free until the mid-1980s, when it became a political instrument. It was Milošević who first demonstrated the usefulness of controlling the media. He took control over the main Serbian newspaper and television, to promote his nationalist propaganda and to serve his nationalist goals.³¹ Every conceivable event from Serbian history was dug up and allegations of the non-Serbs increased. The Serbian media portrayed the growing conflict within Croatia fundamentally as a question of Serb rights and the threat of genocide on all fronts. All the non-Serbs in the former Yugoslavia became scapegoats for the economic and political failings of communist society in the 1980s. This use of media to spread propaganda happened also in Slovenia and in Croatia by their leaders.³²

The point of using the media was to make a distinction between *them and us*. *We* were *good* and *they* were *bad*, our media always tells the truth and their media always lies.³³ The propaganda keenly pointed out the differences between the people and their ethnical affiliation instead of the

²⁷ Bennett, *Yugoslavia's Bloody Collapse*, p. 70.

²⁸ Akhavan and Howse, *Yugoslavia the Former and Future*, written by Vojnic, Dragomir; p. 103-105.

²⁹ Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 26.

³⁰ Sörensen, *Bortom kriget*, p. 131.

³¹ Bennett, *Yugoslavia's Bloody Collapse*, p. 96-97.

³² Bennett, *Yugoslavia's Bloody Collapse*, p. 242-243.

³³ Janjic, Dusan; *Bortom kriget*, p. 67.

common ones.³⁴ The power of the media was very strong since the television was the principle source of news and therefore the nationalism could be broadcasted into every home. The media was used to withdraw facts and to censure information and this developed hatred, prejudices and aggression. This hate and fear were not things that naturally existed between the ethnical groups, but something they learned when they had to kill their neighbours, friends and relatives, in order to save themselves during the 1990s. One of the most bizarre events in the media was perhaps in the beginning of the Croatian-Serbian/JNA war in August 1991, when both sides independently showed dead bodies being loaded in to a wagon. On Croatian television these were “Croatian heroes who fell in the struggle for Croatian independence”. While on Serbian television they were “innocent civilians butchered by the hated Croat Ustashi”.³⁵

2.2.2.3 The Jugoslavia National Army

The Yugoslavia National Army (JNA) had the most awkward position during the hostilities in Yugoslavia. Once a strong army, it became disliked by all sides, weak and demoralized. It was formed thanks to Tito and his Western friends after the Second World War and it was solid throughout the post-war period, mainly because of the impending Soviet threat. The JNA was devoted to preserve the sovereignty and the territorial integrity of Yugoslavia. After the Warsaw Pact invasion of Czechoslovakia Tito installed *the territorial defence* as a supplementary component to the armed forces. These were under the command of the republics and they were later transformed into nationalist armies, which would become JNA’s enemies. During the new multi-party political time in the beginning of the 1990s, the JNA had difficulties to choose side. But naturally it eventually supported the side that did not infringe on its values, like the unity and integrity of Yugoslavia, which were the Serbia-Montenegro, the Federal Republic of Yugoslavia (FRY). Their common goal was to secure a more united, stronger and more centralized federation. Even though the JNA never was anti-Slovene or anti-Croat in the beginning, the army invaded these areas in the 1990s. The fact that the national army took part in the war resulted in a massive outflow of officers and men to the new republican armies. The lack of strategy and organisation made the JNA vulnerable to political manipulations and was left powerless between the feelers of nationalism.³⁶

2.2.2.4 Increasing of Serbian’s nationalism.

Slobodan Milošević, one of the main characters in the coming wars, was the first politician to grasp that the Tito era was over. He was only 38 years old and in the beginning of his political career. His father was a seminary-trained teacher of the Orthodox religion from Montenegro and it was probably through him young Slobodan learnt about Serb mythology. His mother was a primary school teacher and communist activist from Serbia.

³⁴ Milivojević, *Bortom kriget*, p. 50.

³⁵ Crnobrnja, *The Yugoslav drama*, p. 118-120.

³⁶ Crnobrnja, *The Yugoslav drama*, p. 121-122.

Milošević's wife Mirjana is the daughter of one of Serbia's leading communists and she is very well connected in the communist sphere. Mirjana teaches Marxism at Belgrade University, where, from within its own League of Communists, she helped to weed out liberals and reimpose a strict ideological orthodoxy on the faculty.³⁷

Milošević made his career in the communist political life and became the president of the republican League of Communists, Serbia's Communist party 1987. Two years later after eliminating all his political rivals and gaining support from the JNA, he became president of Serbia.³⁸ His goal was to restore Serbs and Serbia to their "rightful place" and to create a Greater Serbia. His nationalistic ideology was aimed at restoring Vojvodina and Kosovo under Serbian control, and this gave him a lot of support from the Serbian people.³⁹

The new national awakening started with a *Memorandum on the Position of Serbia In Yugoslavia* in 1985 written by some members of the Serbian Academy of Sciences and Arts. This Memorandum brought together critical views, partly on the failures to transform the economic and political system of Yugoslavia and partly on the position of the Serbian nation in the federation. These ideas were then accepted and transmitted by a group of "patriots", who thought it was their task to convey nationalistic ideologies to the wider masses. Slobodan Milošević and his companions presented these in the autumn of 1987. This populist campaign for Serbian unity brought millions together and made Milošević a living Serbian hero and a father figure.⁴⁰

The Memorandum was not written as a scientific document, but was rather a pamphlet for political action. It wanted to redraw the federal constitution, and blamed Croatia and Slovenia for being too developed, too politically and economically dominating. It also consisted of clichés, such as; "a weak Serbia makes for a strong Yugoslavia" and "Serbia – winner in wars, loser in peace", having in mind wars since the 1500-centuries.⁴¹ The new Serbian nationalism during the 1990s had its roots in both new and old desires for vengeance. They feared that events in the past would repeat, and therefore they wanted to try to prevent it.⁴² The nationalism did not stay within the Serbian borders. Since Serbs were living in BiH, Croatia and Montenegro it swept across the country. Milošević used the history of the WWII, when Ustasha armies massacred Serbs, to establish fear in the Croatian-Serbs and say that they could be the victims in a second round of massacres.

³⁷ Bennett, *Yugoslavia's Bloody Collapse*, p. 83-85.

³⁸ Ibid.

³⁹ Malcom, *Bosnia: a short story*, p. 212.

⁴⁰ Crnobrnja, *The Yugoslav drama*, p. 96-97.

⁴¹ Crnobrnja, *The Yugoslav drama*, p. 98-100.

⁴² Rajic, Ljubisa; *Bortom kriget*, p. 74.

2.3 No return

2.3.1 The wars in Slovenia and Croatia

The new nationalistic wave from Serbia wanted to aggressively restore the balance of power within Yugoslavia, in their favour. While Croatian and Slovenian nationalism worked in the opposite way, the Serbs wanted more decentralization and to reduce the federal authority. “Weak Serbia – Strong Yugoslavia” was not acceptable to Serbia and “Strong Serbia – Strong Yugoslavia” evoked the suspicions of the Slovenes and Croats.⁴³ The real disturbance and the disintegration of Yugoslavia actually begun after that Slovenia and Croatia declared themselves independent on June 25, 1991 and rump of Yugoslavia (FRY) went to war against them the day after.

Slovenia was the best-developed republic and the most homogenous state within the former Yugoslavia, both regarding language and culture. It was self-sufficient in energy and agriculture, but imported large quantities of agricultural raw materials from the other republics for its food-processing industry. The republic also had 60% of GNP above the Yugoslavian average.⁴⁴

The war was only ten-days long in June/July 1991, because Slovenia had organized its self-defence in secret for over two years. They could easily break down the federal army’s ill-prepared attack and the signing of the Brioni Accord ended the war.⁴⁵ The EC managed to obtain the JNA’s agreement to pull its troops out of Slovenia, but the reason for the ceasefire could also have been due to the fact that the JNA and Serbia had lost their interest in Slovenia.⁴⁶ Or, it could have been a strategic choice made by Milošević, because without Slovenia it would make it easier for him to create a Yugoslavia dominated by the Serbs, since this republic did not contain a significant Serb minority.⁴⁷ This act would therefore present him as a cooperative part in the eyes of the international community and the EC could celebrate their mediation skill.

At the same time the FRY’s militia, supported by the JNA forces, started to attack Croatia, because the minority of Serbs in the Croat republic feared that they would lose their civil rights and their position as an autonomous minority within Croatia. These concerns were mainly based on the nationalist propaganda broadcasted by the Serbian media.⁴⁸ That Franjo

⁴³ Crnobrnja, *The Yugoslav drama*, p. 107.

⁴⁴ Crnobrnja, *The Yugoslav drama*, p. 29.

⁴⁵ Glenny, Misha; *The Fall of Yugoslavia: the Third Balkan War*, Penguin Group, England 1992, p. 98.

⁴⁶ Ramet, *Balkan Babel*, p. 52; and Bennett, *Yugoslavia’s Bloody Collapse*, p. 160.

⁴⁷ Holbrooke, Richard; *To end a war*, Modern Library, NY 1999, p. 29.

⁴⁸ Berglez, Peter; *Bilder av FN och NATO: Dagens Nyheters bevakning av de internationella insatserna i samband med konflikten i det forna Jugoslavien*, Örebros Universitet, Örebro 1999, p. 9; and Malcom, *Bosnia: a short story*, p. 229.

Tudjman, elected non-communist president of Croatia since Aug 1990, fought for the Fascist Pavelić and the Ustashes during the Second World War only helped the Serb propaganda.⁴⁹

Croatia was unprepared for war, while Serbia became more and more ready and willing. During July to October 1991, the FRY seized large parts of Croatian territory, destroyed villages and towns, and put the local population on the run. Serb forces detained, tortured and slaughtered thousands of Croats. By the end of October the FRY mastered a third of Croatia and by the end of December more than half a million persons had been driven from their homes, mainly escaping to Germany and Hungary.⁵⁰ The Serbs got an enormous advantage in weapon when the SC imposed the arms embargo in September 1991, because almost all the armaments and weapons factories of Yugoslavia were located in the FRY.⁵¹ Even though Croatia lacked weapons they were not short of military expertise and motivated fighters. Since few weapons were manufactured in Croatia the only way to acquire them was from abroad or from the JNA's own stockpile. Therefore Croatian forces surrounded JNA barracks, cut off the water and electricity supplies, used psychological pressure to persuade the soldiers within to surrender and hand over their arsenal. This was rather successful and in October 1991 several barracks were surrendered.⁵²

The EC tried to bring about peace plans several times, but they were not acceptable to the FRY and peace plans proposed by the FRY were not acceptable to the other republics. About twelve cease-fires had collapsed between July and mid-November.⁵³ The EC seemed more and more anti-Serbian, therefore, the UN took over the role as a mediator in December 1991.⁵⁴ The newly reunited Germany, who had been Croatia's ally before, demanded that the EC acted more forcefully as a unit and this resulted in the EC recognition of Croatia and Slovenia as independent states in December. Since the EC had made it clear that its sympathies lay with Croatia and Slovenia, Milošević felt that he could get a better deal out of the UN and cooperated with it to settle an agreement. In the days around New Year Croatian and Serbian forces signed a truce and by February 1992 the fighting was almost over. UN-troops (UNPROFOR) were placed on the ground to watch the ceasefire and enable all people to return to their homes.⁵⁵ As the conflict heated up the Serbian forces, they started to glance at BiH.

⁴⁹ Se more in Owen, *Balkan Odyssey*, p. 74.

⁵⁰ Bennett, *Yugoslavia's Bloody Collapse*, p. 166-167.

⁵¹ Holbrook, *To end a war*, p. 30

⁵² Bennett, *Yugoslavia's Bloody Collapse*, p. 166-167.

⁵³ Ramet, *Balkan Babel*, p. 53-54.

⁵⁴ Wiberg, Håkan; *Bortom kriget*, p.121.

⁵⁵ Bennett, *Yugoslavia's Bloody Collapse*, p. 172.

2.3.2 The BiH war in general

When the war broke out in Croatia in summer of 1991, Croats and Serbs from BiH joined the fight. The Bosnian media propagated that the traditional national tolerance would help it to avoid war.⁵⁶ However, after the declaration of independence made by Slovenia and Croatia, BiH only had two choices and both of them would lead to war. BiH could either remain in the Federation, dominated by a nationalistic Serbia against the will of the Bosnian-Croats and Bosnian-Muslims, or to leave the Federation, against the will of the Bosnian-Serbs.⁵⁷ The initial Muslim position was for a unified BiH as a possible confederate unit within a Yugoslav confederation. The initial Serb position was that BiH remain as a federal unit within the FRY. The initial Croat position was that BiH should become a confederal state that would be able to conclude a confederate union with Croatia.⁵⁸

During the summer of 1990 national or nationalist parties popped up, this mobilized an election along ethnic lines and replaced the Communist rule. The Croat Democratic Union of BiH (HDZ-BH) was a local section of the HDZ in Croatia and headed by Mate Boban. The Serbian Democratic Party of BiH (SDS-BH) headed by Radovan Karadžić, was an offshoot of a similar organization in Croatia, not in Serbia. These two parties had closely coordinated policies with Zagreb and Belgrade.⁵⁹ The Muslim Party of Democratic Action (SDA) won later in December and Alija Izetbegović was elected president. He created a government of national unity, with a coalition of the three major parties. This election did not contribute to increased democracy, but to the dominance of ethnic identities defined by the pattern of voting. Already in October 1991 Izetbegović declared that if the republics of Slovenia and Croatia secede from Yugoslavia, the Republic of Bosnia-Herzegovina would immediately proclaim its independence.⁶⁰ Two weeks later Karadžić, a close friend to Milošević, made a statement that the Serbs of Bosnia would secede from BiH, if BiH seceded from Yugoslavia.⁶¹ He also threatened to eliminate the Muslim community and set up his own government, the Serb National Assembly, in Banja Luka. BiH was now locked between Croatia and Serbia, Tudjman and Milošević, which both hoped for a partition of BiH between them.⁶²

⁵⁶ Burg, Steven and Shoup, Paul; *The war in Bosnia-Herzegovina: ethnic conflict and international intervention*, M.E. Sharp in Armonk, NY 1999, p. 62.

⁵⁷ Milivojević, *Bortom kriget*, p. 13; and Gutman, *A witness to genocide*, p. xxvii.

⁵⁸ Akhavan, Payman and Howse, Robert; *Yugoslavia the Former and Future: reflections by scholars from the region*, Brookings Institution, Washington DC 1995, p. 143.

⁵⁹ Ivanov, *Balkan divided*, p. 86-88; and Akhavan and Howse, *Yugoslavia the Former and Future*, p. 154-155.

⁶⁰ Ramet, *Balkan Babel*, p. 47 (Tanjug Oct. 30, 1990, in FBIS, *Daily Report Eastern Europe*, p. 73.); and Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 56.

⁶¹ Ramet, *Balkan Babel*, p. 47; and Malcom, *Bosnia: a short story*, p. 224.

⁶² Malcom, *Bosnia: a short story*, p. 218 and 228.

The declaration of independence in March 1992 was an act supported by Bosnian Croats and Bosnian Muslims, but violently opposed by Bosnian Serbs, who also demanded BiH to withdraw its declaration of independence, but Izetbegović refused. When BiH was recognized as an independent state by the EC on April 6, 1992 the war increased, because Bosnian Serbs did not want to be a minority and wanted to maintain their strings with the FRY. Diplomatically Izetbegović had followed exactly what the US and its European partners had subscribed, but military it could not have been worse.⁶³ The SC decided that the earlier imposed arms embargo should be maintained in BiH as well and the weapon situation became the same as in Croatia the year before. BiH did not have an army, a military tradition or weapons.

In May the fighting increased and the UN had to move its UNPROFOR headquarter in Sarajevo to Belgrade because of safety reasons. The UNPROFOR, the peacekeeping force was extended to BiH to take control of the Sarajevo airport during the fully armed conflict in June. Its mission was to secure the airport so that the UN could protect the humanitarian aid, food and medicine. The UN control allowed Western journalists into the city and their reports on the massacres on the Bosnian-Muslims in the Serbian prisoner-of-war camps changed the world's opinion about the war.⁶⁴ UN-troops managed to evacuate women and children from various cities, and to deliver the transportations of food to besieged cities during the conflict.

At the end of July 1992 the SC determined that all heavy weapons in BiH should be under the control of the UN. The General secretary Boutros-Ghali opposed this action; because the parties in the conflict did not cooperate on this question and that the UN did not have enough resources for this task.⁶⁵

In August of 1992, Serbs controlled over 70% of BiH and in several cases they transferred non-Serbs from these areas. This implied an execution of a plan of ethnical cleansing and the Bosnian government asked for international help. At first the help came mainly from other Muslim countries, but the international aid increased eventually. The SC declared in a resolution that UN military contributions were allowed, it was more of a warning to the warring parties, because the SC had no plans of intervening at this stage. In the same resolution they demanded immediate insight in the war camps.⁶⁶

During 1992 the UN imposed several sanctions on the FRY because of its support of the Bosnian-Serb forces. A trade and oil embargo, a freezing of assets, a ban on financial transactions and transport, even severing of cultural, sport and scientific links.⁶⁷ The UN also took the first

⁶³ Gutman, *A witness to genocide*, p. xxvii.

⁶⁴ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 400.

⁶⁵ Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 48.

⁶⁶ UN SC Res. 770, August 13 1992.

⁶⁷ Crnobrnja, *The Yugoslav drama*, p. 211; and Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 47.

of many initiatives to a peace-conference and appointed mediators to the conflict.⁶⁸ In 1993 the SC created an Ad Hoc Criminal Tribunal for Former Yugoslavia, strengthened the control of no-fly zones and allowed the NATO to use air force in case of any violation of it. During the fall of 1994 the Bosnian army made several successful offensive attacks and in some of the areas there were collaborations with the Croat-Muslim alliance.⁶⁹ The Bosnian-Croat-Muslim war was never an attempt to exterminate each other and their disagreements only served the Bosnian-Serbs. Therefore despite their former conflict they signed a truce on March 1, 1994 and started to work together with the Bosnian government, against Serb forces.⁷⁰

In 1995 NATO air crafts were used to pressure the Bosnian Serbs, several peacekeepers were taken hostage and several of the UN created safe areas were destroyed. These events eventually led to the talks in Dayton, where the international actors managed to settle an agreement and one month later the conflicting parties signed the Peace Agreement in Paris. The NATO's forces then replaced the UN's peacekeeping forces and the population started to rebuild the country.

The war has driven more than two millions on the run, left over one million homeless, killed over one quarter of a million and wounded the double.⁷¹ The war created “ethnically cleansed” regions, but this also happened regarding generations and workers. Many young people fled abroad to avoid military mobilization and many highly qualified people, for example physicians, professors and entrepreneurs, now live in Eastern Europe. It was not only population changes, but also the total demolition of many cities and villages, and the destruction of the infrastructure, which led to a cultural and economical disaster.

2.4 The UN – General provisions

2.4.1 Introduction

“We the people of the United Nations determined....
to save succeeding generations from war, which twice in our lifetime has
brought untold sorrow to mankind, (--)
And for these ends...
to practice tolerance and live together in peace with one another as good
neighbours, and
to unite our strength to maintain international peace and security, and

⁶⁸ Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 48.

⁶⁹ Bra Böckers Lexikon 2000, band 3, Höganäs in 1995, p. 273.

⁷⁰ Bennett, *Yugoslavia's Bloody Collapse*, p. 226-227.

⁷¹ Bra Böckers lexikon 2000, band 3, p. 273. Hard to know exact figures, depend on were you look.

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and (---)"⁷²

One of the UN's main missions is to maintain the international peace and security, which is to prevent armed conflicts.⁷³ How it has managed that has been very discussed. Normally, the prevention occurs in the General Assembly and the SC, which are dependent on the support and cooperation of the member states to make their efforts successful. This section will give some guidelines and explanations to how the UN works regarding recognition, resolving conflicts and a little about the SC.

2.4.2 Generally about recognition of state by the UN and the EU

Recognition is a statement of a willingness to deal with the new state as a member of the international community. The definition of a state is regulated in *the 1933 Montevideo Convention on Rights and Duties of States*, Article 1. There are four qualifications in the Article; (i) a permanent population, (ii) a defined territory, (iii) government and (iv) capacity to enter into relations with other States. The first three have to be fulfilled before looking at the fourth. Some people claim that there should also be some additional criteria, such as self-determination and recognition.⁷⁴ Recognition should usually indicate that the first three qualifications are satisfied. Recognition normally has to do with political elements, rather than with legal considerations, even if it still gives legal effects.⁷⁵

Recognition can be either *de jure* or *de facto*,⁷⁶ and these terms describe the government or the state, not the act. *De jure* and *de facto* are commonly wrongfully used as one term, but they are still governed by the same rules, give rise to almost the same problems and have similar effects. Recognition made by an expressed statement, should probably always be treated as *de jure* recognition, if the recognized state does not oppose. If the recognition is not expressed, but implied, there can be uncertainty to the intention of the recognition, *de jure* or *de facto*. Often it does not matter, but there is one case when it is important with *de jure* recognition: that is when a state or government has been established in violation of international law, for example in violation of Article 2(4) of the UN Charter, which prohibits the use of force. *De jure* recognition is the only way to cure this kind of illegality.⁷⁷

⁷² The Preamble of the UN-Charter.

⁷³ Art. 1 (1) the UN-Charter.

⁷⁴ Malanczuk, Peter; *Akehurst's Modern Introduction to International Law*, 7th edition, Routledge, in London 1997, p. 75-77 and p. 326.

⁷⁵ Malanczuk, *Akehurst's*, p. 82.

⁷⁶ *De facto* = recognition until further notice and can be withdrawn. *De jure* = definitive recognition and can't be withdrawn.

⁷⁷ Malanczuk, *Akehurst's*, p. 89

The guidelines for the recognition of new states by the EC were formed in December of 1991, because of the developments in Eastern Europe, the Soviet Union and in the former Yugoslavia.⁷⁸ These guidelines reaffirm the principles of the *Helsinki Act* of 1975⁷⁹ and of the *Charter of Paris for a New Europe* from 1990, especially the principle of self-determination. The Declarations also added some requirements and invited the six republics of the former Yugoslavia to seek recognition, but only four of them did.⁸⁰

2.4.3 The Security Council

2.4.3.1 General⁸¹

The SC is one of the six principal organs of the UN⁸² and it consists of fifteen member states: five permanent⁸³ and ten who are elected by the General Assembly for two years.⁸⁴ The SC is the primary responsible organ for the maintenance of international peace and security.⁸⁵ According to the UN-Charter its main functions are to make recommendations for peaceful settlement of disputes and to take enforcement actions to deal with threats to peace, breaches of peace and acts of aggression. The Council has also helped to develop the UN peacekeeping and Ad Hoc International Tribunals; these were not mentioned in the Charter of 1945.

Under the Charter, all Members of the UN agree to accept and carry out the decisions of the SC.⁸⁶ While other organs of the UN make recommendations to governments, the Council alone has the power to make decisions that member states are under a legal obligation to obey. The five permanent members have "veto" power, the rule of "great Power unanimity", and can stop decisions even if there is a majority. The veto has been used more and more frequently, and has also been criticized as a handicap and delimitation of the power of the Council especially in armed conflicts. Because the permanent members have used the veto when they have been directly or indirectly involved or had an interest in the conflicts (for example Vietnam 1946-75).

⁷⁸ *The Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union and The Declaration on Yugoslavia*, from December 16, 1991, made by the EC Foreign Ministers meeting in Brussels.

⁷⁹ Helsinki Conference and Final Act on Security and Cooperation in Europe.

⁸⁰ Rich, Roland; *Recognition of States: the Collapse of Yugoslavia and the Soviet Union*, in European Journal of International Law Vol. 4, No. 1, by Oxford University Press 1993, in Glasgow, p. 42-44 and p. 48.

⁸¹ Mostly from Malanczuk, *Akehurst's*, p. 373 and www.un.org/Docs/scinfo.htm on February 10, 2003.

⁸² Art. 7 of the UN-Charter.

⁸³ Russia, United Kingdom, United States, China and France.

⁸⁴ Art. 23 of the UN-Charter.

⁸⁵ Art. 24(1) of the UN Charter

⁸⁶ Art. 25 of the UN Charter

2.4.3.2 A peaceful settlement, Chapter VI and VII of the Charter⁸⁷

To maintain international security the SC can use; Chapter VI, peace maintenance operations, and Chapter VII, operations using force to establish peace and order. Peacekeeping is a UN invention and not specifically defined in the Charter, and the former UN Secretary General Dag Hammarskjöld has even called these kind of operations “Chapter Six and a Half”.

When a complaint concerning a threat to peace is brought before the SC, its first action is usually to recommend the parties to reach an agreement by peaceful means, with or without a third neutral party⁸⁸. In some cases, the Council itself undertakes investigation and mediation. It may appoint special representatives or request the Secretary-General to do so or to use his “good offices”. It may set forth principles for a peaceful settlement.⁸⁹ When a dispute leads to fighting, the Council's first concern is to bring it to an end as soon as possible. On many occasions, the Council has issued cease-fire directives, which have been instrumental in preventing wider hostilities. It also sends United Nations peacekeeping forces to help reduce tensions in troubled areas, keep opposing forces apart and create conditions of calm in which peaceful settlements may be sought. The Council may decide on enforcement measures, economic sanctions (such as trade embargoes) or collective military action. After the situation stabilizes, UN observers or peacekeeping forces supervise the ceasefire agreement. Often they also separate the military forces and help the population to return to their normal pursuits.

A member state against which the SC has taken preventive or enforcement action may be suspended from the exercise of the rights and privileges of membership by the General Assembly on the recommendation of the SC.⁹⁰ The Assembly on the Council's recommendation may expel a member state that has persistently violated the principles of the Charter from the UN.⁹¹

2.4.4 How to avert a conflict

Conflict prevention is one of the primary obligations of the member states set forth in the UN-charter and the primary responsibility of conflict prevention rests with the national governments.⁹² The primary responsibility within the UN for conflict prevention, peace building and peacemaking is confined to the Department of Political Affairs (DPA) headed by an Under-Secretary-General. The Secretary-General has pledged to move the UN

⁸⁷ Whole section from Malanczuk, *Akehurst's*, p. 273.

⁸⁸ Art. 35, and 33(1) of the UN Charter gives a list of the most common methods.

⁸⁹ Art. 34 and 36 of the UN-Charter.

⁹⁰ Art. 5 of the UN-Charter.

⁹¹ Art. 6 of the UN-Charter.

⁹² Information about *Preventive Action and Peacemaking*, available at www.un.org/Depts/dpa/prev_dip/fr_prev_dip_introduction.htm on March 22, 2003.

from a culture of reaction to a culture of prevention since the beginning of this millennium.⁹³

Peacemaking (or conflict resolution) consist of the use of diplomatic means to persuade the parties to stop the fighting and to negotiate a peaceful settlement. Usually the UN can only have this role if the parties agree to it and this excludes the use of force against one of the parties. However, the SC can give one or several member states the authority to take necessary measures to achieve a stated objective and then, in that situation a consent of the conflicting parties is not required. These actions are called “peace enforcement actions” and those operations are not under the UN control.⁹⁴

Peace building refers to activities that assist the nation to cultivate the promotion of peace before, during and after the conflict, but normally it is referred to post-conflict situations. It is, however, supposed to prevent the outbreak, the recurrence or continuation of an armed conflict, and support democratic principles such as a fair role for the opposition, equitable access to the public media, security, tolerance and respect for human rights.⁹⁵

The main goal of conflict prevention is to prevent human suffering and to act as an alternative to costly politico-military operations to resolve conflicts when they have broken out. Even if preventive diplomacy is the primary political measure to prevent and resolve a conflict, there are some other forms of actions which are useful to fulfil the goal; preventive deployment, preventive disarmament, humanitarian actions and peace-building.

The Carnegie Commission on *Preventing Deadly Conflict* has described strategies for prevention as falling into two categories; “structural prevention”, meaning “measures to ensure that crises do not arise in the first place” and “operational prevention”, which refers to “measures applicable in the face of immediate crisis”. Structural prevention addresses the sources of the conflict before it turns to violence and if those actions are going to be active they have to come in early. It is not normal conduct to use force on this level and it should be avoided.⁹⁶

Burg and Shoup further refine operational prevention with the Bosnian conflict as a pattern.⁹⁷ They suggest that it should consist by two steps; “early intervention”, consisting of “undertaking a response to the outbreak of violence and aimed at stopping its escalation before the costs of

⁹³ General Assembly, 55 session, June 7, 2001, ”*Prevention of armed conflict*”, but stated July 20, 2000, available at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N01/404/64/PDF/N0140464.pdf?OpenElement> on March 18, 2003.

⁹⁴ Information about *Preventive Action and Peacemaking*, available at http://www.un.org/Depts/dpa/prev_dip/fr_peacemaking.htm on March 22, 2003.

⁹⁵ Ibid.

⁹⁶ General Assembly, 55 session, June 7, 2001, ”*Prevention of armed conflict*”, but stated July 20, 2000, available at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N01/404/64/PDF/N0140464.pdf?OpenElement> on March 18, 2003.

⁹⁷ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 389-391.

intervention rise and ethnic cleansing alters the political and demographic balances in society” and “crisis intervention”, which “takes place after the violence has escalated and the actors are committed to violence”.

Early intervention should, further, include the threat of force to prevent escalation and urge the parties to negotiate their dispute among themselves. In this way the conflict can solve itself, if the threat is powerful enough. Then crisis intervention is put in if this should not succeed and the violence has escalated. At this stage intervention costs rise, therefore, it will only take place if the conflict affects the interests of the international community, of the organisations or its member states. Crisis intervention consists of three stages; (i) humanitarian intervention and mediation by international actors, (ii) attempt to negotiate a modified partition backed up by the threat of force and (iii) the use of force to impose a settlement. I will use this division in Chapter 4.

3 Peaceoperations by the UN in BiH

3.1 Introduction

The UN-charter gives the SC the primary responsibility for the maintenance of international peace and security, but does not specifically mention peacekeeping as an instrument. Nevertheless, this kind of operation has been one of the cornerstones in the UN's work for peace and security since 1948. Traditional peacekeeping operations rely on the consent of the conflicting parties, that the mediator or conciliator does not appear partial, the cooperation of local parties, and that the use of force is restricted to the maximum extent possible. These forces are carrying light weaponry and they do not swear allegiance to the UN, but to their own military force's government.⁹⁸ Traditionally these "Chapter VI operations" are non-combat operations and are mainly used to monitor and facilitate implementation of truce-agreements.

Chapter VII operations involve the use of force or the threat of force. The SC can authorize another country or group of countries to preserve, maintain or restore international peace and security.⁹⁹ These operations do not require the consent of the conflicting parties, a cease-fire nor cooperation by local parties. Since the Cold War, interpretation of Chapter VII by the SC has become more and more liberal.

In the beginning of 1991 the interest from the Western Powers was very low and it continued until they decided that the growing conflict did threaten their vital interests.¹⁰⁰ During September the demand of a UN intervention increased in Croatia. The SC now introduced an arms embargo on the whole of former Yugoslavia, demanded the parties to settle the conflict and appointed the UN Secretary-General, Cyrus Vance, to mediate the conflict. In January 1992, Vance managed to settle a peace plan for Croatia and UN-troops, the UNPROFOR, arrived in March. Things went calmer in Croatia, while the war broke out in BiH, after the EC recognized it as an independent state on April 6.

⁹⁸ Information about The Mission of the Department of Peacekeeping Operations, available at <http://www.un.org/Depts/dpko/info/page3.htm> on March 24, 2003.

⁹⁹ Art. 42-45 of the UN-Charter.

¹⁰⁰ Bennett, *Yugoslavia's Bloody Collapse*, p. 222; and Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 390.

3.2 Peacekeeping

The first exhortation made by the SC to cease the dispute in BiH was in Resolution 752 adopted on May 15, 1992. It did not consider peacekeeping measures, because the traditionally required consent of the conflicting parties was absent, so the SC could only call upon a cease-fire and ask the armies to withdraw. The “Yugoslav” authorities failed and another resolution was adopted fifteen days later.¹⁰¹ This resolution imposed comprehensive economic sanctions under Article 41 of the Charter and demanded that all the conflicting parties would permit the delivery of humanitarian aid to Sarajevo and other areas in BiH.

3.2.1 The Arms embargo

“On 14 September they heard of four separate attacks launched that morning by the Bosnian Serb air force from Banja Luka.

For me this was confirmation of the need for a no-fly zone over BiH.

I could not justify to myself, let alone to anyone else,
continuing the arms embargo on the Bosnian government
forces while they were being attacked from the air in this way.

There was an obligation on us to compensate for the
Bosnian Serbs supremacy in arms by neutralizing wherever possible certain
categories of weapon.”¹⁰²

The EC and the Conference on Security and Cooperation in Europe (CSCE) were unable to settle the conflict, especially in Croatia during 1991. According to the SC they remained inactive for three months, in spite of massive bloodshed. In September 1991 the SC adopted Resolution 713, which expressed concern about the armed conflict, the consequences for Yugoslavia’s neighbours, and stated that further conflict would be a threat to international peace and security.¹⁰³ It also declared that territorial gains or changes within Yugoslavia, owing to the use of force would not be acceptable and expressed that the UN would support the efforts of the EC and the CSCE. The most important issue in this resolution was the *complete embargo* on all deliveries of weapons and military equipment to Yugoslavia (as one unit – internal conflict) until the Secretary-General and the government of Yugoslavia decided otherwise, in line with Article 41 of the Charter.¹⁰⁴ This arms embargo later caused obstacles for BiH, therefore they brought a case before the International Court of Justice against Serbia/Montenegro and at the same time they indirectly challenged the legality of the embargo.¹⁰⁵

¹⁰¹ SC Res. 757, May 30, 1992.

¹⁰² Quotation Owen, *Balkan Odyssey*, p. 52.

¹⁰³ UN SC Res. 713, September 25, 1991; in line with Article 34 of the UN-Charter.

¹⁰⁴ Malanczuk, *Akehurst's*, p. 409-410.

¹⁰⁵ See more Malanczuk, *Akehurst's*, p. 292.

The embargo did not allow the Bosnians to exercise the most fundamental right as a sovereign state: the right to self-defence, since they did not get any military support from outside powers.¹⁰⁶ As the situation aggravated; President Izetbegović appealed to the SC to either take action to oppose aggression and reverse ethnic cleansing or to lift the arms embargo. He did the first appeal during the first Conference on Yugoslavia (ICFY) conference in London, in August 1992, and again in September 1993.¹⁰⁷ In London, the French foreign minister called for a strengthening of the arms embargo and the delegates did not follow the Bosnian government's request. The conference did not approve the Bosnians' definition of the conflict, as a war between countries, and continued to look at it as one between three ethnic communities in one country – which could seem very odd since they had recognized the BiH state only three month earlier.¹⁰⁸

The difference in armament made the warring parties very unequal and governed the entire war. The original JNA consisted mainly of Serbs and Montenegrins, but Croats and Slovenes officers that left the JNA tended to have skills that it found difficult to replace. The Serbs were concentrated in the infantry, while Slovenes and Croats tended to be in more technically demanding areas, for example the latest military hardware required, advanced technology, and the only Mig fighters were in Zagreb.¹⁰⁹

At the beginning the Bosnian-Muslim forces outnumbered the Bosnian-Serb's, but had less weapons. For example in a force of 8000 men, only 1800 had weapons in 1992.¹¹⁰ Bosnians let their munition factories within BiH to work day and night to equip the Bosnian Army and despite the embargo it also got weapons from other countries, especially from wealthier Muslim states of the Middle East. The Bosnian army contained mostly of soldiers that were initially removed from their homes, and evolved therefore to a highly motivated and mobile fighting force, determined to win back their lost territory.¹¹¹ Even if the Serb forces may have been superior in heavy weaponry, they lacked manpower, discipline and morale. While Serbian military strength declined, Croatian and Bosnian Muslims military strength increased, especially after the signing of the Croatian-Muslim truce. By November 1994 the Bosnian army, strengthen by the Croatian and Muslim cooperation, had doubled in size and increased its weapon arsenal. Serb forces failed to defeat what was originally a defenceless enemy during two years of fighting.¹¹²

¹⁰⁶ Look at Art. 51 of the UN-Charter.

¹⁰⁷ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 195 and 212.

¹⁰⁸ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 212.

¹⁰⁹ Bennett, *Yugoslavia's Bloody Collapse*, p. 166.

¹¹⁰ Kadhammar, Peter; *Berättelsen om Srebrenica*, Nordstedts Förlag AB, Stockholm 1996, p. 42.

¹¹¹ Bennett, *Yugoslavia's Bloody Collapse*, p. 225-227.

¹¹² Ramet, *Balkan Babel*, p. 305-306.

3.2.2 The UNPROFOR

Cease-fire agreements were constantly broken during 1991 and the fighting was still aggravating. In February 1992 the SC decided that the conditions to establish a United Nations Protection Force (UNPROFOR) were fulfilled. The light-armed force consisted of almost 14,000 persons and was deployed initially in four "United Nations Protected Areas" in Croatia, where ethnic tension had led to armed conflict. The UNPROFOR's mandate was to supervise the withdrawal of the JNA from the areas and to ensure their demilitarisation, and to protect the population from armed attacks. It also assisted humanitarian agencies in their work and facilitated the return of refugees.¹¹³ In the resolution the SC did not specify if the operation was under Chapter VI or VII, but the mandate was in line with traditional Chapter VI peacekeeping missions. Even if there was a truce-agreement, Vance did not manage to achieve full consent from all the political groups, but nevertheless newly elected UN Secretary General, Boutros Boutros-Ghali and the members of the SC felt that they had to send peacekeeping forces to Croatia. This was not the first time peacekeeping forces had been sent into very unclear and uncertain conditions, it had happened before, for example in Somalia and at times in Lebanon.¹¹⁴

On April 30, 1992, Boutros-Ghali sent 40 military observers from Croatia to Mostar in BiH. They were supposed to monitor the fighting between Bosnian-Croats and Muslims on one side and Bosnian-Serbs on the other. This force did not have the consent from the parties and were immediately subjects to violent attacks and was therefore withdrawn after two weeks.

In May 1992 there was a bomb shelling at a breadline in Sarajevo and this led to wide-ranging sanctions against the FRY.¹¹⁵ Later in June the SC made Sarajevo and its airport a secure zone, because of the concern of the survival of the civilians.¹¹⁶ The mandate of the force was to ensure the security and functioning of the airport, and the delivery of humanitarian assistance to the city and its surroundings. A task it managed very successfully, even if many of the humanitarian convoys were targets for mines, hostile fires and refusal of parties on the ground (especially by the Bosnian-Serbs). In September 1992, the UNPROFOR's mandate was enlarged to enable it to support efforts by the United Nations High Commissioner for Refugees to deliver humanitarian relief throughout BiH, and to protect convoys of released civilian detainees, if the International Committee of the Red Cross (ICRC), so requested. Later, the force monitored the "no-fly" zone - banning all military flights in Bosnia and Herzegovina - and the UN "safe areas" established by the SC. The UNPROFOR was authorized to use force in self-defence, as a reply to

¹¹³ Malanczuk, *Akehurst's*, p. 410; and UN SC Res. 743, February 21, 1992.

¹¹⁴ Wahlgren, Lars-Eric; *Bortom kriget*, p. 155.

¹¹⁵ UN SC Res. 757, May 30 1992.

¹¹⁶ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 199.

attacks against these areas; and to coordinate the use of air power to support its activities on the ground with the North Atlantic Treaty Organization (NATO). Peacekeepers were systematically harassed and targets for hostility, and the conflict continued despite their presence. Even if they had the mandate to use force in some cases they were very careful to use it because of the fear of greater attacks by the heavily armed and larger forces, mainly the Serbs and Croatians. During the spring of 1995, nations with peacekeepers in exposed areas, especially the British, the French and the Dutch, feared that any retaliation against the Bosnian Serbs would result in more hostages, the murder of hostages and peacekeepers. Some governments with troops in BiH, including Canada and Great Britain, considered withdrawing their soldiers and pledged that American troops would be used to support a UN withdrawal.¹¹⁷

3.2.2.1 Safety Areas

In April/May 1993 the SC declared Srebrenica, Sarajevo, Tuzla, Žepa, Goražde and Bihać as safe areas under Chapter VII of the UN Charter,¹¹⁸ because they had been completely surrounded by Serb forces since early in the war. Now the mandate changed for the UNPROFOR, because before it was only supposed to use force as self-defence or to protect convoys of humanitarian supplies, and now it was supposed to protect these safe areas. It also included supervising the cease-fire, trying to make the military units withdraw, and to protect Muslims, who had suffered the greatest atrocities. To implement the new mandate the Commander of UNPROFOR asked for an additional 34,000 troops, but he only got one fifth of it. Even if the force now had an Chapter VII mandate, it neither got more heavy weaponry nor enough men to accomplish the mission, because the SC thought that the parties would honour the mandate and cooperate, which is more typical of a Chapter VI operation. Instead the troop was enforced by NATO air power.¹¹⁹ The mandate for the safe areas was: for the areas to be safe they had to be demilitarised, defined, and then defended by the UN. Since the local parties did not consent to the idea, they would not cooperate and the troop could not fulfil the mandate,¹²⁰ therefore one by one of the proclaimed safe areas were captured by the army of FRY. Already in May 1993 the Secretary of state, Warren Christopher, opposed the creation of safe heavens in BiH, because from his point of view this kind of constellation would facilitate ethnic cleansing by encouraging Muslims to abandon Serb-held territories. He was not able to convince the Europeans, who wanted the US to contribute with troops and pushed for the installation of safe areas. The US did not send any troops and the SC granted the NATO the right to protect UNPROFOR units in these safe areas, but the use of the NATO air power in these situations relied on the dual control of the NATO and the

¹¹⁷ Holbrooke, *To end a war*, p. 64 ff; see more section 3.3.

¹¹⁸ UN SC Res. 819, April 16, 1993 and UN SC Res. 824, May 6 1993.

¹¹⁹ See 3.3.

¹²⁰ Owen, *Balkan Odyssey*, p. 355.

UN.¹²¹ This “dual key” system impeded the use of air strikes and the UNPROFOR did not get the assistance they needed.¹²²

General Phillippe Morillon created the first safe haven in the spring of 1993 to protect Muslim refugees, when he was taken hostage by Srebrenica citizens. He said, “I will never abandon you. You are now under the protection of the UN” so they would release him.¹²³ By the summer of 1995 Srebrenica, Žepa and Goražde were full of Muslim refugees from the surrounding area. Mladić’s forces shelled Srebrenica on 6 July 1995, two days later the massacre of the enclave began and about 8,000 Bosnian-Muslim men were killed. Srebrenica was defended by two hundred light-armed Dutch peacekeepers. They have been accused of doing nothing to save the lives of the Bosnian-Muslims after the conquest of the Bosnian-Serb army. Mladić came with between 1,500 and 2,000 soldiers, they had been ordered by Karadžić to cut the corridor linking Srebrenica and the enclave of Žepa. Their actions would later lead Mladić to prosecution in the ICTY for crimes against humanity and genocide.¹²⁴ On July 9, the Serbs took thirty Dutch peacekeepers hostage, the next day they took the whole town and the rest of the peacekeepers, about 370. The day after Mladić entered Srebrenica, announced that he was “presenting this city to the Serbian people as a gift” and that it was a revenge for the Turk invasion in 1804. At this point Holbrooke recommended using air powers against Bosnian Serbs, especially in Srebrenica, but it was rejected by the Western European nations with troops on the ground, and by Pentagon. The Dutch government refused air strikes as long as their soldiers were there. It was now the discussion about withdrawing peacekeepers came up.¹²⁵

Mladić shall have proposed on July 11 to the Dutch commander that the UN should organize the transport of 25,000 Muslims, both men and women, from Srebrenica to Tuzla. The commander went to Sarajevo to present the proposal to the UN General, but the UN did not give an answer and they missed the opportunity to safely transport most of the people to Tuzla. Only a few hours’ later groups of Muslim men fled Srebrenica trying to reach Tuzla. This infuriated Mladić, because it would cause trouble in his plan of taking Žepa, therefore he started the rather systematic massacre. The Dutch commander Karremans requested close air support of the NATO air task force, but the UN authorities blocked the request. To get air support it had to have an active military defence and the Dutch force was instructed not to open fire unless it comes under direct attack. Karremans tried to negotiate with Mladić without provoking him, but he did not succeed and Mladić assured him that the only reason for separating the men and the women was to check if the men had committed war crimes. Karremans did not allow his men to leave their camp, and therefore they could not see the

¹²¹ SC Res. 836, June 4, 1993.

¹²² Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 254-255; se more in section 3.3.

¹²³ Kadhammar, *Berättelsen om Srebrenica*, p. 50.

¹²⁴ M, Ivanovic; *Who is to blame for Srebrenica*, April 19, 2002, available at

<http://balkanreport.tol.cz/look/BRR/article.tpl?IdLanguage=1&IdPublication=9&NrIssue=1&NrSection=8&NrArticle=4203> on October 16, 2002.

¹²⁵ Holbrooke, *To end a war*, p. 69-70.

massacre or even imagine the proportion of the killing. Even though the Dutch force received reports of occasional killing of the Muslims during July, the officials did not conclude that a massacre was taking place until later.¹²⁶ The UN was soon able to document the mass graves and got testimonies from refugees about the cruelty, rapes, and slaughter.¹²⁷ Some people managed to flee to Tuzla, another safe haven, and others were told to flee into the FRY since they knew the way, because during the isolation of Srebrenica and Žepa, the Bosnian Muslims bought weapon from the FRY aimed to kill Serbs.¹²⁸

Later that month Mladić's forces continued to Žepa and Goržade. Krajna Serbs attacked Bihać and Sarajevo was under renewed attacks. In August, Croats successfully retook Krajna and for the first time during four years Bosnian Serb suffered a major military setback and the balance of power between Belgrade and Zagreb begun to change. One of the reasons for the Bosnian Serb's setback was that for the first time since 1991, Milošević had not come to their succour.¹²⁹

3.2.2.2 Ethnic cleansing →ICTY

In mid-1992 mass reports of “ethnic cleansing” in concentration camps in Banja Luka, Omarska, Manjaca and Brocko; and mass sexual assault with organized torture and rape, mostly committed by Bosnian Serb forces, were made public by foreign journalists. Also the number of refugees had risen remarkable. It took a while for the UN to realise the dimension of “ethnic cleansing” in BiH, still in Resolution 764 of 13 July 1992 the SC briefly reaffirmed the international humanitarian obligations and indicated that parties could be held responsible for such violations. It was not until 13 August 1992, in Resolution 771, that it expressly condemned the practice of “ethnic cleansing” and gave it a definition.

According to Bosnian information in August the Serbs had created almost a hundred war camps, in which 260 000 people had stayed and 17 000 died since in April 1992. There were over 130 000 left in the camps. The journalists compared these camps with the ones that the Nazi had used to kill millions of Jews.¹³⁰ The President of the Security Council now demanded that organizations like the ICRC must have immediate access to the camps holding Muslim prisoners.

As the massive violence and brutality swept over BiH and ethnic cleansing became a common notion, the SC decided to interpret Chapter VII of the UN-charter to establish an Ad hoc International Criminal Tribunal for the Former Yugoslavia (ICTY), since the international peace and security

¹²⁶ M, Ivanovic; *Who is to blame for Srebrenica*, 19 April 2002, available at <http://balkanreport.tol.cz/look/BRR/article.tpl?IdLanguage=1&IdPublication=9&NrIssue=1&NrSection=8&NrArticle=4203> on October 16, 2002.

¹²⁷ Ramet, *Balkan Babel*, p. 313.

¹²⁸ Bildt, Carl; *Uppdrag fred*, Nordstedts förlag AB, Stockholm 1997, p. 106.

¹²⁹ Holbrooke, *To end a war*, p. 71-72.

¹³⁰ Aktuellt 1992, p. 266.

was threaten.¹³¹ This tribunal was required to “try those persons responsible for serious breaches of international humanitarian law committed on the territory of Former Yugoslavia between 1 January 1991 and a date to be determined by the Council after peace has been restored”.¹³² It could prosecute crimes according to the Geneva Convention of 1949, violation of the laws or customs of war, genocide and crimes against humanity.¹³³

3.3 Peace enforcement

Already in the middle of 1992, the NATO agreed to become the enforcement agency, but the initial operation was restricted to registering possible violators and it was not until the approval of the UN SC resolution 757, in November 1992, that enforcement procedures were authorized. The NATO collaborated with the Western European Union (WEU) under the new mandate and started to stop, inspect and divert ships to enforce sanctions against the FRY. They were also supposed to back up aid convoys travelling into BiH that failed to ensure food deliveries. In October 1992 the SC banned all military flights over BiH, but did not impose any real enforcement mechanism until six months later. The US was already prepared in January 1993 to use military air force, but it did not use it since it did not see an immediate threat to US vital interests nor had the consent from the international community. The US had begun airdrops over eastern BiH, as an effort to supply the people with food and medicine.¹³⁴

In March 1993, after Serbian air attacks on two villages east of Srebrenica, the UN decided that it had to enforce the no-fly zone that it had established in September. Obviously the ban on military flights had been ineffective and this was not only indicated by the event in March. The UN had recorded over 500 violations before this one, but it did not suspected all of them to be armed. The SC adopted resolution 816 under Chapter VII, where it authorized NATO’s plans to enforce the ban. In April, *Operation Deny Flight* started. Although mandated under Chapter VII, fighters were prohibited from firing on a “no-fly zone violator” unless they either witnessed a hostile act or had to act in their self-defence. First they had to identify the aircraft, escort it out of Bosnian airspace and in case of hostile acts it would immediately be fired upon. Now there were two operations in BiH: the NATO to enforce the peace in the air and the UNPROFOR providing humanitarian assistance and peacekeeping on the ground.

The NATO air operation was strongly supported and controlled by the US, and received considerable support from Western governments, even if the use of air force to support ground operations was not. Many argued

¹³¹ UN SC Res. 827 of May 25 1993 that reaffirms UN SC Res. 808 of February 22 1993 that an international tribunal shall be established.

¹³² The Convention of ICTY.

¹³³ Owen, *Balkan Odyssey*, p. 80.

¹³⁴ Gutman, *A witness to genocide*, p. Xxxv ff.

that this would increase the threat to their peacekeepers on the ground, especially Britain and France, which had over 8,000 peacekeepers in BiH. Their primary concern was that any kind of military actions would further impede the flow of humanitarian aid and put the UN forces at risk of retaliatory attacks.¹³⁵

In June 1993 the NATO offered air power to defend the UNPROFOR and the safe areas. This became the UNPROFOR's main source of firepower, but only as a last resort and with the approval by the UN. Even though coordination and cooperation between the NATO Close Air Support (CAS) and the UNPROFOR Tactical Air Control Parties (TACPs) now begun, the political debate did not quite agree on when and were the NATO could use air power to back up the UNPROFOR. The debate concerned questions like if the offer only concerned the six safety areas or all UN forces in BiH. The confusion and the debate over the role of air power prevented the use of the NATO forces during its first nine months in BiH. During the fall of 1993, the UNPROFOR requested the presence of air force to free humanitarian convoys. Only the threat of air strikes made the Serbs and Croats pull back and allowed the convoys to continue to their destinations. Serbs and Croats soon discovered that these were nothing but empty threats and they continued to violate and destroy the convoys.

After the Serbian bomb on the market place in Sarajevo in February 1994, the UN and the NATO finally started to fulfil the threats of air strikes. The first time was later in February in the Banja Luka area, when six Serbian aircrafts bombed a Muslim factory and the NATO managed to shoot down four of six planes, thereby showing their ability to enforce the no-fly zone. The second time was supposed to take place on April 10 when Serbian tanks were shelling Goražde, but due to radio problems the controller was unable to authorize the strike. The attacks continued the day after and the UNPROFOR requested the use of air strikes again. After numerous warnings to the Serb vehicles, without any response, NATO aircrafts attacked and destroyed them. Even if the NATO had started to use air strikes now, it was not to the extent that it could protect the safe areas or the UNPROFOR, because despite continuous violence on the ground only nine air strikes were authorized prior to the fall of 1995. The actual use of air force did not intimidate the Serbs, two days after the strike in Goražde the Serbs attacked the British TACP and killed two soldiers, and Milošević accused the UN of supporting the Muslims. In August Serbs managed to seize a number of heavy weapons from the UN storage near Sarajevo and the NATO air force punished them, since they did not return them. In November Serb forces attacked Bihac, another safe haven.

In May 1995 the NATO struck down a Serbian ammunition bunker in Pale, because the UN's ultimatum on returning all heavy weapons around Sarajevo was not respected by the Bosnian Serbs. Karadžić answered by shelling all six safe havens and killing several citizens. The NATO aircraft

¹³⁵ Ibid.

bombed the munitions depot one more time and destroyed six bunkers. Karadžić said that this air strike was an act of terrorism and declared UN-soldiers enemies and seized over 300 peacekeepers hostage. Holbrooke recommended that the NATO warn the Serbs that they would bomb Pale if they did not release the hostages unharmed within forty-eight hours.¹³⁶ Karadžić chained up his hostages in front of an ammunition depot and other important military places, using them as human shields against further air strikes. He later announced that as the Bosnian Serbs' representative he and his army would cancel all UN resolutions, since the UN interfered and took part in the war on the enemies' side.¹³⁷ After a while the hostages were released unharmed, however this event intimidated the UN and it did not order any air strikes for six months for the fear of retaliation.¹³⁸

The hostage event made the troop-contributing states very concerned and they were now talking about withdrawing their troops. On June 3, the Rapid Reaction Force (RRF), this was a multinational brigade with a French lead with firepower and equipment, was sent to BiH.¹³⁹ It was initiated by the French President Jacques Chirac to show the Serbs that France intended to pursue a more aggressive policy, but also to indicate to the US that one way or another they could not remain uninvolved and that their military support was essential. This force was created to protect the UNPROFOR, if they were targets for any attacks or threats.¹⁴⁰ At this point the American President pledged that American troops should be used to support a UN withdrawal. An American operation plan (OpPlan 40-104) was developed, as a collaboration between Pentagon and the NATO. This plan committed the US to participate with soldiers in an evacuation operation for the UN troops on the ground. This was the first American commitment to a military contribution; via the southern NATO's company AFSOUTH (Allied Forces Southern Europe) with headquarter in Nepal, Italy. The newly installed rapid force the ARRC (Allied Command Europe Rapid Reaction Corporation) was under the command of AFSOUTH and it was the one to withdraw the UN personnel and its equipments during the following six months.¹⁴¹

The UNPROFOR did not withdraw, instead it was held hostage again when several safe havens were destructed in July. The RRF was too far away to save Srebrenica and the European troop-contributing countries impeded the use of air force. The Bosnian government was disgusted by the weakness of the UN, and surrounded UN bases and observation posts in Žepa and Goražde. It confiscated the UN forces' weapons and took 70 Ukrainian soldiers hostage and moved them to the frontlines to serve as human shields against the expected Serb attack. The Bosnian commander, Colonel Avdo Palić tried to negotiate with the Serbian troops when they came a few days later, but they ignored his efforts and executed him. The

¹³⁶ Holbrooke, *To end a war*, p. 60-64.

¹³⁷ Ramet, *Balkan Babel*, p. 311.

¹³⁸ Holbrooke, *To end a war*, p. 60-64.

¹³⁹ Bildt, *Uppdrag fred*, p. 41; and Ramet, *Balkan Babel*, p. 312.

¹⁴⁰ Holbrooke, *To end a war*, p. 65-66.

¹⁴¹ Bildt, *Uppdrag fred*, p. 71-72.

Ukrainian soldiers now became hostages of the Serbs and were once again used as human shields, this time to prevent NATO air strikes.¹⁴²

Later in August the UN began to move its peacekeepers from Goražde, since it realised that the use of air force was inevitable. Also the death of three Americans in Holbrooke's team at Mount Igma and another bomb hitting downtown Sarajevo, killing several people, made it more determined to use force. After investigations it was clear that the Bosnian Serbs fired this bomb, but Milošević blamed militant groups and did not want to acknowledge it. The RRF, the NATO air support and American aircraft carriers now coordinated their attacks. The artillery assailed Serb artillery position around Sarajevo, and the air defence started to attack Serb air defence in the eastern parts of BiH on August 30 and continued for weeks. The NATO halted its attacks once to give the Serbs an opportunity to cooperate, but when they did not the NATO continued the bombing. Russia and Greece opposed the bombing and tried to put an end to it, but they did not. After a while the Serbs finally moved their heavy weapons away from Sarajevo and Holbrooke tried to pressure them to agree on a 49/51% partition of BiH.¹⁴³

3.4 Peacemaking (Diplomacy/Conferences/mediation)

“The longer fighting continues,
the more difficult it is to reach a lasting settlement.

Each death diminishes the prospects of reconciliation and intensifies the desire for vengeance. In such conditions extremists flourish and, far from tiring of the fight, they grow addicted to it.”¹⁴⁴

3.4.1 Introduction

Peacemaking refers to the use of diplomatic means to persuade parties in conflicts to cease hostilities and to negotiate a peaceful settlement, as stated in Article 33 in the UN-Charter. During 1992-1995, these diplomatic efforts led to several cease-fires and peace plans, but most of them were broken off and dismissed. In this section I will briefly present some of the peace plans to show the actors, how they worked, which obstacles they had to overcome and what led to the final settlement.

¹⁴² Ramet, *Balkan Babel*, p. 313.

¹⁴³ Bildt, *Uppdrag fred*, p. 150; and Ramet, *Balkan Babel*, p. 314-316.

¹⁴⁴ Quotation Bennett, *Yugoslavia's Bloody Collapse*, p. 222.

3.4.2 VOPP until Dayton, the peace-settlement

At the London Conference in August 1992, the international actors presented a new structure for peace efforts and reintroduced the UN troops to the table. This conference was not an effort to solve the dispute or to pressure peace that should come from political negotiations, but to protect and secure humanitarian aid.¹⁴⁵ During this conference there were discussion about the use of force, but none of the permanent members of the SC were ready to support such an action. However they agreed on a so-called political solution, to preserve the existing borders of BiH and to recognize the distinctiveness of the Muslim, Serb, and Croat. But, at the same time they gave the three warring parties the signal that they would not use force to bring an end to the fighting.¹⁴⁶ During the conference they stated general principles, for example cease-fire, to end the use of force, no recognition of gains won by war, respect for individual rights, called for the closing of detention camps, the safe return of refugees and the question about state succession to be settled by consensus or arbitration. After this meeting they created the International Conference on the former Yugoslavia (ICFY), which was supposed to negotiate a peaceful settlement and to coordinate all international efforts. The ICFY was based at the UN headquarter in Geneva and co-chaired by former US secretary of state Cyrus Vance (representing the UN) and former British foreign secretary Lord David Owen (for the EC).¹⁴⁷ In the beginning the three leading figures for negotiation were Presidents Cosić, Izetbegović and Tudjman. Dobrica Cosić was the president of the FRY, Milošević had put him in that role in June 1992, hoping to regain lost support of the intelligentsia.¹⁴⁸

In January 1993 Vance and Owen finally presented a peace-plan (VOPP). The result was to break up BiH into ten units, with three groups of three of which would be dominated by each of the ethnic groups and Sarajevo as an open city. The Serbs immediately rejected the plan since it did not recognize their territorial gains. The Croats accepted it, while the Muslims were unsatisfied. By April the international community had managed to convince Milošević to accept the plan by military threat of President Clinton and Russia's dissociation of the Serbs, if they did not collaborate. But Karadžić and Mladić did not care about the threat and refused the plan. The VOPP was now dead. Vance resigned and former Norwegian minister of foreign affairs, Torval Stoltenberg replaced him.¹⁴⁹

In August 1993 Stoltenberg and Owen presented the Invincible-plan, with the idea that BiH should be a Union with three republics with different ethnic majorities.¹⁵⁰ Bosnian Serbs would control over 52 % of the territory, the Croats over 18 % and the Muslims the remaining 30 %. The state of

¹⁴⁵ Bildt, *Uppdrag fred*, p. 36.

¹⁴⁶ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 211-213.

¹⁴⁷ Ibid.

¹⁴⁸ Owen, *Balkan Odyssey*, p.38-39.

¹⁴⁹ Crnobrnja, *The Yugoslav drama*, p. 214-215.

¹⁵⁰ Bildt, *Uppdrag fred*, p. 37.

Bosnia would only be a symbolic construction, while the real power would be governed in the three ethnic republics, but also this plan was rejected.¹⁵¹

In the spring of 1994, the ICFY was working together with (and almost replaced by) the new Contact group. It was composed of governmental representatives from US, United Kingdom, France, Germany and Russia. UK and France were represented because they contributed a large amount of soldiers, while Germany was in the group because of its chairmanship of the EC at that moment. The reason for the creation of this Contact group was that a peace work without any connection with the leading capitals would easily be criticized by one of them and the warring parties would easily use this critic as a reason not to continue the negotiations. At this time Croats and Muslims had joined the Bosnian government, and this gave the peace work a new peak, especially for the discussion about the map and realisation of a peace plan. A partition of BiH, 51% to the Muslim Croat Federation and 49 % to the Bosnian-Serbs, was agreed and developed by US and Russia.¹⁵² At the beginning of June 1994 the Contact group presented its first plan, plan A. Negotiations to settle the map between the local parties begun lead by US and Russia: These efforts led to an almost impossible map and a peace plan without any real constitutional structure, therefore this plan was dismissed as well.¹⁵³

A new plan took form and this plan relied on the new states in Former Yugoslavia to recognize each other, the rest of the world had already recognized them. This would obligate them to respect each other's borders; especially the recognition of BiH by the FRY would dismiss the thought of a Great Serbia. This new plan consisted of a Muslim-Croat Federation and a Serbian Republic. A cease-fire started in the beginning of 1995; afterwards the world understood that the parties had agreed on this only to build up the forces and recover before entering into new fights. The contact group, represented by Robert Frasure tried to offer Milošević a reduction of the sanctions on the FRY if he totally recognized BiH, supported their work and did not give any support to the Bosnian-Serbs. Milošević agreed and when Frasure returned to Washington to get an approval from the American administration, it gave him a long list of changes and additional demands to present to Milošević. The peace plan was put on ice and the war accelerated. The airport of Sarajevo was air bombed and closed, hostages were taken, the eastern enclaves in BiH were isolated and the rearmament on all sides became more and more obvious. In June Bildt took over as the EC mediator after Lord Owen and the RRF was deployed.¹⁵⁴

By this time the Bosnian government really started to lose its confidence in the UN, and put its faith to the US instead, since according to

¹⁵¹ Crnobrnja, *The Yugoslav drama*, p. 215.

¹⁵² Bildt, *Uppdrag fred*, p. 38.

¹⁵³ Bildt, *Uppdrag fred*, p. 39.

¹⁵⁴ Bildt, *Uppdrag fred*, p. 39-41.

it the UN did not have a clear strategy.¹⁵⁵ Even if the parties did not agree to this plan at this stage, it became the foundation of the coming Dayton agreement.

3.4.3 Dayton

In the negotiations before Dayton, there were some key-issues that had to be solved. For example: the need of a force to implement the peace, the need of a political supervision of this force, and the need of a large-scale civil function. Through the discussion in October 1995 the idea of a high representative was born. He would deal with civilian questions, and there was not supposed to be any connection between him and the UN.¹⁵⁶

American diplomatic pressure, led by Assistant Secretary of State Richard Holbrook, resulted in talks in November 1995 at Dayton, Ohio. The two most important issues during these talks were the map and the constitution. The map was the topic that they discussed the most, even if the constitution was more important for the future peace in the country.

In signing the Agreement, the three Balkan States undertook a broad commitment to: conduct their relations in accordance with the UN-Charter, fully respect the “sovereign equality of one another”, settle disputes by peaceful means and “refrain from any action against the territorial integrity or political independence of BiH or any other state”. The plan is concerned with a unified BiH, made up of a Bosnian-Croat-Muslim Federation and a Serb republic, Republika Srpska.

The Agreement with its eleven annexes covers a broad range of issues including military aspects of the peace settlement, regional stabilization, the holding of democratic elections, human rights, assistance to refugees and civilian implementation of the peace agreement. The ceasefire began in October 1995 and in December the NATO-led multinational Implementation Force (IFOR) replaced the UNPROFOR in all military aspects according to the implementation. The IFOR had a very narrow mandate, but enormous resources. All mobilization and coordination of the civilian activities was appointed to the High Representative for the Implementation of the Peace Agreement on BiH and the first person to handle that task was C. Bildt. He was supposed to take care of political, civil and economic aspects. The SC also created a civilian office named the UN Mission in BiH (UNMIBH) and a UN International Police Task Force (IPTF) to monitor law enforcement activities and facilitate, advise and train law enforcement personnel.¹⁵⁷ The reconstruction assistance and the implementation of Dayton could lead to that those who started and profited from the war also will earn on the peace.¹⁵⁸

¹⁵⁵ Bildt, *Uppdrag fred*, p. 62.

¹⁵⁶ Bildt, *Uppdrag fred*, p. 167.

¹⁵⁷ UN SC Res. 1031, December, 15, 1995.

¹⁵⁸ Milivojevic, *Bortom kriget*, p. 15.

“You can separate armies with military power, but you can never reunite people,
encourage reconciliation and get them to rebuild a unified society with only
military force.”¹⁵⁹

¹⁵⁹ Quotation Bildt, *Uppdrag fred*, p. 536. My translation of ”Med militär makt kan man skilja arméer åt, men man kan aldrig med militär makt allena förena människor, främja försoning och få dem att bygga ett enat samhälle”.

4 Did UN succeed? Criticisms

“The situation is far more complicated and more difficult than other problems I have seen.

It is the peculiar three-sided nature of the struggle here that most people did not want this to happen.

Yet it did.

Everyone says it must stop.
Yet it doesn’t.”¹⁶⁰

4.1 Introduction

In this chapter I will follow the provision that I presented at the end of section 2.4.4, the operational prevention, in order to present the criticism against the UN’s action and try to show what kind of measures that went wrong.

4.2 Early intervention and the failure of conflict prevention

The opportunity of early intervention in BiH began with the conflict in Croatia and ended with the outbreak of the war in April 1992. After that all efforts to avert further catastrophe would have been in the form of crisis intervention. This means that an early intervention could have been successful if the West had been able to settle a definitive agreement both between Croatia and Serbia and between Croatia and its Serb population, in a way that would have prevented them from bringing the conflict to BiH. Critics also say that if the SC had sent UN troops to BiH already in the beginning of 1992, the conflict could have been controlled.¹⁶¹ But these kinds of Diplomatic interventions to negotiate a settlement lacked the backing of threat or the use of force.¹⁶² Also a delay of the recognition or the use of force at an earlier stage might have averted the conflict.

One can also argue that the possible sanctions in Article 41 of the UN-Charter should be used preventively, in a non-coercive way. Those actions shall normally be used as a reaction to breaches of international law that has already been committed. The interruption of communications by sea, air, rail, postal, telegraphic etc., and severance of diplomatic relations, could then lead to discouraging of grave breaches of international law and maybe even the conduction of real control of the arms trade. This discussion came up already after the Gulf War and if a more careful consideration of

¹⁶⁰ Quotation from Holbrooke, *To end a war*, p. 36.

¹⁶¹ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 204.

¹⁶² Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 404.

the use of Article 41 as a real preventive step had been done it may have impeded the gravest destruction in the former Yugoslavia. Even if the arms embargo on the entire former Yugoslavia was created already in September 1991 it was too late.¹⁶³ Furthermore, it was not supervised in an adequate way and it only led to the distorted distribution of weapons.¹⁶⁴

4.2.1 Recognition

We have seen that the recognitions by the international community of the new states acted like a trigger for the armed conflicts in the Former Yugoslavia. The EC was eager to make the community work in the beginning of the 1990's, since the member states had recently signed the important treaty of Maastricht. Germany ignored the warning and announced that if the rest of the EC would not support them they would simply recognize Croatia unilaterally. It wanted to show its political strength after the fall of the wall in Berlin, so it managed to persuade the rest of the EC to recognise the states. The new European "unity" wanted to make the collaboration work and show that it had some kind of active foreign policy. Initially both Vance and Carrington opposed the recognition of Croatia because of the possible chain reaction that would culminate in a war in BiH.¹⁶⁵ Even US was against the recognition in the beginning and tried to warn Croatian publicly against declaring independence, four days before the announcement was made. But even the US eventually recognized the states.¹⁶⁶

4.2.1.1 Independence

What happened in former Yugoslavia was that Slovenia and Croatia declared themselves independent in June 1991 and these were implemented in October, the same year. They were then recognized by the European Union and a number of other states in January 1992. Later BiH followed and was recognized by the EC and other countries on April 6, 1992. Twenty days later Serbia and Montenegro set up the FRY, with the claim of continuing the former Socialist Federal Republic of Yugoslavia.¹⁶⁷

The SC denied the claim of the FRY to automatically take the place of the former Yugoslavia, because of flag and membership of international treaty's issues.¹⁶⁸ But the new republics of Slovenia, Bosnia-Herzegovina and Croatia were admitted as members of the UN on May 22, 1992.¹⁶⁹ In

¹⁶³ Conforti, Benedetto; *Non-Coercive Sanctions in the United Nations Charter: Some Lessons from the Gulf War*, in European Journal of International Law Vol. 2, No. 2, by Oxford University Press 1991, in Glasgow; p. 112-113.

¹⁶⁴ See more in section 4.2.2.

¹⁶⁵ Holbrooke, *To end a war*, p. 31.

¹⁶⁶ Holbrooke, *To end a war*, p. 31; and Owen, *Balkan Odyssey*, p. 342.

¹⁶⁷ See UN Doc. S/23877 of 5 May 1992.

¹⁶⁸ Malanczuk, *Akehurst's*, p. 167.

¹⁶⁹ Malanczuk, *Akehurst's*, p. 372.

my opinion, this would in fact be *de jure* recognition from both the EC and the UN, regarding BiH, because in May there was still an armed conflict (the injunction of non-violence in the UN Charter) and the borders were still unsettled. Therefore the UN had to accept the pre-crises borders as the legitimated international borders. Some authors claim that this is the same as saying that territories, not people, have a national right of self-determination,¹⁷⁰ but the purpose of admitting BiH was to strengthen the position of a weak state against aggression.¹⁷¹

The UN and the EC should have put pressure on the parties before the recognition, for example democracy (free elections), respect for human rights and minority rights.¹⁷² Even the ICFY could have been used to create appropriate guarantees for the independence of BiH, but was not. This could have been due to the fact that the member states in the UN had divergent opinions about the recognition and the lack of readiness to act by force to protect BiH.¹⁷³ However one of the reasons for the fast recognition of BiH was to safeguard it and use it as a measure to put pressure on Serbia,¹⁷⁴ but it did neither instead it triggered the war in BiH.

4.2.1.2 Classification of Armed Conflict in BiH applying the Nicaragua test

To answer the question whether the conflict in BiH was an international armed conflict is not an easy task. The international actors could not agree on this point and acted inconsistent, for example the UN recognized BiH as an independent state and at the same time decided that the arms embargo should still apply. The trial chamber of the ICTY also faced this classification problem in its opinion and judgement of May 7, 1997, in *Prosecutor v. Tadic*.¹⁷⁵ To resolve this question the court sought guidance in the ruling of the International Court of Justice in the *Nicaragua case*.¹⁷⁶ The main question in this case was that, if it was shown that the contras either constituted an organ of the US Government or were acting in its behalf, their acts could be attributed to the US for purposes of state responsibility. The International Court of Justice decided that there was no direct US intervention in combat or combat support for the contras in Nicaragua and that the contras were responsible for their own actions. However, the US had violated several legal obligations, such as the use of force and resort to unlawful intervention in Nicaragua. The court concluded that US' acts against Nicaragua fell under humanitarian law for international conflicts, while the relations between Nicaragua and the contras were governed by the laws for conflicts of a noninternational character. In BiH the court tried to establish how much help and assistance the Bosnian Serb forces actually got

¹⁷⁰ Gutman, *A witness to genocide*, p. xxvii; and Wiberg, *Bortom kriget*, p. 120.

¹⁷¹ Malanczuk, *Akehurst's*, p. 372 and p. 167.

¹⁷² Wahlgren, *Bortom kriget*, p. 154.

¹⁷³ Türk, Danilo; *Recognition of States: A comment*, in European Journal of International Law Vol. 4, No. 1, by Oxford University Press 1993, in Glasgow, p. 69.

¹⁷⁴ Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 50.

¹⁷⁵ Prosecutor v. Tadic, Opinion and Judgment, Case IT-94-1-T (May 7, 1997), hereinafter Tadic.

¹⁷⁶ ICJ, *Nicaragua v. USA*, Judgment on June 27, 1986.

from the Government in Belgrade during this time. The majority of the court decided that even if the prosecutor showed a complete dependence of the Serbian forces (JNA) for the necessities of war that was not enough to give the conflict an international character. According to the court the Nicaragua case requires proof that the Government (in this case Belgrade) continued to exercise effective control over the Bosnian Serb forces after the announcement of the withdrawal of JNA, from BiH in May 1992. The court concluded that the prosecutor failed to show that there was any exercised effective control and stated that even if an international conflict existed at first the situation changed into an internal one in May. The appeal chamber did not use any artificial test to determine if the conflict was an international or an internal one.¹⁷⁷ Instead it looked at the involvement of the Serbian and the Croatian army and found that they intervened in a foreign state against their governments; this made the conflict international. Then it stated that the situation between the Government of BiH and Bosnian Serb forces should be regarded as an internal one, if a direct involvement of the JNA could not be proved. In *Prosecutor v. Rajic*, the court did not find that specific operational control was necessary, and that general political and military control was sufficient in determine if the conflict was international.¹⁷⁸ The writer T. Meron suggests that the courts should not use the Nicaragua test to decide whether a conflict is international or internal. Instead they should use “the simple, commonsense and time-tested approaches of public international law”. According to him “the reality, dimensions, scope and duration of foreign military intervention, the foreign state’s direct participation in the hostilities, the nature of the states and political entities involved in the conflict, their recognition by other states, the position of the UN SC, the relative involvement of local and foreign forces, and, in general, relevant strategic, factual and military considerations” should drive the determination.¹⁷⁹

I think, that since the conflict escalated *after* the recognition by the EC, when BiH should have been regarded as an independent state, the conflict should have been treated as an international one. The main conflict was between Bosnian-Serbs and Bosnian-Croat/Muslims, supported by the new states, Croatia and the FRY. Both Tudjman and Milošević provided men, arms and propaganda to nourish the hatred on respective nationalistic side in BiH. Furthermore, I do not think that anyone can argue against the fact that they actually governed the armies in BiH, for example through men they had placed in key-position on the ground and the fact that the first real defeat the Bosnian Serbs suffered was when they lost Krajina in October 1995, because Milošević had not come to their rescue.¹⁸⁰ That is some of the reasons why I think that their interventions should have been regarded as

¹⁷⁷ *Prosecutor v. Tadic*, appeal on Jurisdiction, Case IT-94-1-AR72 (Oct. 2, 1995).

¹⁷⁸ *Prosecutor v. Rajic*, Review of the Indictment Pursuant to Rule 61, Case IT-95-12-R61 (Sept. 13, 1996).

¹⁷⁹ Meron, Theodor; *Classification of Armed conflict in the former Yugoslavia: Nicaragua's fallout*, in American Journal of International Law Vol. 92, No. 2, by Americain Society of Law 1998, in Washington DC, p. 240.

¹⁸⁰ See in section 3.2.2.1.

unlawful acts and of course give the conflict an international character. This also follows Meron's suggestion.

4.2.2 The Arms Embargo

Unlike Croatia and Slovenia, BiH could claim to be the victim of cross border aggression and assert the right of self-defence under the UN-charter since it was recognized as an independent state. But this was ignored by the UN and the Western countries, which interpreted the arms embargo to be applicable on the newly recognized state as well and deprived BiH to use the right of self-defence.¹⁸¹ Bosnian-Muslims was one of the groups that pleaded several times in the UN General Assembly that the SC had to lift the embargo, but its permanent members were determined to maintain it. One of the reasons to maintain it, according to the European powers, was that lifting the embargo would only prolong the war and fuel it.¹⁸² Owen argues that a lifting of the arms embargo was not possible, because of the impact it would have, the Serbs would have even more access to weapons. Neither a partial lifting of it was possible, since the SC would appear as partial and put the peacekeepers at even greater risk.¹⁸³

In July 1992 the NATO and the WEU sent out naval monitoring into the Adriatic Sea to oversee the economic sanctions on the FRY and the arms embargo. Ships were questioned about their destinations and cargoes, and then the parent governments were notified about their suspicions, but they were not allowed to stop and search the ships. "This absurdly weak action sent a signal to the Croatian government that NATO did not mind if they broke the arms embargo and, more importantly, indicated to the FRY that the oil embargo would not be rigidly enforced either. For the Bosnian Serbs it was just another sign that no one, least of all NATO, was going to intervene to prevent ethnic cleansing".¹⁸⁴

The arms embargo was the single greatest help the West could have given to the Serbs in their efforts to annex large portions of Croatia and BiH. By early 1993, Germany and the US were trying to persuade Britain and France to agree to support a lifting of the arms embargo, but the British and the French persistently blocked such endeavours, ostensibly for domestic political reasons.¹⁸⁵

The arms embargo locked the situation in BiH it was good for the Serbs and fuelled the fighting. The massive imbalance in firepower between militant Serbs and its JNA on one hand and Bosnian-Croats and Muslims on the other hand, lead to the facilitation of Serbia's elimination of non-Serb culture. Even when the reports of the ethnic cleansing came, the international community chose not to remove the embargo. According to

¹⁸¹ Gutman, *A witness to genocide*, p. xxvii.

¹⁸² Bennett, *Yugoslavia's Bloody Collapse*, p. 224.

¹⁸³ Owen, *Balkan Odyssey*, p. 46.

¹⁸⁴ Owen, *Balkan Odyssey*, p. 47.

¹⁸⁵ Ramet, *Balkan Babel*, p. 301.

several writers,¹⁸⁶ its only effect was that it made Serb military superior in fire weapons and did not facilitate any form of settlement. The non-Serbs could not defend themselves and that did not give rise to any protection by the international community. The writers claim that the SC's indifference to the fate of the innocent victims was a step towards ethnical cleansing, but also that it brought shame on the great powers and brought the entire mediation process into dispute.¹⁸⁷ Further they claim that if "it had not been for the courage of a handful of journalists and filmed evidences of atrocities, the international community would have continued to turn a blind eye to the many Serb-run detention camps across BiH".¹⁸⁸

4.3 Crisis Intervention

4.3.1 Humanitarian Intervention

Humanitarian intervention is characterised by efforts to ameliorate the impact of the war on the civilian population without taking sides in the conflict. Most of the humanitarian actions in BiH were crisis-driven decisions and were not put in action in an early state. When the peacekeeping operations began, forces from the permanent members in the SC did not participate in those operations, the only exceptions before Yugoslavia were Britain on Cyprus and France in Lebanon. However, in this Balkan conflict this would dominate the process of the conflict. National interests and national goals ruled most of the decisions made therefore the UN could not negotiate as an impartial unit with solitude. The UN had the ambitions, but not the power or the weight to settle the conflict.¹⁸⁹ Humanitarian aid enabled Britain and France, the principle troop-contributing nations, to control the conflict more effectively, both in the SC and the EC. They could ensure that the conflict did not come to threaten their own national interests. The humanitarian operation has even been used as an argument against more concerted military action to halt the war.¹⁹⁰ This conflict was very important for the EC and divided its member states, Germany and Italy were procoat, while Greece (and Russia) was/were proserb.¹⁹¹

In addition to its peacekeeping operation the UN helped to feed more than 4 million people in the former Yugoslavia, 2,7 million in BiH alone, through aid agencies. These operations are extremely costly, in 1993 the operations of the UNHCR alone cost more than \$505 million of which the US contributed with \$ 128 million and the UK another \$ 45 million. The first two years (March 1, 1992 to March 1, 1994) peacekeeping cost the UN

¹⁸⁶ For example: Bennett, Kadhammar, Ramet and Holbrooke.

¹⁸⁷ Bennett, *Yugoslavia's Bloody Collapse*, p. 223 and p. 238.

¹⁸⁸ Quotation from Bennett, *Yugoslavia's Bloody Collapse*, p. 238.

¹⁸⁹ Wahlgren, *Bortom kriget*, p. 155; and Bildt, *Uppdrag fred*, p. 529.

¹⁹⁰ Bennett, *Yugoslavia's Bloody Collapse*, p. 239.

¹⁹¹ Wiberg, *Bortom kriget*, p. 123.

\$ 1,74 billion and the lives of 8 soldiers, while the UNPROFOR's annual budget spiralled above \$ 1 billion.¹⁹² The humanitarian operation by the UNHCR under the protection of the UNPROFOR was one of the largest in the history of the UN.¹⁹³ The UN occupation of the Sarajevo airport helped to get supplies to the population and prevented mass hunger.¹⁹⁴ Even if it worked towards a political settlement between the warring parties and injected more factors in the war, like the UNPROFOR that was manipulated for military and political advantages by the warring parties,¹⁹⁵ it still shows the importance of UN interventions.

4.3.1.1 The UNPROFOR

Two wars had been fought; one in Croatia and one in BiH, but the big UN operation had one name and one headquarter. Even though it was actually two different operations. One Croatian and one Bosnian, one intentionally and one unintentionally. In Croatia, the EC managed to settle a cease-fire and the UN put in peacekeeping forces to supervise it. In BiH, the UN woke up one morning surrounded by the war and it put in the same type of force there.¹⁹⁶ The big difference between the situations in the two countries was that Croatia was not in an acute armed conflict, while BiH was in the middle of it and the force could not do anything to ease the dispute, but to observe it. It put peacekeeping forces in a country where there was no peace to keep.¹⁹⁷

When the UN began its humanitarian work in the shape of UN troops, the Bosnian government had no desire of it. The only thing that the Bosnian leaders demanded was that the UN would lift the arms embargo and give them the possibility to self-defence. The visit of the French President, François Mitterrand, to Sarajevo in June 1992 gave the Sarajevans hope of military intervention against Bosnian-Serbs. Instead the UN brought the troops to protect the humanitarian aid. This focus could be an ideal strategy, since it appeared that it was doing something about the suffering without getting into the fighting as a combatant and impeding the flow of refugees to Western Europe.¹⁹⁸ However the troops soon impeded the peace instead of conducting peace.

In the beginning the UN troops were light-armed, did not have enough men and had a very limited mandate. The mandate made them unable to act when conflicts escalated for example in Travnik between Bosnian-Croats and Muslims in November 1992. Their mandate was to protect the humanitarian food aid, not to protect the citizens of BiH. They could not act unless they themselves were attacked.¹⁹⁹

¹⁹² Bennett, *Yugoslavia's Bloody Collapse*, p. 4 and p. 239.

¹⁹³ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 199.

¹⁹⁴ Bildt, *Uppdrag fred*, p. 530.

¹⁹⁵ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 200.

¹⁹⁶ Agrell, Wilhelm and Alcalá, Jesús; *Sarajevo 1992+2*, Studiekamratens förlag, Borås 1994, p. 40.

¹⁹⁷ Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 51.

¹⁹⁸ Bennett, *Yugoslavia's Bloody Collapse*, p. 223.

¹⁹⁹ Gutman, *A witness to genocide*, p. 159.

Even if the troops had an ordinary peacekeeping mission in the beginning, the SC changed it under a lot of political pressure. It adopted resolutions that gave the troops tasks to assure delivery of relief supplies, to use force to defend UN troops in the safe areas and to cooperate with the NATO in the use of air power against the Serbs, which gave the UNPROFOR the role of peace enforcers. It was not an easy task to fulfil these resolutions for the commanders without jeopardizing its peacekeeping work. “The consequences of attempting to combine peacekeeping and peace enforcement actions in Bosnia were catastrophic for the UN”.²⁰⁰ The SC failed to differentiate between Chapter VI peacekeeping and Chapter VII peace enforcement, a failure that deployed traditional peacekeepers into a violent civil war without any consent, cooperation, or lasting cease-fire.²⁰¹

4.3.1.2 The distance between the resolutions and reality

The gap between the rhetoric of the resolutions and the realities on the ground became so big that the UN eventually lost its credibility. The events in Srebrenica gave the mistrust a final blow. The Bosnian government even took the UN personnel hostage to show its mistrust and put its faith in the US instead.²⁰²

Without the courage to back up the Bosnian- Croats and Muslims on the ground, all resolutions and threats against Serbia and Bosnian-Serbs were worthless. For example in Resolution 770 the SC requests all UN members to use “all measures necessary” to ensure aid convoys into BiH, within the frames of the UN and not the UNPROFOR.²⁰³ This would have demanded a big military input, but no one acted according to this provision. This is just one example that shows how it produced resolutions without any resources or political will. The SC imposed sanctions against the FRY and demanded the parties to respect the agreed cease-fires, but the UN did not implement its threats and ultimatums. This only shows the impotence of the UN and since the Serbs have been able to call the world’s bluffs over and over again it has encouraged the Serbs to continue.²⁰⁴ It was not until the US came in with the NATO, military and economic resources, that the world finally could implement its ultimatums.

4.3.1.2.1 False hope in the safety zones

“Emboldened by his successes in intimidating the UN peacekeepers, General Mladic now focused pressure on the three isolated Muslim enclaves in eastern Bosnia – Srebrenica, Žepa, and Goražde – that had been completely surrounded by Serb forces since early in the war.

²⁰⁰ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 199-200, quotation.

²⁰¹ Major JR Snider, War in Bosnia: The Evaluation of the United Nations and Air Power in Peace Operations, written 1997 available at

<http://www.globalsecurity.org/military/library/report/1997/Snider.htm> on March 15, 2003.

²⁰² Bildt, *Uppdrag fred*, p. 530.

²⁰³ UN SC Res. 770, August 13, 1992.

²⁰⁴ Bennett, *Yugoslavia's Bloody Collapse*, p. 224; and Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 206.

They had been designated as “United Nations Safe Areas” by Security
Council resolutions in 1993,
*but there was nothing safe about them.*²⁰⁵

When Bosnian-Serbs lost land in central Bosnia they tried to seek compensation in the east, specifically by overrunning the government-held towns Srebrenica and Zepa. The first of the “safe havens” to fall to the Serbs was Srebrenica on July 11, 1995. Bildt says that: “The UN SC is guilty of significant peace-negligence by producing resolutions without resources and undermining the credibility of the UN and thereby also contributed in people that believed and hoped did not only lost their hope but in many cases also their lives.”²⁰⁶ Solely resolutions do not help in war situations, to be successful they demand some form of clear position and real pressure. So, even if it was Ratko Mladić who committed the massacre of Srebrenica, it was the SC that made those people believe in a security that did not exist.²⁰⁷

Even if the UN had proclaimed seven cities as safety zones under the protection of the UN in 1993, they were massacred. There was no peace enforcement component installed when the SC created the safe areas. Even if it acted under Chapter VII of the UN Charter it did not refer to any qualifications and the use of force remained those of self-defence. One of the SC mistakes was to send a troop of only 7,500 men, instead of the demanded 35,000, to carry out this mandate. As shown this made it impossible to fulfil the mission.²⁰⁸ When the SC made the declaration about the safe areas it did not know what a safe area should be or what to do with it. The creation of safe havens have been criticised for helping the ethnic cleansing, but Owen says that it was inevitable in order to serve a higher goal: saving lives.²⁰⁹

These events in Srebrenica were according to C. Bildt the political turning point. Partly as a territorial strategic target for the Bosnian Serbs, and partly as test by the Serbs to see how the UN and the NATO would act in the presence of a new crisis. The NATO was prepared to support the Dutch force by air, but failed and then the operation was cut off on the request of the Dutch minister of defence, since he was anxious for his soldiers. Even if the NATO air force succeeded to drop a few bombs, they did not affect the Serbs. The RRF was over 200 km from the eastern BiH

²⁰⁵ Quotation from Holbrooke, *To end a war*, p. 69, my italics.

²⁰⁶ Quotation from Bildt, *Uppdrag fred*, p. 531. My translation: “FN:s säkerhetsråd är skyldigt till betydande fredsförsumlighet genom sitt sätt att producera resolutioner utan resurser och till att ha underminerat FN:s eget anseende och därmed också medverkat till att mänskliga rättigheter förlorade inte bara hoppet utan i många fall också livet.”

²⁰⁷ Wahlgren, *Bortom kriget: sjutton författare om konflikterna*, p. 157; and Bildt, *Uppdrag fred*, p. 529.

²⁰⁸ Owen, *Balkan Odyssey*, p. 354-355.

²⁰⁹ Owen, *Balkan Odyssey*. p.42.

and had not enough men, therefore a military recapture was impossible, and Srebrenica lost.²¹⁰

Even if the information about Srebrenica diverges there is no doubt that this was the biggest single mass murder in Europe since the WWII. Mladic's forces systematically killed thousands of Muslims, there are so many histories about the cold-blooded executions on the soccer field and surrounding areas. But the outside world did not get any information in detail, until after the worst bloodshed had stopped, but there were suspicions.²¹¹ Later the UN found mass graves where Serbs had liquidated them en masse and buried them.²¹²

4.3.1.2.2 The power of the Security Council

One of the biggest innovations when the UN-Charter was created was the creation of Chapter VII, which gave the SC enormous power²¹³, in the otherwise rather powerless UN. Should this obedience presume that the member states already, in advance, have accepted whatever decision the SC might make and are all decisions by the SC binding to the member states? Further, in a conflict between the obligations of the member states under the UN-Charter and other international agreements, their obligations under the UN-Charter shall prevail according to Article 103 of the UN-Charter. Does this include the decisions of the SC as well? The answer should be no. Article 25 states that the member states only accept and carry out those decisions that are “in accordance with the present Charter”, which means that a SC’s decision is not a treaty obligation, but to comply it may be.²¹⁴ In theory, this means that a member state could refuse to carry out one of the SC’s decisions if the decision is not in accordance with the Charter, but who decides that the decision is unlawful and controls the SC? Some authors try to interpret Article 39 of the UN-Charter in order to define the limits of lawful SC acts, while others claim that there is a general rule that says that it is for the SC itself to decide on the legality of its action.²¹⁵ However judicial review should be possible under both procedural law and constitutional law of the UN.²¹⁶ The General Assembly and the SC have the right to request an advisory opinion of the International Court of Justice on legal questions arising within the scope of their activities, even if this is very rare.²¹⁷ But this does not say that the International Court of Justice is “above” the SC, instead they function parallel to each other. Furthermore, a too intense

²¹⁰ Bildt, *Uppdrag fred*, p. 90-92.

²¹¹ Holbrooke, *To end a war*, p. 69.

²¹² Ramet, *Balkan Babel*, p. 313.

²¹³ I am referring to that the member states have to comply with the resolutions made by the SC, Article 25 of the UN-Charter.

²¹⁴ Bowett, Derek; *The impact of Security Council Decision on Dispute Settlement Procedures*, in European Journal of International Law Vol. 5, No. 1, by Oxford University Press 1994, in Glasgow, p. 90-92.

²¹⁵ Article 24 (2) and 30 of the UN-Charter.

²¹⁶ Fassbender, Bardo; *Review Essay: Quis judicabit? The Security Council, Its Powers and Its Legal Control*, in European Journal of International Law Vol. 11, No. 1, by Oxford University Press 2000, in Glasgow, p. 223.

²¹⁷ Article 96 of the UN-Charter.

control of the SC might impede it from acting at all. Fassbender concludes this by saying “it is up to the members of the international community to decide whether they want to enable the Council to perform its functions or whether they wish gradually to return to pre-Charter habits and practices”.²¹⁸ I think that it is good that the possibility to check up the Council exists, but the use of it has to be strict so we do not turn it into a useless institution with no power.

The SC is criticised for being an institution for individual preferences of the member states and that this leads to negligible actions in the attempts to settle disputes.²¹⁹ Some authors think that the only solution to this is to reform the SC and maybe remove the veto-right, “with the aim of avoiding, for the future, situations where one of the permanent members can block a humanitarian intervention for purely political reasons”.²²⁰ Others even claim that the veto no longer can be legitimised by the “great powers”, because those permanent members do not hold the same amount of power anymore.²²¹

According to Owen power and responsibility should go hand in hand. No one taking part in military decision should be able to divorce themselves from the consequences of those decisions. But today in reality the member states can choose not to send troops to a peacekeeping operation, but still make decisions in the Council and some of them can use their veto. He continues by claiming that it is this divorce from responsibility that contributes much of the mismatch in the resolutions between rhetoric and reality.²²² Therefore he proposed that the members of the SC should be limited to those who are funding and contributing from their own-armed service to that particular operation. In this way the decisions of the SC would gain an immediacy and relevance in its member states. For example, when the SC deployed only 7,500 instead of the recommended 35,000 peacekeepers in the installed safe havens, the member states would all have to justify that decision in knowledge that if the forces were not adequate, they would put not only the population but also their own nationals at risk. Such a restriction of the membership might make different and wiser decisions on mounting, deploying and controlling UN operations. Members should all be troop contributors and on questions of enforcement they would reflect very carefully on the dangers and limitations of any operation and give more and better pressure and sanctions on the parties. It is no accident that in the SC France, Britain and Russia, the countries on the ground in BiH, were more eager to argue that the earlier a

²¹⁸Fassbender, *Review Essay: Quis judicabit? The Security Council*, p. 232.

²¹⁹Ratner, Steven R; *Image and reality in the UN's peaceful settlement of disputes*, in European Journal of International Law Vol. 6, No. 3, by Oxford University Press 1995, in Glasgow, p.426.

²²⁰For example Ambos, Kai; *NATO, the UN and the Use of Force: legal aspects*, available at <http://www.ejil.org/journal/Vol10/No1/com1.html> on August 21, 2003.

²²¹Paulus, Andreas about Fassbender, Bardo's book; *UN Security Council Reform and the Right of Veto: a Constitutional Perspective*, in European Journal of International Law Vol. 10, No. 1, by Oxford University Press 1999, in Glasgow, p. 210-211.

²²²Owen, *Balkan Odyssey*, p. 360.

settlement was reached, the better that settlement would be for the Bosnian Muslims.²²³

Bildt does not think that reduced power for the permanent states and more members would have been better. In the BiH-case it would probably have given rise to worse and more complicated situations, and the production of even more and weaker resolutions. According to him it would be better to combine responsibility and power. If states in the Council are voting for certain measures they shall also have an obligation that with own resources cooperate in the realization of the decision. This would give fewer and more realized resolutions. Most of the critique is against those countries that sent their soldiers to BiH with a very limited mandate, while it should point at those who did not even dare to send any soldiers. It was this that led to the limited military effort.²²⁴

Even though I agree with both Owen and Bildt, I am not sure that this suggestion would work in reality, since it would be dismissed by the member states in the SC or at least by the veto-members. It could also make countries that are part in an armed conflict to justify their war actions by sending troops via the UN and decide in the SC. Then the purpose with the UN and its organs would be misused.

4.3.2 The use of force

“The Yugoslav crisis should have been handled by NATO, the Atlantic institution that mattered the most, the one in which United States was the core member. The best chance to prevent war would have been to present Yugoslavia with a clear warning that NATO airpower would be used against any party that tried to deal with ethnic tensions by force. The US and the Europeans could have worked with the Yugoslav parties to mediate peaceful (...) divorce agreements between the republics. But Washington did not see it this way. (...) In this sorry sequence, Europe and the US proved to be equally misguided. Europe believed it could solve Yugoslavia without the US; Washington believed that, with the Cold War over, it could leave Yugoslavia to Europe. Europe’s hour had not dawned in Yugoslavia; Washington had a dog in this particular fight. It would take four years to undo these mistakes - four years before Washington belatedly and reluctantly, but ultimately decisively, stepped in and asserted leadership, with European support.”²²⁵

To use force or not, divided the international diplomats, and reflected the unwillingness of some European and American policymakers to become more deeply involved in the conflict.²²⁶ There were some real anxiety in London and Paris whether or not the use of air force could pose

²²³ Owen, *Balkan Odyssey*, p. 362-364.

²²⁴ Bildt, *Uppdrag fred*, p. 530-531.

²²⁵ Quotation from Holbrooke, *How to end a war*, p. 28-29.

²²⁶ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 200.

any risk to the UN personnel on the ground. There were also doubts about that it might escalate the conflict.²²⁷

One of US explanation to not get too involved at an early stage was that that war did not threaten US national interests, since it was a regional conflict. Those in Washington who saw the dispute as a civil war argued that it did not threaten international peace or require Western intervention. Those who saw the conflict as a case of aggression by the FRY against a sovereign state (BiH) eventually pressed for more direct involvement by the West.²²⁸ Some argue that the NATO air campaign in 1995 was a part of the effort to integrate political and military dimensions to ease the negotiation, rather than as a response to the action on the ground. Taking UN troops as hostages (May 1995) and the fall of Srebrenica and Žepa, made US interested, as it now seemed to threaten its interests.²²⁹

An early deployment of NATO peace enforcement operation, might not have been possible since there was a deep antipathy of the Bosnian Serb leadership towards NATO, an antipathy shared with the Croat and the Muslims. Also the argument of the UN troops as a part of the humanitarian relief effort restrained the Western powers from using air power earlier. Therefore the humanitarian intervention can delay an enforcement to take place, if such intervention would be possible.²³⁰

4.3.3 Negotiations

“In letting extremists in both Belgrade and Zagreb, the mediator reinforced the nationalists’ claims to speak on their respective people and, in the process, have legitimised the result of ethnic cleansing.

To be fair the mediators had no choice.

Without the political will among the great powers to reverse Serb territorial gains, there has never been a credible military threat and, given the imbalance in firepower, the mediators could only aspire to discovering Serbia’s minimalist position and then exerting pressure on all other parties to the conflict to accept it.”²³¹

When the conflict in former Yugoslavia burst out, the UN already had several operations around the world and most of the best-educated personnel were already busy. This led to that initially the member states sent un-educated and weak armed personnel to the area and the more experienced ones did not come until later. Peacekeeping in a chaotic and a desperate situation the individual person - a soldier, mediator or civilian – is often of vital importance. When the UN observed the limited resource of personnel and equipment, it tried to put technical advanced air forces at the

²²⁷ Owen, *Balkan Odyssey*, p. 52.

²²⁸ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 211-201.

²²⁹ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 410.

²³⁰ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 400.

²³¹ Bennett, *Yugoslavia’s Bloody Collapse*, p. 239.

peacekeepers' disposal, with complicated commando structure and rules, which did not correspond to the requirement of speed.²³²

To build up the population's *confidence* in the UN is one of the first objects in stopping and turning a conflict successfully, according to peacekeeping experiences. The confidence results indirect in political support for the UN and demands a solid and determined acting from the UN, which is accepted, but maybe not liked, by all parties. The UN has to appear as an impartial force that only wants to create peace. Closely connected to confidence in the UN is the demand of "free movement", which helps it to get information on the ground. This freedom of movement has been very criticized by the warring parties because of the risk of information leakage and to allowing unknown people on their territory, even if they at the same time want the support of the UN when the other party does anything wrong. This control of information is important so that national, political goals or wishes do not influence the UN. The UN did not have that kind of confidence in the former Yugoslavia and therefore did the parties try to take advantage in the political disruption. Another important professional rule is to separate the warring parties and it is important that the UN take on big responsibilities and fulfils its commitments.²³³

UN- and EC-sponsored mediation tried to devise a peace plan but was provided with neither tangible incentives with which to entice the warring parties to lend their assent, nor coercive instrument with which to compel the assent of recalcitrant combatants.²³⁴ These international efforts were inert by the lack of coordination between international actors, and the unwillingness and inability of local leaders to fulfil their commitments. The coordination got better by time and the international actors got a more comprehensive approach to the region, put pressure on the leaders and committed outside actors to enforce any such agreement.²³⁵ But the real negotiation by the EC and the UN did not start until almost five months after the fighting had begun.

The US that had refused to help before came in during the summer of 1994, with the Contact group and the NATO, where it had the principal power.²³⁶ It managed to reconcile Croats and Muslims in early 1994, by signing a truce that made them partners. By 1995 the intense negotiations between US diplomats and warring parties now went from negotiation or mediation towards imposition of a solution to end the war. Not for the sake of the three conflicting parties but the interests of the US and its allies. It was also easier to negotiate since the US had changed its strategy, Croatia had regained important territory and Serb had got "their" territory. Croatia had had much help from the creation of the federation and during the NATO bombing, to regain territory.²³⁷

²³² Wahlgren, *Bortom kriget*, p. 156-157.

²³³ Wahlgren, *Bortom kriget*, p. 157-158.

²³⁴ Ramet, *Balkan Babel*, p. 301.

²³⁵ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 202.

²³⁶ Wiberg, *Bortom kriget*, p.122-124.

²³⁷ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 407-412.

The VOPP was rejected at least four times by the Bosnian-Serbs; the final time was in May 1993. One of the main points of disagreement was the territorial question. The Bosnian-Croats got more land near the Croatian border; the Bosnian-Muslims got less land area, but better than before the war; and the Bosnian-Serbs got lesser and worse than before the war. All three parties signed, but then the Bosnian-Serbs rejected it.²³⁸ This plan was very attractive to the international actors since it refused to legitimate ethnic cleansing, imposed ethno-territorial autonomy and established an ultimate authority in the shape of an international representative, a caretaker for the Bosnian state.²³⁹ One of the plans defect in January was the military provision; it did not contain an agreement on the withdrawal of opposing forces to their respective provinces and had not resolved the territorial dispute in central BiH between Croat and Muslim forces. If NATO forces had been engaged in the aggressive use of force, for the implementation of the VOPP, it is likely that it had been drawn into the firefights with forces on all three sides.²⁴⁰

Owen was asked by the EC to continue and to begin a new peace plan, still without any “carrots” or “sticks” to convince the leaders involved.²⁴¹ The Owen-Stoltenberg- Peace plan came during the fall of 1993 and was also rejected because of the territorial question, even if it was based largely on ideas developed by Milošević and Tudjman. Bosnian-Croats and Serbs agreed to give the Bosnian-Muslims 33.3% but Izetbegovic demanded 34%.

After deploying Dayton, it has been criticised for being a partition agreement but also for not being it, but Holbrooke argues that this solution was the best option. A real division of the country would lead to new massive refugee flows, since no ethnic group would want to be a minority in the “other “countries and it would increase fighting.²⁴²

²³⁸ Wiberg, *Bortom kriget*, p.122-124; and Ramet, *Balkan Babel*, p. 301.

²³⁹ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 406.

²⁴⁰ Ibid.

²⁴¹ Wiberg, *Bortom kriget*, p.122-124; and Ramet, *Balkan Babel*, p. 301.

²⁴² Holbrooke, *To end a war*, p. 365.

5 Conclusion

“You can accuse UN to be powerless and unable to solve its tasks,
but UN is as strong as its members want it to be.
If the nations want a powerless UN – and it is the wish of many –
then so it will be.”²⁴³

I know that this essay was supposed to only cover the critique of the UN, but I cannot disregard the fact that the UN is its member states. Therefore it is difficult not to write about the thoughts and actions of the EC and the US as well, since they are the ones that determine what can be done under the UN.

The writers Burg and Shoup think it is very clear in this case that; “Western intervention was driven by the perception of the clear threat to national interests”²⁴⁴ and that the focus was principally on these interests instead of on solving the conflict itself. Former Yugoslavia was during the cold war a very important strategic place between east and west, but after the war it lost its importance.²⁴⁵ During this conflict did West’s interests shifted and this can explain their varied attempts and intensity of their actions.²⁴⁶ The writers also state that, by all the broken promises and violated agreement by the warring parties, they were just using the negotiations and the peace plans as arenas for developing their respective military and political agendas. But also as evidence that the three sides were acting in bad faith during the negotiations, however at the same time the international actors, who could not commit any enforcement of the agreed settlements, encouraged them. This was one of the reasons that the VOPP was not successful; it hardly mentioned enforcement, but had a detailed and complex provision for military disengagement. Nevertheless, despite all their critiques of the VOPP, the writers conclude, “its provisions reflected a fundamentally realistic approach to conflict management”.²⁴⁷

I think that in a perfect world the UN and the EC would have acted faster, been impartial and acted in the best interests of the warring parties to ensure peace according to the UN-Charter, but both consist of member states and their national interests tends to be most important. I agree with Burg and Shoup that the vital interests of the intervening states drove their actions and lead to unnecessary complications. Some of the reasons that forced them to take a more active role in the conflict might have been the media-generated pressure and the threat of massive influx of refugees into

²⁴³ Quotation from *Fredsbomber över Balkan*, Manifest Kulturproduktion AB, Stockholm 1999, p. 137. My translation of ”Man kan kritisera FN för att vara kraftlöst och oförmögen att lösa sina uppgifter, men FN är lika starkt som dess medlemmar vill att det ska vara. Om nationerna vill ha ett kraftlöst FN – och det vill många – så blir det också så”.

²⁴⁴ Quotation from Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 390.

²⁴⁵ Wahlgren, *Bortom kriget*, p. 157.

²⁴⁶ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 390.

²⁴⁷ Burg and Shoup, *The war in Bosnia-Herzegovina*, p. 256-258, quotation from p. 258.

Western Europe.²⁴⁸ Instead of the will to just put an end to the war and prevent humanitarian catastrophe, which should have guided them.

One can wonder why the US did not enter the table until 1994. Holbrooke tries to explain this with a “Post-Iraq American fatigue” that those efforts made the American policy makers so unwilling to get involved in Yugoslavia. But the official statement by the Secretary of state James Baker in June 1991 that US would not get involved was a fatal mistake. This showed the Yugoslavs exactly what they wanted, a disengaged US, they mobilised their forces and four days later Croatia and Slovenia declared their independence.²⁴⁹ However, the US has been celebrated for its interventions in BiH, it has become the “heroes of the peace” in media and among several authors that claim that the US was the one that put an end to the war and managed to impose a peace plan in an impossible situation. I cannot say that its impact was not crucial for the dissolution, but I hoped that it would have been willing to act even earlier, already in 1991/1992 instead of in 1994. The US should have been more collaborative with the UN and the EC, instead of dismissing it as a European matter. It is almost clear that if the SC’s resolutions had been backed up by the US military power in 1992 the war would not have been as long and as destructive. But as a counterpoint, the EC did not want to show that the new community needed US to resolve “its” problem and wanted to show that it is a worthy antipode to the US – a power to rely on. The EC wanted the muscles of the US, at the same time as it wanted the final political saying on the matter. By this political dilemma, about who was supposed to be in charge, both time and efforts were lost, while the fighting continued.

One can pose the question, if the religious tension was ameliorated during the BiH war and if the tension was ameliorated between US, the UN and the EC; US and Europe, after the Iraq war in 2003, when big parts of the SC (mostly European countries) refused to participate in the US’s personal war. Even if I know that the war in Iraq was not a religious one, I thought that it would be interesting to note what Bennett wrote in his book in 1995: “the Yugoslav wars have made a mockery of western European pretensions to a greater role in world politics and severely undermined the credibility and reputation of international institutions and great powers alike. At the same time, the West has wasted a great opportunity to build bridges with the Islamic world and in the process, has created a reservoir of potential terrorist recruits in Europe”.²⁵⁰



As I have shown, the war in BiH probably could have been terminated at several stages. There is a need for a more homogenous Western policy and more balance between goals and means when it comes to armed conflicts, not only documents, but real actions and force. Most of

²⁴⁸ Bennett, *Yugoslavia’s Bloody Collapse*, p. 239.

²⁴⁹ Holbrooke, *To end a war*, p. 27.

²⁵⁰ Quotation from Bennett, *Yugoslavia’s Bloody Collapse*, p. 240.

the resolutions that the SC imposed were worthless since no one was prepared to enforce them. And I do not think that it used all the instruments that the UN-Charter provides it with. For example the embargos and cease-fires that nobody respected, the creation of safety zones without military backing (led to false security), the confusion about the UNPROFOR's role (peacekeepers or peace enforcement?) and the lack of execution of the threat of force during the first three years. I also agree with some authors that say that the lack of unity in important issues, unilateral actions by states (for example Germany) and the lack of coordination between the organisations²⁵¹ made the negotiations very slow. The war was followed by many failures, which led to much bigger destructions, more refugees and more ethnical cleansing. For example when the UN reversed its military intervention and put a peacekeeping force in a war zone first and then a peace making force, NATO, instead of the other way around. Most of its other failures played the Serbs right in their hands and prolonged the war.

The Secretary-General says that to succeed a conflict prevention the Government in concerned has to admit that it has a problem that could lead to violent conflict, but if it refuses to admit it and rejects the offers for assistance there is very little outside actors can do. This is just as important as the political support of important neighbours, regional allies and other member states in the UN.²⁵² I think that this reasoning is exactly the same as the one you use to convince an alcoholic to stop drinking and ask for help, because as long as the alcoholic deny that he/she has a problem there are not much you can do about it. However, the denial of the alcoholic cannot stop you from trying and it should be the same thing about the UN – it should not stop its engagement to prevent a conflict only because the parties do not cooperate. They are not the ones that suffer on the ground and they are not the primary ones that the UN-Charter tries to protect.

However, the negotiators were not in an easy position, they spent hours, days and weeks to plead and beg the leaders to settle the agreements. While the leaders said one thing and did another, because they wanted to look cooperative in order to “buy” time. They bombed and attacked their own village in order to blame each other and make them look even worse in the eyes of the world opinion. The armies also bought arms from their enemies and soldiers were changing sides, because they got better paid. These things indicate the bizarre situation in the war.

The UN was accused of getting involved in ethnic cleansing when it evacuated the sick, wounded, exhausted, elderly and children from besieged towns. It was also accused of supporting Serb strangulations of a number of cities when it reacted to the previous accusation and prevented large-scale movements in order to preserve the ethnic situation as inherited.²⁵³ Even though one can criticise the UN from many angles of its behaviour in this

²⁵¹ Jervas and Winnerstig, *Yugoslaviens sammanbrott 1991-92*, p. 51.

²⁵² General assembly, 55 session, June 7 2001, *Prevention of armed conflict*, but stated July 20 2000, available at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N01/404/64/PDF/N0140464.pdf?OpenElement> on March 18, 2003.

²⁵³ Crnobrnja, *The Yugoslav drama*, p. 213.

conflict (and I have), one cannot disregard the fact that it helped several hundred thousands people and eased the humanitarian catastrophe. These civilians would have died, maybe not by weapon or bombs, but of starvation. I would not want to see a world without the UN, even if it might not be powerful enough to settle these kind of conflicts by itself, since it relies on its member states, it is irreplaceable when it comes to the “after work”, the humanitarian perspective. I also think that the interpretation of Chapter VII of the UN-Charter in creating the ICTY was very good, those experiences will be indispensable for the new International Criminal Court. Also the creation of new peace institutions as the High Representative was a good outcome of the peace work.

Since the war in BiH ended until now, the UN has created several institutions that have preventive functions for example the DPA’s Conflict Prevention Team (1998), the Department for Disarmament Affairs (1998) and the International Criminal Court. Some of which would have been useful during the conflict in BiH.

One critic said that: “The UN-troops presence was no more than a sop to Western public opinion. By placing troops on the ground in a humanitarian role, rather than as peace-keepers or peace-makers, the international community could be seen to be doing something, even though that something was not going to have any impact on the war itself”.²⁵⁴ But the UNPROFOR did not have the role as a peacemaker, and humanitarian aid is one of the tasks for peacekeeping. So, all criticisms are not justified, even if there might be some fire behind it.

²⁵⁴ Quotation from Bennett, *Yugoslavia’s Bloody Collapse*, p. 239.

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