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THE BOSNIAN DEBACLE*  

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SUMMARY  

In 1992 the United States reversed more than seventy years of support for the sovereignty and territorial integrity of Yugoslavia, thus ratifying the dismemberment of a founding member of both the United Nations and the League of Nations before it. At the same time, the US recognized a "state" of Bosnia and Herzegovina (hereafter, B&H) that was opposed by many, perhaps a majority, of its population, under a government which controlled very little of its territory. Recognition of this quasi-state was a triggering factor for the war that has destroyed it physically. When this attempt to create a state by external recognition failed, the US worked successfully to impose sanctions on only one of the two other states that had helped the putative citizens of Bosnia who rejected it divide that republic militarily. The immediate result of the sanctions was to strengthen politically the regime on which they were imposed while doing serious damage to the economies of virtually all of the other states in the Balkans.

These diplomatic efforts failed. War in Bosnia was not prevented, nor was its ferocity reduced, and the partition of Bosnia has been accomplished in the most brutal of ways. The internationally recognized state of B&H is a legal fiction, not recognized by most of its putative citizens. However, the US has become so enamored of its only "success," the sanctions, that it seems unlikely that they will be lifted for years, despite the severe damage that they are doing to the economies of Bulgaria, Greece, Hungary, Macedonia, Romania and Ukraine. If the sanctions do bring on a change of government in Serbia, it will probably be to a regime worse than the present one, since when economic conditions are worse than Germany in the 1920s and early 1930s, fascism is a predictable result, and the fascist Serbian Radical Party has gained strength steadily. Overall, the effect of the diplomacy surrounding B&H has been to decrease the likelihood of stability in an inherently unstable region.

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This diplomatic debacle has been based on a basic misunderstanding of the meaning of the conflict in Yugoslavia to the combatants themselves, coupled with a series of practical decisions which were always more likely to be counterproductive than to achieve their stated goals. To say this is not to lessen the responsibility of the Yugoslav politicians who brought disaster to their own peoples in 1990-93, all of whom are still in power as this is written (October 1993). However, in the Yugoslav crisis overall, and especially in regard to Bosnia and Herzegovina, the role of the international community and particularly of the United States might be likened to that of a rescue squad that has been called to prevent a person threatening suicide from killing himself, but instead encourages him to do so.

The fundamental misunderstanding of this conflict centers on the concept of self-determination, which meant very different things to the international community than it did to the peoples of the former Yugoslavia. The erroneous decisions were those of the EC and US in recognizing Bosnia despite opposition to its independence by many of its own citizens, who had declared their intention forcibly to resist incorporation into an independent B&H; treating what was primarily a civil war as primarily a case of interstate conflict; the imposition of economic sanctions only on Serbia when Croatia was also actively involved in the military dismemberment of B&H; and diplomatic activity by the US that prevented acceptance of negotiated settlements to the war that would have ratified the partition of Bosnia that its own people have accomplished. The paper explores these errors in detail.
THE BOSNIAN DEBACLE

ETHNO-NATIONAL SELF-DETERMINATION

The famed concept of self-determination had different meanings in Yugoslav politics and popular thought than the refined, "limited" right that the EC and US claimed to recognize. The reference in the first line of the 1974 Yugoslav Constitution to "the right of every nation to self-determination, including the right to secession" referred to the nations (narodi) of Yugoslavia, ethnically defined, not to the populations or citizens of republics. While these "nations" were recognized as having their several republics, it was the "nations," not the republics, that were described as having united to form the Yugoslav state. This constitutional situation may be contrasted with that of the Soviet constitution of 1977, which defined the Soviet Union as a state formed by "the voluntary association of equal Soviet Socialist Republics," each of which retained "the right freely to secede from the USSR." Such a right was not granted to the Yugoslav republics, but only to the "nations" of Yugoslavia.

This seemingly arcane distinction between "nation" and "republic" as the bearer of rights was actually of vital political importance. The essence of the separate nationalist political movements in Yugoslavia after 1989 was to assert the need for "nation," ethnically defined, and "state" to coincide. While this formulation was hardly new to European history, it did have sinister implications for minorities in states that suddenly defined themselves as the nation-state of the ethnic majority. By definition, anyone not of the majority ethno-nation could be a citizen only of second class. The key to this distinction lay in the concept of sovereignty. As nationalist parties came to power in the various Yugoslav republics after the elections of 1990, they rewrote their several republican constitutions to justify the state on the sovereignty of the ethnically defined nation (narod), in which others may be citizens, but cannot expect to participate in control of the state. This position has been stated explicitly by Croatian President Franjo Tudjman:

The Serbs in Croatia cannot become a ruling people. We have arranged our affairs in democratic Croatia the way the Serbs in Serbia, the Slovenes in Slovenia, the Macedonians in Macedonia, and every people the world over have arranged their affairs. Here in Croatia the Croatians are sovereign, and
to the Serbs are accorded all the rights of a national minority and all individual rights.... But it cannot be asked that about 8% of the population, the Serbs, who found themselves here as a result of historical developments, should be sovereign in the country of Croatia, because nowhere in the world could such [an arrangement] exist.6

The import of this position may become more clear to Americans if they imagine a situation in which the Preamble to the U.S. Constitution was amended to read "We the white, Protestant people of the United States..." and civil rights laws were administered by the administration that had brought about the amendment.

The implications of these systems for Yugoslavs in 1990-92 are of greatest importance. First, in such a system of constitutional nationalism, minorities are defined as foreign to the bodies politic and social, tolerated at best, threatened or even attacked at worst. In these circumstances it is not surprising that minorities in regions in which they form a local majority would wish to secede from the state that is premised on their being aliens even if citizens. This was especially true in Yugoslavia after the elections of 1990, since everyone remembered the nationalist violence that had been perpetrated during the civil war of 1941-45. The Serbs in the Serb-majority areas of Croatia, with the support of Serbia, acted to secede from the new Croatian state, while those in Bosnia worried as much about being minorities in a Muslim-dominated B&H as the Muslims worried about being minorities in a Serb-controlled rump Yugoslavia. At the same time, the chances for reconciliation between Serbia and its own minorities, especially the Albanians of Kosovo, diminished to the point of vanishing.

A second implication of this view of self-determination was that a state could only be created by and for one ethnic nation. B&H, however, had no nation unless the people living within it chose to define themselves as "Bosnians" rather than as Serbs, Croats or Muslims. They did not do so, dividing on ethnic grounds in the 1990 elections, as discussed below. Once it was clear that there would be an independent Serbia and an independent Croatia, most Serbs and Croats of Bosnia lost interest in being part of a Bosnian state, and preferred to join their ethnic confreres in Serbia and Croatia, respectively.7

With these considerations in mind, the position of the EC and US on self-determination was naive, unrelated to the concepts driving the parties involved in the conflict. As expressed by the German government, the EC supported a "limited right of self-
determination," meaning "the right of the citizens of the individual Yugoslav republics to
decide democratically, within the framework of existing frontiers, and only within this
framework, whether and to what degree their republics should be part of the Yugoslav
state." While this phrasing seems to envision a civil definition of each republic, in which
the decision would be made by equal citizens, all of the republics except B&H were
premised on an ethnic definition, in which the decision would be made by the majority nation
(narod). Put another way, the justification for the independence of the various republics was
that each nation needed to be sovereign, not the body of citizens. In B&H, where the civil
concept of the state had vanished with socialism, there could be no state, because there was
no nation.

THE POLITICAL PARTITION OF BOSNIA AND HERZEGOVINA, 1990-92

In the free elections of November and December 1990 the citizens of B&H had a
clear choice between voting for parties representing the civil concept of the state or for those
representing ethnic concepts. Almost eighty percent of the voters chose ethnic parties,
making the election results resemble an ethnic census of B&H. The Muslim Party of
Democratic Action won 38% of the vote, while Muslims were 44% of the population; the
Serbian Democratic Party won 27% of the vote, while Serbs were 34% of the population; the
Croatian Democratic Union took 15% of the vote, on a Croat base of 17% of the population.
Only about 12% voted for non-ethnic parties, with the rest of the vote going to smaller
parties.

The resulting parliament and government were divided, officially coordinating and
cooperating, but increasingly hostile to each other. As the disintegration of Yugoslavia
proceeded in the second half of 1991, however, the Muslim and Croat parties allied to take
actions over the vehement opposition of the Serbs, who acted increasingly on their own. In
September, the Serbs proclaimed "Serb Autonomous Regions" within B&H. On October 14,
the Muslims and Croats in the Bosnian Parliament passed a resolution of sovereignty of the
republic, over the objection of the Serbs; such assertions of sovereignty had been the first
steps towards secession in Slovenia and Croatia. On October 25, the Serbs responded by
establishing their own Assembly and declaring that the laws of B&H would no longer apply
to the Serb Autonomous Provinces. In November, the Serbs held a referendum in which
they voted virtually unanimously to remain in Yugoslavia. On December 20, the Croat and
Muslim members of the collective Presidency of B&H voted to request recognition from the EC; the Serb members refused to take part in the vote. The Serb Assembly proclaimed the formation of the "Serbian Republic of B&H" on the following day.

While the Muslims and Croats were publicly allied in striving for the independence of B&H over the opposition of the Serbs, the Serbs and Croats were actually united in their desire to dismantle the republic under the guise of "cantonization." Under this scheme, B&H would be divided into several ethnically defined "cantons," each of which would be virtually independent of any supposed central government. This plan suited the Croatian party because the Croat territories were adjacent to Croatia and more homogenous than the Serb and Muslim territories, and could thus be annexed to Croatia for all practical purposes even if they remained officially part of B&H. Thus the seemingly common interests of the Croats and Muslims in seceding from Yugoslavia rested on different principles, particularly after the relatively moderate Croat leader Stjepan Kljujić was replaced in January 1992 by the more radical Mate Boban, with the comment that Kljujić had been "too much Bosnian, too little Croat." While the Muslims wanted to preserve B&H in fact, the Croats found the formal existence of B&H to be a useful fiction for de facto annexing Croat-inhabited parts of the republic to Croatia.

THE LAST CHANCE FOR PEACE: THE EC PROPOSAL FOR "CANTONIZATION," FEBRUARY-MARCH 1992

Recognizing the seriousness of the political splits in B&H, in February 1992 the EC's conference on Yugoslavia pressed for acceptance of the "cantonization" concept. On the surface, this plan could have satisfied all parties, since B&H would have been preserved, at least officially, as one state, while the Croats and Serbs would have had virtually complete independence from any central government in their cantons. Yet while the general principle was agreed to, the plan fell apart over the actual division of territory. A map drawn up by the EC's experts was apparently accepted verbally by the three sides in late March, but was rejected by the Croats and Muslims in the next two days.

The Muslim rejection was urged by the U.S., which had decided to recognize B&H as a unitary state under a predominantly Muslim government, despite the lack of agreement among the political forces in the republic and contrary to the sentiments of many members of the EC. As some of the American policy makers involved recognized in August 1993, their
advice to Alija Izetbegović to reject the cantonization plan in 1992 was a grave error, since in retrospect, "it wasn't bad at all," and the Muslims have been by far the biggest losers in the war that developed soon after. The plan was not officially withdrawn, but before any new maps could be composed, the war had already broken out.

THE REFERENDUM ON INDEPENDENCE: DEMOCRACY AS ETHNIC CENSUS

While the US bears much responsibility for the rejection of the cantonization plan, the EC made its own blunders in the period leading up to the start of the war. After the rest of the EC bowed to German pressure in December 1991 and agreed to recognize Slovenia and Croatia in January 1992, the question of B&H was next. The EC Council of Ministers referred the matter to its commission of legal experts, the Badinter Committee, for advice. Noting the lack of participation of the Serbs in requesting recognition, the Serb referendum to remain part of Yugoslavia, and the declaration of the independence of the "Serbian Republic of Bosnia - Herzegovina," the Committee rendered its opinion that "In these circumstances ... the expression of the will of the Bosnia - Herzegovina populations to constitute [B&H} as a sovereign and independent state can not be fully established" meaning that criteria for recognition were not fulfilled. The use of the plural, populations, indicates that the Committee was aware of the implications of the lack of Serbian agreement to the independence of B&H. The Committee then added that "This evaluation could be modified if guarantees were to be given in this respect by the Republic which would formulate the request for recognition, possibly by a referendum vote in which all the citizens of [B&H] would participate." The B&H Parliament, again without Serbian participation, voted to hold a referendum, which was done on 29 February and 1 March, 1992.

Like the Parliamentary vote to hold it and the Presidency action that precipitated it, the referendum was boycotted by the Serbs. Thus the results of the exercise were perfectly predictable and, like the 1990 elections, were essentially an ethnic census of B&H. The voting returns showed that 62.68% of the total eligible voters approved of independence, but with a strange breakdown of more than 98% of those voting giving approval, results indicating that virtually all Croats and Muslims voted for independence, while the Serbs, who opposed it, did not vote.

This referendum did not in fact satisfy the Badinter Committee's concerns. Since the Serbs did not take part in the vote, they did not "participate," and thus the expression of the
will of the B&H populations for independence was no better established after the referendum than before -- except that it was stunningly clear that not only the Serb leadership, but most Serbs were against independence for B&H. It was also not clear that many Croats actually wanted an independent state of B&H, instead of simply wanting to secede from Yugoslavia so that they could later secede more easily from B&H. None the less, the EC accepted the results of the referendum as being what the terms of the Badinter Committee's reference to a referendum indicated they could not be, as justification for recognizing B&H as an independent state.

The EC's willingness to recognize this referendum and American pressure for recognizing B&H and his government were major factors in Alija Izetbegović's decision to declare independence and seek recognition despite the Serbs' stated willingness to go to war rather than be incorporated into that state. Since the Serbs controlled most of the guns and much of the territory, the EC and US actions amounted to urging Izetbegović to commit the suicide of Bosnia that he was contemplating. At the same time, the willingness to accept an ethnic census as a referendum confirmed the fears of the Serbs: in an independent B&H, they would be a permanent minority, subject to rule by a Croat and Muslim coalition. That the Badinter Committee had referred to the Serbs in B&H and to those in Croatia in the same terms, as a "minority," was a sign to the Serbs in B&H that they would have as little to look forward to as the Serbs in Croatia, and would not be sovereign in their own land. The referendum, in fact, was another manifestation of the difference between the EC-US concept of self-determination -- as belonging to the citizens of a defined territory -- and that of the people who were told to vote. The bloc voting of the Muslims, Serbs and Croats as Muslims, Serbs and Croats showed that there was little civil consciousness in B&H.

RECOGNITION OF "A STATE IN THE PROCESS OF DISSOLUTION"

March saw the beginning of the physical partition of the population of B&H, as fighting began to break out and many people began to flee the areas in which they lived as members of a local minority to areas where their own nation was in the majority. At the same time, in Sarajevo, large peace rallies were held, thus making manifest another division of B&H, between the rural and urban populations. These demonstrations stopped after they were fired upon, almost certainly by Serbian forces. Croat units engaged Serbs in the middle
of March in the northern border town of Bosanski Brod, and soon thereafter in Mostar. By the beginning of April, Serb forces, including many from Serbia, were attacking Muslim towns in eastern Bosnia, while Croat forces, including many from Croatia, were attacking Serb settlements in Posavina and Hercegovina.

The diplomatic response to these developments was the recognition of B&H by the EC on April 6, and the US on April 7. The Serbs declared the independence of their "Serb Republic" on April 7, and the Serbian Democratic Party withdrew its members from all B&H organs of government.

Recognition was a desperate attempt to stop the war, and in this it failed completely. Having been told that B&H would be imposed upon them despite their rejection of it, recognition spurred further military action by the Serbs: if their incorporation into B&H could not be prevented by voting, it must be done by force, preferably with large territorial gains. Similarly, the Croats, who had agreed to the independence of B&H in order to gain complete control over Croat territories there, were motivated to accomplish that goal militarily.

Thus by 8 April 1992, B&H was engulfed in civil war that its political leaders could not or would not stop, and the elected representatives of a third of the population had withdrawn from government organs. When confronted in late 1991 with an analogous situation on the level of the former Yugoslavia, the Badinter Committee had declared that the Socialist Federal Republic of Yugoslavia was thereby "in the process of dissolution," and that successor states needed to be recognized. B&H, on the other hand, which had never consolidated as an independent state, was recognized precisely because it was "in a process of dissolution," an attempt to prevent its collapse that was never likely to succeed. Thus the EC and US committed themselves to supporting the integrity and sovereignty of a state that died at birth.

While it has passed largely unnoticed, the recognition of B&H under these circumstances amounted to an inversion of the principle of self-determination. The point of refusing to accept the disintegration of Bosnia was not to preserve the state for a citizenry that defined itself as a Bosnian nation, for it was clear that few did so. Instead, the point was to deny to the large Serb and Croat parts of the population who rejected the putative B&H state their desire to remove themselves from it, along with much of its territory. The motivation for this course of action may have been noble, since the process of separating the
intertwined populations of B&H was bound to be viciously brutal. The result, however, was an attempt to impose a state on many, perhaps even a majority, of its putative citizens against their wishes. This is negative sovereignty: recognition of a state not because its people have shown a willingness to build it, but rather because large segments of its population have no wish to do so.¹⁶

The legal effect of the recognition of B&H was to transform a civil war into an interstate conflict. Yet the war remained a civil war, fought primarily by people who had been citizens of the Socialist Republic of B&H in Yugoslavia, and who were thus supposedly citizens of the new state even as they rejected it. At the same time, the newly "inviolable" borders of B&H divided families, and in theory cut off many Serb citizens of B&H from the country in which they had voted to remain. In this sense, despite the extremely aggressive actions of Serb forces in B&H, it is erroneous to describe the war as simply one of interstate aggression, since the international border was recognized after the war began. Further, since the practical meaning for daily life of republican borders had been minimal, their sudden "inviolability" made them in effect new borders, at least to the people expected to respect them. Calling them existing borders in this circumstance was a wishful legality that ignored the social and political reality.

THE MILITARY PARTITION OF BOSNIA, 1992-93¹⁷

The war was, however, marked by the extreme aggressiveness of the Serbian forces, who had received much support from Serbia and from the Yugoslav National Army, the JNA. Serbian plans for arming Serbs outside of Serbia and for redrawing the borders of Serbia in order to include all Serbs in case of the collapse of Yugoslavia were rumored in 1991. The existence of these plans was confirmed by General Veljko Kadijević, Federal Secretary of Defense until January 1992, in a remarkable book published in Belgrade in 1993, in which General Kadijević acknowledges that he did not try to defend the integrity of the Socialist Federal Republic of Yugoslavia, as he was sworn to do, but rather tried to establish borders for a new Yugoslavia for the Serbian nation (narod).¹⁸ In regard to B&H, Kadijević acknowledges that the JNA in B&H was transformed into "the backbone of the Army of the Serbian Republic [of B&H], with complete armament and equipment."¹⁹ This Serbian Army was staffed primarily by soldiers from B&H.
Croat forces in B&H also drew on support from their "mother republic," including units from the Croatian Army. Only the Muslim forces were left without external military support.

The Serb and Croat military goals were largely complementary. The presidents of Serbia and Croatia had agreed in March 1991 to divide B&H, and the leaders of the Serbs and Croats of B&H reached a similar agreement in May 1992. Maps of military control in B&H in late 1992 and early 1993 show that the Serbs and Croats each took most of what they had claimed during the EC-sponsored "cantonization" negotiations, leaving some small regions for the Muslims. The major differences between the Serb and Croat military gains and their respective territorial claims for "cantonization" were that the Croats took Serb land in the very southeast of B&H in order to better protect Dubrovnik, while the Serbs took much of the northern region of Posavina in order to secure the vital corridor to their lands in Croatia. Both Serbs and Croats took land from the Muslims, although the Serbs took far more than did the Croats. The brutal "ethnic cleansing" that accompanied these military campaigns turned world public opinion against the Serbs, as the side that was most engaged in brutalizing civilians. However, all sides engaged in atrocities against civilians, aimed at forcing them to leave their homes. By late 1992, more than 2 million people were refugees within Yugoslavia.

The campaigns of "ethnic cleansing" that shocked the world were the logical corollary of the ideology of ethno-national self-determination that drove the war. Since states could belong only to one nation, members of all others were out of place, even in their ancestral homes. The process was analogous to the exchange of populations that took place between India and Pakistan in 1947, except that since the international community had prohibited drawing new borders at the negotiating table, they were drawn in blood in the field.

SANCTIONS

Responding to the overwhelming brutality of the Serbian assault and to the clear evidence of support from Serbia itself for the Serbian forces in B&H, the UN Security Council imposed economic sanctions on Serbia and Montenegro (the newly proclaimed Federal Republic of Yugoslavia, or FRY) until the JNA units in B&H were placed under B&H government control, or withdrawn, or disbanded, and irregular forces disarmed.
Passing this resolution may have been satisfying to the US, but the political effect on
the parties was the opposite of what had been intended. First, there was clearly bad faith in
passing the resolution, for by the time it was voted on, the condition of withdrawing JNA
units had already been met, according to a report of the Secretary General that was prepared
days before the sanctions vote but released only one hour after it took place, while disarming
the irregulars was not within Serbia’s power. 21 Second, where Resolution 752 had
demanded that elements of the Croatian Army in B&H as well as those of the JNA be
withdrawn, and Resolution 757 itself acknowledged that this had not been done, sanctions
were imposed only on Serbia and Montenegro, not on Croatia. Thus the Security Council
imposed sanctions on a party that, by the Secretary-General’s report, had fulfilled the explicit
conditions to avoid sanctions, and did not impose them on a party that had not fulfilled these
conditions.

The political impact of the sanctions played into the hands of the national chauvinist
regime in Belgrade in at least three ways:

1. The unequal treatment of Serb and Croat military involvement in B&H was used
by the Serb leadership as proof of an international conspiracy against Serbia, and thus as a
tool for rallying the Serb population to unite against its enemies.

2. While the Serbian economy was being destroyed by the policies and actions of the
Milošević government itself, sanctions gave Milošević a perfect excuse for economic
collapse: the unfair "conspiracy against the Serbian people" (narod). Thus, sanctions
shielded Milošević from political responsibility for the economic disaster his rule had
caused.

3. The isolation of Serbia from the world served primarily to weaken the opposition.
Strangely, the people who had won the cold war seemed to forget that isolation is a tyrant’s
best friend. In essence, the US promised to do for Milošević what Ceausescou had had to
accomplish on his own.

The long-term consequences of the sanctions have been no better. While the Serbian
economy has indeed been destroyed, with most Serbs reduced to levels of per capita income
that are among the lowest in the world, 22 the result has not been either a cessation of the
war or an uprising by democratic forces. Since they had forgotten the lessons of the cold
war that they had themselves fought, it is perhaps not surprising that the architects of
sanctions had not learned Keynes’ lessons on the economic consequences of the Versailles
settlement, or remembered the causal connection between the German economic collapse of 
the 1920s and the rise of fascism in Germany. As of mid-October 1993, the greatest 
challenge to Milošević came from the fascist Serbian Radical Party. While the Milošević 
regime is increasingly desperate to settle, the American policy is to expand the demands for 
the removal of sanctions, a policy that might contribute to a global settlement of the 
Yugoslav problem, but that also runs the risk of provoking civil war in Serbia, which could 
destabilize the entire Balkans.

In the meantime, the countries bordering on Serbia or dependant on the Danube for 
transport have suffered economic losses due to the sanctions that are greater in the aggregate 
than those of Serbia itself. Since the economies of the largest losers, Bulgaria, Macedonia, 
Romania and Ukraine, have severe problems of their own even without the sanctions, the 
sanctions regime is causing real harm to these countries. Presumably America, which loses 
virtually nothing to the sanctions, can afford to have other countries suffer under them.

THE LONDON CONFERENCE AND VANCE-OWEN

The London Conference, 26-28 August 1992, agreed upon a number of positions, 
including "non-recognition of all advantages gained by force," "total condemnation of forced 
expulsions ... and attempts to change the ethnic composition of populations," affirmation of 
the inviolability of frontiers and "rejection of all efforts to acquire territory and change 
borders by force." Other actions included agreements on "confidence building measures" 
and promises by the Serbs to stop shelling Sarajevo and other towns -- promises that were 
quickly ignored. What was not ignored was a charge to the UN and EC mediators, Cyrus 
Vance and Lord David Owen, respectively, to continue negotiations over a new constitutional 
framework for the presumed B&H state.

The plan that Vance and Owen came up with was a curious constitutional creature. 
The first draft released to the world, on 27 October 1992, called for a "decentralized state" 
in which the central government would have had competence only for foreign affairs, 
international commerce, the determination of citizenship, and national defense, although that 
last would have been "supervised" by international authorities. All other government powers 
were to be granted to provincial governments, whose number and borders were not yet 
defined. When they were defined, in a map and revised set of constitutional principles in 
early January 1993, the arrangement became even more curious. Presumably recognizing
that an army of B&H could not be formed, national defense was dropped from the
competence of the central government, with a provision instead for the "demilitarization" of
B&H, and a remarkable provision forbidding provincial police to have heavy artillery. At
this stage, the central government was left with literally no authority within the supposed
state except determining citizenship, since its only other competencies were in external
affairs. This is a zen constitution, the concept of a state with no authority within its territory
being of the order of the sound of one hand clapping.

The map of provinces made the matter even odder. Ten provinces were delineated,
but under no obvious criteria other than ethnicity. The result pleased the Croats, since their
three provinces were contingent to Croatia or to each other or both, and since they were to
be perfectly autonomous, could easily be annexed de facto to Croatia under the fiction of
remaining parts of B&H. On the other hand, the Serb and Muslim provinces were so
intermingled as to be impossible, with one Serb province divided into an archipelago of
territories within a Muslim province.

The intent of this Vance-Owen division may have been to solve part of the B&H
puzzle by giving the Croats greater Croatia, while leaving the Muslims and Serbs so
intermingled that they would have to find ways to cooperate in order to survive. Had the
plan been pushed by the US and EC at that time, it might even have been accepted by all
parties. However, the new Clinton administration, showing that its lack of understanding of
B&H was at least as complete as that of the Bush people, indicated displeasure with the plan,
thus encouraging, if perhaps inadvertently, the Muslims not to sign it. The Muslims then
refused to sign unless they were given more territories. In an attempt to isolate the Serbs,
this was done; but the Serbs, isolated already anyway and in no mood to give up land that
they had conquered, refused what to them seemed a bad deal that had just been made worse.
In the meantime, the Muslims' refusal to sign gave the Serbs and Croats the time they
needed to mount new offensives, while the plan itself showed them which territories they
needed to take. The result was further loss of territory, and lives, by the Muslims.

In essence, the Vance-Owen plan had proclaimed a house divided to be a
condominium; but the Serb and Croat inhabitants were committed to razing the structure
completely. By August 1993, Vance-Owen had been replaced by a "constitutional
agreement" that was a very thinly disguised plan for partition. Signed immediately by the
Serbs and Croats, who were to get what they had mutually agreed upon, the plan was again
refused by the Muslims. The result is likely to be more war during the winter of 1993-94, in which the greatest losers will again be the Muslims.

CONCLUSION: THE PAVING OF THE ROAD TO HELL

The utter failure of the international community to deal effectively with the situation in B&H was caused by a basic unwillingness or inability to understand that the parties themselves viewed the matter in ways that the EC and US did not. To Serbs and Croats, self-determination meant that there would be no state of B&H, since they refused to be included in it. International recognition of B&H as an independent state thus had to mean war, for one of two reasons. If the international community meant it, it would have had to fight a war of conquest against the Serbs and Croats of B&H -- half of the population, who controlled most of the republic's land and had most of the weapons -- to impose upon them a state that they rejected. If that course was not taken, however, war would also follow, because once they were told that the division of B&H to which they had twice agreed could not be accomplished through negotiation, the only means left for the Serbs and Croats to achieve their goal of partition was force.

Foreign intervention to impose B&H on the Serbs and Croats was never a real possibility. The republic combined political divisions like those of Lebanon with terrain reminiscent of Afghanistan, thus making successful military action unlikely. In such circumstances, the prudent course would have been to facilitate the partition B&H. Of course, partition would have been at the expense of the Muslims, who would either have been left with small, landlocked Bantustans in central and western Bosnia, or incorporated as second-class citizens into the chauvinist states of Serbia and Croatia. However, the moral course here has led to the deaths of tens if not hundreds of thousands, and the Muslims will get less of a state than they would have gotten had they accepted "cantonization" in 1992.

EC and US acceptance of partition would also have been a repudiation of all of the principles that supposedly underlined the New World Order. Yet these principles had already been repudiated by the breakdown of Yugoslavia. The de facto raising of new borders under the guise of recognizing old ones, at a time when the EC countries were lowering their own borders, was a clear indication that the Yugoslav republics were not playing the same game as the EC. The new systems of constitutionally defined state
chauvinism that replaced those of state socialism were hardly "democratic," and this should also have been recognized.

The key to stability in the Balkans was Yugoslavia. Without it, the best that could be expected is the kind of stable instability found between India and Pakistan, in which a Greater Serbia and Greater Croatia, defined primarily by their hostility to each other, exist in a state of greater or lesser confrontation, with the Muslims playing the role of the Sikhs of Punjab. Just as in India in 1947, this rearrangement was bound to be accomplished by an exchange of populations, which is exactly what "ethnic cleansing" has been all about. This is hardly an encouraging scenario, but no better one was obtainable. Now, however, even that semi-stability seems unlikely, in view of the long-term damage caused by the sanctions to the Serbian economy, and the close relationship between economic collapse and instability.

In B&H, the EC and US presumably had the best of intentions. Partition could only be accomplished through force, with great loss of life. Yet trying to avoid it when the political division of the population of B&H made it inevitable has made the process more brutal and last longer, with higher casualties. In B&H, the best of diplomatic intentions have led directly to hell.
NOTES


2. Ibid., Art. 1.


4. Ibid., Art. 72.


7. To be sure, the feelings of Serbs and Croats in this regard were not monolithic. Many urban Serbs and urban Croats in fact desired the continuation of a Bosnian state. However, their elected leaders worked to destroy Bosnia, a result preferred by the majority Serb and Croat populations.


9. This section follows closely my article on "The Partition of Bosnia and Herzegovina, 1990-93," RFE/RL Research Report, 28 May 1993, pp. 1-14, at 2-4. Full documentation of the positions taken here can be found in that article.


13. Ibid.; emphasis added.


16. My use of the term "negative sovereignty" is thus different from that of Robert Jackson, who uses this phrase to denote the right of a state to be free of outside interference (Quasi-States: Sovereignty, International Relations and the Third World [Cambridge: Cambridge University Press, 1990], p. 27).


19. Ibid., at 148; p emphasis in original.


23. This section follows Hayden, "The Partition of Bosnia, 1990-93," pp. 8-11.